

## **CHILDREN AND YOUNG PEOPLE OVERVIEW AND SCRUTINY COMMITTEE**

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### **UPDATE ON SPECIAL EDUCATIONAL NEEDS AND DISABILITIES (SEND) CAPITAL PROGRAMME AND FUTURE PROVISION IN MEDWAY**

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#### Summary

This report updates members of the committee on the proposed capital programme, the purpose of which is to increase the number of specialist places in state schools in Medway.

The programme is designed to meet the need for specialist places in the state sector (secondary phase). The report therefore outlines the need for places before going on to describe the special school expansion programme, and the proposed expansion of the number of 'resourced provisions' in mainstream secondary academies.

#### 1. Budget and policy framework

- 1.1. Priority 3 of the Medway Strategy for Children and Young People with special educational needs and/or disabilities (SEND) 2019-22 states:

“to ensure sufficiency of specialist provision in schools, settings and services within Medway so that children and young people can have their health, social care and educational needs met locally”.

- 1.2. Both the special schools and resourced provision expansions are capital programmes and therefore require capital budgets, which are in place. All capital programmes have risks, amongst which is the issue of overspend. This risk has been heightened by COVID-19. The risk is uncertain, but early indications are that the pandemic has led to an increase in the cost of construction projects.

- 1.3. One possible approach to capital projects, where there is a significant risk of overspend, is to cut the size or specification of the work. The difficulty in the

case of these projects is the financial need of the council to reduce the current revenue costs of specialist places, many of which presently have to be commissioned from the independent sector.

- 1.4. Revenue funding for 'high needs' costs is met by the high needs budget (HNB) of the dedicated schools grant (DSG). This budget is a local authority, not a schools budget, and most of the current cumulative deficit is projected to be reduced through the increased efficiency of state-provided specialist provision compared with the cost of independent schools.

## 2. Background

- 2.1. The context is the sharp rise of the number and percentage of the total pupil population, and the need for a significant expansion of secondary places as the 'bulge' of children born between 2007 and 2012 increased from 12.3 to 12.8 per thousand. Since 2012 the birth rate has declined sharply and was 11 by 2018 – this is a 16 per cent decline.
- 2.2. Medway Council has used the 3 year Department for Education (DfE) SEN capital programme of 2018 to provide a total of 160 new places. The Council now requires a significant number of new places in the secondary phase. The current plan is for over 300 places in special schools, and up to 200 resourced places in secondary mainstream academies.

## 3. The Programme

- 3.1. The Council's cabinet approved a capital programme to provide more places in three special schools. The proposal must be agreed by full council, which will receive a report proposing it approves the programme at its October meeting. The paragraphs below outline the proposed programme in these schools.
- 3.2. **Abbey Court** school is rated as 'outstanding' by Ofsted and provides for pupils with severe and profound and multiple learning difficulties (SLD and PMLD). A previous capital programme doubled the primary capacity from 8 to 16 per year group, and the proposed programme will ensure the equivalent number of places in the secondary phase by providing an additional 56 places. The Abbey Court primary site at Cliffe Road has sufficient space to accommodate the secondary provision of Abbey Court and the school: with planning permission in place rapid progress can be made in delivering this project.
- 3.3. **Bradfields Academy** is rated as outstanding and is for pupils aged 4-19 with autistic spectrum condition (ASC) and moderate learning difficulty (MLD). The school is in Walderslade and has space on site to expand the provision by the 100 pupils proposed. As Bradfields is an academy, the decision to expand will fall to the Regional Schools Commissioner (RSC), however, the project will be funded by the Council and therefore a decision to proceed and fund the project will need to be approved by full Council.

- 3.4. The final project is funded by the DfE as a free school, which will be a part of the **Parallel Learning Trust**. It is a crucial part of the increase in specialist places, as it will provide 160 places for pupils who have social, emotional and / or mental health (SEMH) needs. The Council will make a contribution towards furniture and fittings.
- 3.5. This programme, while creating an additional 306 places, will not be sufficient for the number of pupils who have a high level of special educational need over the next decade. Therefore, the Council has agreed capital funding to create up to 200 additional places. In summary, there are currently 160 specialist places in resourced provision in secondaries, but a forecasted need for an extra 128 places by the 2021/22 school year, rising to over 200 by 2023/24 (see the table below).

**Forecast shortfall: secondary resourced places 2021/23:**

Year (Jan)	resourced places	forecast requirement	Shortfall
2021	333	461	128
2022	333	505	172
2023	333	544	211

- 3.6. The places are required to meet the needs of children who have SEMH or are on the autistic spectrum – in a ratio of approximately 1.2:1.0. This means that, if we were to create 220 places, 120 would be for SEMH and 100 for ASC. The optimum number of pupils in a unit (years 7 to 11) is about 25 for ASC and 20 for SEMH, so for 220 pupils with the mix we predict nine schools would need to agree to take a resourced unit.
- 3.7. There was an initial discussion with the chief executives of trusts with academy schools in Medway (as 17 out of the 18 secondaries in Medway are academies) on 9 September. At this meeting, there was a positive response to the proposal to send a letter of invitation to express an interest in hosting a resourced unit out to all trusts, and the head teacher of the secondary maintained school. This invitation will be sent out in the week beginning 14 September.
- 3.8. In summary, with regard to resourced provision places:
- 3.8.1. The Council requires over 200 more resourced provision places by 2023/24;
  - 3.8.2. The primary need will predominantly be ASD and SEMH;
  - 3.8.3. These places will be required for secondary age pupils; and
  - 3.8.4. It would be prudent to open provisions that are immediately able to take pupils across all year groups as it is not possible to accurately predict the year groups required.

3.9. The proposed programme, if delivered, will accommodate pupils in state-funded schools that are all good or outstanding and are local to where the children live. They will be educated and live in communities with their peers, with better outcomes than are facilitated by most independent providers. Moreover, state provision is much more efficient than that of independent providers. At current costs, 525 specialist places, in special schools and resourced provision, will cost a total of £11,352,500 less, and represent over 70 per cent of the savings target for HNB expenditure.

#### 4. Advice and analysis

4.1. Section 3 sets out the shortage of secondary SEND places in Medway. The council has a statutory duty to ensure there are sufficient school places for pupils. If these are not available in Medway then the Council has to place pupils in provision (independent and state schools in other areas) outside of Medway and provide transport.

4.2. However, there is a limited supply of places at independent special day schools. These schools are being consulted regularly by up to 17 local authorities and are more regularly responding to Medway consultations saying that they are full and have no places to offer. The education costs of sending a child to an independent school are extremely high - £60,000 per year for a child with complex needs, plus average travel costs of £30,000 (per child) compared with £28,000 at Abbey Court, which also has low travel costs due to the availability of bus travel. In summary, independent school costs over 100 per cent more than Medway special school provision.

4.3. The special school programme is close to final agreement – through Medway Council in October for the Abbey Court and Bradfields projects and the DfE (it is hoped) by the end of the year. Approximately £16.2m of capital will provide over 300 special school places on both schools.

4.4. The resourced places programme is at the first stage of planning: however, it might be possible to provide some places by September 2021, and to make significant progress towards the total places needed by 2023.

#### 5 Risk management

5.1 The following table outlines potential risks to the council of implementing the proposals or not implementing.

Risk	Description	Action to avoid or mitigate risk	Risk rating
Funding	Insufficient funding available to compete project	Ensure robust project management and appropriate value engineering	C2

Risk	Description	Action to avoid or mitigate risk	Risk rating
Pupil numbers do not materialise	Numbers of expected pupils to require a place at Abbey Court and/or Bradfields do not appear meaning that funding could have been utilised more effectively elsewhere	Monitor pupil numbers throughout planning process.	D2
Project timeframe	For maximum benefit the expansion should be open for the 2022/23 academic year. If not then additional pupils will be placed out of area at significant cost to the council	Robust and fast paced project management to ensure project progresses as necessary	C2
Not implementing the proposal	If the council do not approve the proposals, there will be a significant shortfall in school places for pupils with SLD/PMLD and these pupils will then need to be placed out of area away from their families and friends and at significant cost.	Approve and progress proposals	D2

## 6 Consultation

- 6.1 No consultation is required at this stage of the process with the special schools programme. There will be full engagement with the chief executives, head teachers, directors and governors of secondary academy schools and the head teacher and governors of the secondary school about the proposal for resourced provision.
- 6.2 To implement the expansion of Abbey Court, a consultation would usually be required as it would be a prescribed alteration. However, full consultation process was undertaken at the point of the initial expansion in 2014 and therefore no statutory consultation is required at this time.
- 6.3 Bradfields is an academy, and as part of the application to the DfE to acquire approval to expand they will need to undertake a consultation with relevant stakeholders.

## 7 Climate change implications

The following table details climate change implications.

	<b>Positive Impact on Climate Change/CO<sub>2</sub> Emissions</b>	<b>Negative Impact on Climate Change/CO<sub>2</sub> Emissions</b>
Transport and Air Quality Encourage sustainable modes of travel and clean air	<p>Providing places in Medway will reduce the need to transport pupils out of area, resulting in less and shorter journeys.</p> <p>Where possible remote and virtual meetings will be utilised when monitoring the progress of the projects resulting on fewer journeys into and around Medway</p>	The majority of pupils are transported to school in shared transport and an increased number of pupils means an increased number of minibuses, however, the reduction in out of area placements will be reduced too and would more than offset the increase within Medway.
Energy Energy efficiency and energy saving	Both the new Abbey Court and Bradfields secondary provision will offer a more energy efficient buildings than the current.	Construction of new buildings may result in increased CO <sub>2</sub> emissions. This could be mitigated to an extent, depending on the construction technique used.
Planning and Development Adaptability of buildings to heat or flooding	<p>The building will be energy efficient reducing heating use and costs. The most efficient method of construction will be utilised to minimise traffic activity during the project.</p> <p>Where possible remote and virtual meetings will be utilised when monitoring the progress of the projects resulting on fewer journeys into and around Medway.</p>	
Bio-diversity and Greenspaces Protecting the natural environment	Abbey Court inherited a significant green area at phase 1 of the expansion, and have utilised that appropriately creating a rural studies complex on site which is available to external parties.	There will be some loss of green space at Abbey Court. However, the area allocated for the expansion has always been set aside for that from the initial design.
Waste Management Reducing, reusing and recycling waste	The school has a dedicated waste area where recycling takes place.	Procurement of more energy efficient IT hardware will require consideration to be given to recycling/disposal of old stock to reduce impact of carbon emissions.

## 8 Financial implications

- 8.1 The proposals for the building expansions will be funded via the Children and Adults Services Capital Programme.
- 8.2 Previously, Council approved the funding of the SEND school on Cornwallis Avenue in Gillingham. £24.7m was added to the Capital Programme for this purpose.
- 8.3 However, as the Cornwallis School will now be a free school resulting in the relocation and expansion of the Inspire Free School, the DfE will provide the capital funding for the project.
- 8.4 On 25 August 2020, Cabinet recommended to full Council that £16.2m of the Cornwallis Avenue send school funding is varied to the Abbey Court project £12m and £4.2m to Bradfields. Decision 98/2020
- 8.5 If places are not provided in Medway, pupils will have to be placed out of area, which will result in increased revenue costs.
- 8.6 At Abbey Court the average saving per pupil in providing places in Medway against independent provision would be £35,000. Based upon current rates, savings would increase year on year as more primary pupils progressed to secondary and by 2027 would result in a savings totalling in excess of £10m with a further £2.5m saved each year thereafter.
- 8.7 At Bradfields the average saving per pupil in providing places in Medway against out of area and independent provision is £20,750. Based upon current rates, savings would increase year on year as more pupils progressed into the secondary phase and by 2027 a total saving would reach £5.7m with up to a further £2m saved each year thereafter.
- 8.8 There is a provision of £2.5m for capital works in secondary schools to facilitate the expansion of resourced places in the secondary sector.
- 8.9 The round 1 revenue monitoring predicted an in-year pressure of £4.941million on the High Needs DSG Reserve, taking the predicted cumulative deficit on that reserve to £14.287million by the end of March 2021. Medway has seen significant increases in demand for Education, Health and Care Plans in recent years. This has combined with a lack of special school and resource unit places in Medway to resulted in increased demand for independent school places and out of area places. Therefore, as the above sets out, the proposals provide a significant saving to the High Needs Budget each year over the long term and form part of the recovery plan.

## 9 Legal implications

- 9.1 The Council has a statutory duty to provide sufficient good quality school places.

- 9.2 The Council has the power under sections 18 and 19 of the Education and Inspections Act, 2006 to make “prescribed alterations” to a maintained school. The procedure for making prescribed alterations is set out in the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.
- 9.3 Both projects will be delivered using the council’s procurement and tendering processes with formal approvals of funding scrutinised through the council’s Procurement Board. The projects would then be overseen by the Capital Services team from Children and Adults with day to day management from the councils Building and Design Services.

## 10 Recommendation

- 10.1 The Committee is recommended to note the report.

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### Appendices

Appendix 1 - Diversity Impact Assessment

### Background papers

[School Place Planning Strategy 2018-22](#)

[Medway Strategy for Children and Young People with SEND 2019-22](#)