

Central Bedfordshire Council

EXECUTIVE

6 October 2015

Special Educational Needs and Disabilities Capital Programme 2015/16

Report of: Cllr Mark Versallion, Executive Member for Education and Skills
(mark.versallion@centralbedfordshire.gov.uk)

Advising Officer: Sue Harrison, Director of Children's Service
(sue.harrison@centralbedfordshire.gov.uk)

Key Decision

Purpose of this report

1. This report seeks approval to commence capital expenditure on projects to provide specialist provision for hearing impaired pupils at Parkfields Middle and Toddington St George Church of England School and for pupils requiring social, emotional and mental health provision at Oak Bank School.

RECOMMENDATIONS

1. **to approve the commencement of capital expenditure as outlined within the report, to provide specialist provision for hearing impaired (HI) pupils at Parkfields Middle and Toddington St George Church of England School and for pupils requiring social, emotional and mental health provision (SEMH) at Oak Bank School.**

Children's Services Overview and Scrutiny

2. This report was presented to Children's Services Overview and Scrutiny Committee at its meeting on the 18 August 2015 and the Committee indicated its support for the recommendation set out within the report. The Committee expressed interest in the Council's Vision for Special Educational Needs and Disabilities that is currently being developed with stakeholders and is expected to be presented to the Committee in December 2015.

Pupil Forecasting and Capital Planning for Special Educational Needs and Disabilities

3. Significant work has been undertaken over the past year to further develop and refine the Council's forecasting methodology for pupils with special educational needs and disabilities. This has been essential for the planning of services and school places in an area of significant demographic growth but also to better understand trends within specific categories and complexities of need.
4. To date the analysis has illustrated an increase in the prevalence of autistic spectrum condition and social communication difficulties (but no formal diagnosis) and social, emotional and mental health difficulties. We have also seen a rise in the number of children with very low incidence disabilities such as severe visual impairment, and a rise in the number of children with hearing impairments.
5. When the forecasts are complete, the outcome will inform the Council's Vision for Special Educational Needs and Disabilities that is currently being developed with stakeholders. This will itself inform a capital programme reflecting the challenge of making appropriate future provision for places in special schools and specialist provisions based in mainstream schools. It is anticipated that a further report reflecting this work will be brought to the Council's Executive in January 2015.
6. In the interim a number of feasibility studies have been undertaken on specialist provisions that the Local Authority currently commission from schools in Central Bedfordshire. Support has also been given to academies seeking to expand capacity, or address suitability issues through applications to the Education Funding Agency (EFA) Condition Improvement Fund. Further support has been provided to maximise other opportunities for capital funding as they arise, including the anticipated EFA Post 16 demographic growth capital fund.
7. If subsequently identified as priorities, a coherent capital programme could seek to further reduce the number of out of county placements and residential provision, address the need to commission Post 16 provision for young people with SEND through to the age of 25 as well as addressing the inefficiencies of existing split site arrangements, specifically at the Ivel Valley and Chiltern Area Special Schools.
8. Further development of these services also offers an opportunity to improve the revenue efficiency of the High Needs Block of Dedicated Schools Grant and also to the Council in respect of transport costs.

9. Local Authorities do not receive any capital grant from Government for core specialist provision required as a result of demographic growth but officers are currently developing proposals with a technical sub group of Central Bedfordshire's Schools Forum that could provide for a rolling programme of investment funded through Dedicated Schools Grant (DSG).
10. Ahead of the outcome of that proposal, on 26 January 2015, Schools Forum agreed to transfer any unspent balance of DSG from the High Needs Block allocation in 2014/15 and unspent reserves from previous years, totalling £1,581m, to support capital development in specialist provisions in 2015/16.
11. The Schools Forum decision was subject to approval by the Secretary of State. Approval of the Council's application for a disapplication of the School and Early Years Finance Regulations to allow the use of this Dedicated Schools Grant for the capital purposes set out in this report has now been received.

Central Bedfordshire's Services for Children with Hearing Impairments

12. The Council commissions specialist services for children with hearing impairments through a contract with Harlington Area School Trust (HAST). This includes specialist provision based at Toddington St George Church of England School, Parkfields Middle School, and Harlington Upper School which were in existence under the former County Council. The service and performance measures are defined within the current contract which commenced in April 2012 and was amended and extended in April 2014.
13. Parkfields Middle School is a Foundation School and both Toddington St George Church of England School and Harlington Upper School are Academies.
14. The current contract secures school based provision within these 3 schools for 20 pupils with statements of special educational needs or education, health and care plans and it also provides an outreach peripatetic service from birth/identification for Central Bedfordshire.
15. School based provision for hearing impaired pupils is not an "add-on" but a fully integrated provision operating within mainstream education. Pupils with hearing impairments are encouraged to participate in all aspects of the life of each school, alongside their hearing peers enabling them to access the National Curriculum as well as broader learning opportunities, and achieve their full potential.
16. Children with hearing impairments often have a complex range of additional emotional and physical needs including mobility disabilities. Some subjects may be taught in normal timetabled lessons and some in one to one and smaller groups, depending on the pupil's needs.

Breakfast, break and lunchtime sessions need to be supported appropriately and space for pastoral support and for specialist teaching staff and teaching aids are essential. As a result both Toddington St George and Parkfields have dedicated space available to support the specialist provision.

17. The Council's contract with HAST requires that the service is continually reviewed and improved with a particular focus on communication, efficiencies, environment equalities and quality standards.
18. Since 2014 accommodation on both school sites has been reviewed by the Council. This is as a result of the removal of a temporary unit at Parkfields that had reached the end of its design life, and a building condition report on a similar unit at Toddington St George that is uneconomical to repair and also now requires replacement.
19. Existing specialist accommodation at Parkfields has also become increasingly unfit for purpose as a result of a number of factors including:
 - the diverse location of the main areas now used specifically for special educational needs and disabilities which impacts on the teaching and learning of vulnerable pupils and communication between the school's specialist staff
 - an increase in the additional needs of hearing impaired pupils
 - varied group sizes from 1:1 up to 1:5 needing teaching space at the same time
 - an increase in access requirements
 - the suitability of the main areas used specifically for special educational needs and disabilities which have poor acoustics and are undersized
 - pressure on facilities and the ability for the site to meet the welfare needs of the pupils and staff
 - pressures on non specialist teaching space within the school which is undersized and adds generally to site overcrowding.

Demographic growth in Central Bedfordshire is also forecast to require an increase in specialist provision, including services for hearing impaired learners.

20. Working with their appointed education capital consultants and with support from the Council, each school has commissioned feasibility studies to develop cost estimated design proposals. These reference Building Bulletin 102 which provides specific information and guidance about designing schools for disabled children and children with special educational needs. An analysis of the suitability and capacity of existing provision on each site has also been undertaken to identify deficiencies that can be addressed through capital investment to future proof each for potential growth.

21. Parkfields Middle School has now secured planning approval for a new fully accessible classroom block comprising of classrooms, group and staff rooms. The feasibility study for Toddington St George has concluded the need for a new building that is broadly equivalent in floor area and use to that provided in the existing temporary unit that is now in need of replacement.
22. Parkfields and Toddington St George are adjacent school sites and if these projects are progressed on a similar timescale could offer a good opportunity for a joint procurement exercise which the schools, with the support of its professional advisors and of the Council, have indicated they intend to take forward.
23. The governance of each project will be provided through a board that will include Council officers from the School Organisation & Capital Planning Team who will control the release of funding aligned with the achievement of key project milestones.

Oak Bank School (Academy)

24. Oak Bank School is the Council's commissioned school for children with social, emotional and mental health difficulties (SEMH). It has recently been judged as 'Outstanding' by Ofsted (July 2015).
25. The Council currently commissions 66 places from Oak Bank School. Historically pupil numbers fluctuate throughout the academic year, being at their lowest at the start of the autumn term increasing through to the end of the summer term in the next calendar year.
26. Oak Bank will start the autumn term in September 2015 with at least 66 pupils on roll, an increase of approximately 16 pupils at the same point in previous years. Current forecasts suggest that the school will be accommodating approximately 80 pupils by the end of the summer term 2016, increasing in subsequent years to 90 pupils in 2019.
27. With reference to Building Bulletin 102 an analysis of the suitability of existing provision on the school's site has been undertaken to identify deficiencies in model accommodation requirements for Oak Bank School based on forecast student numbers of 90.
28. Working with the school's appointed education capital consultants and with support from the Council, feasibility studies have been commissioned by the school that focus on delivery of a range of additional teaching spaces, specialist science and design technology classrooms, improved sports and dining provision and additional toilets.

29. Significant elements of this range of new and refurbished provision to expand the school's existing facilities and floor space to address overcrowding and a lack of specialist facilities have been included in recently approved planning applications submitted by the academy as part of its fully costed, but unsuccessful application to the Education Funding Agency (EFA) for funding through the 2015/16 DfE Condition Improvement Fund (CIF).
30. Limited funding has meant that most successful applications for 2015/16 CIF funding were awarded by the EFA to projects that address building condition issues including refurbishing or renewing roofs, windows or toilet areas and/or compliance issues such as fire protection systems, electrical upgrades or asbestos removal.
31. As a result of the design work undertaken for the planning applications the school and its consultants are aware of the affordability of the range of provision that can be achieved within the capital funding available.
32. The school intend, with the support of the Council, to directly procure the project through a design and build contract which will be governed through a project board that will include Council officers from the School Organisation & Capital Planning Team who will control the release of funding to the achievement of key project milestones.

Reasons for Decision

33. The proposed projects in this report support the Council's Policy Principle of investment in successful schools as all three are rated as outstanding by Ofsted.
34. Completion of the 3 projects outlined within this report will enable the Council to continue to comply with its legal obligation to secure sufficient primary and secondary school places to provide appropriate education for pupils in its area.
35. Feasibility study estimates have indicated that the 3 projects outlined in this report are affordable within the total capital funding available. The governance arrangements for each project will ensure that financial and non financial risks are managed locally but overseen by Council officers who will hold an overarching contingency sum.

Council Priorities

36. The report supports Central Bedfordshire's Medium Term Plan: Delivering your priorities – Our Plan for Central Bedfordshire 2012-2016 and the specific priority of Improved Educational Attainment.

Legal Implications

37. Section 14 of the Education Act 1996 places a duty on Councils to secure sufficient primary and secondary school places to provide appropriate education for pupils in its area. Under this section, the schools will not be regarded as sufficient unless they are sufficient in equipment to provide the opportunity of appropriate education for all pupils. The section also contains a duty to have regard to the need for securing that special educational provision is made for pupils who have special educational needs.
38. S14A of the Education Act 1996 imposes a duty to consider representations about the exercise by local authorities of their functions from the parents of qualifying children in relation to the provision of primary and secondary education. Qualifying children include all those of compulsory school age or under.
39. The Education and Inspections Act 2006 gives Councils a strategic role as commissioners, of school places and includes duties to consider parental representation, diversity and choice, duties in relation to high standards and the fulfilment of every child's educational potential and fair access to educational opportunity.
40. Under the Equality Act 2010, the Local Authority has a duty to make reasonable adjustments to prevent discrimination against people with protected characteristics such as a disability; it also imposes a duty on Councils to prepare written accessibility strategies to increase disabled pupils' access to the school curriculum and buildings.
41. Following the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, governing bodies of all categories of mainstream school can now agree to an enlargement of premises without following a formal statutory process. As a foundation school, the governors of Parkfields Middle School will be able to make this change. Toddingdon St George's School and Oak Bank School, as Academy schools, will need to seek approval of the Secretary of State for any enlargement of their premises.
42. It is noted that Secretary of State's approval has been obtained for the Schools Forum decision to use the Dedicated Schools Grant for capital purposes.

Financial Implications

43. The Council has secured approval from the Secretary of State to its application for a disapplication of the School and Early Years Finance Regulations to allow the use of Dedicated Schools Grant for the capital purposes set out in this report.

44. This implements the decision of the Schools Forum on 26 January 2015, to transfer any unspent balance of Dedicated Schools Grant from the High Needs Block allocation in 2014/15 and unspent reserves from previous years, totalling £1,581m, to support capital development in specialist provisions in 2015/16. There is no net capital cost to the Council of the projects outlined in this report.
45. In year, the Council's constitution enables Executive to approve expenditure on Capital Schemes such as those within this report that have not previously been included in the Capital Programme, but which were included in the Reserve list approved by Council when setting the Capital Programme or are schemes with gross expenditure budgets exceeding £499,999 which are to be funded in full from external sources.
46. Approval is subject to the production of Outline and Detailed Business Cases and confirmation that the revenue cost of such schemes can be accommodated from within the approved revenue budget for the Capital Programme in the relevant financial year, as confirmed by the Chief Finance Officer and the Executive Member for Corporate Resources.
47. The day to day running costs of specialist school provision is met through revenue funding which is made available on commission by the Council to each school as part of the High Needs Block of the Dedicated Schools Grant (DSG). The Council applies for increases in this revenue funding required as a result of growth in commissioned places through its annual data return to the EFA.
48. The Hearing Impairment service contract price is currently based on 20 children placed within the specialist provisions. Increases in the number of children admitted above that number with agreement of the Council and the HAST Board are funded through the High needs Block of the DSG.
49. This capital expenditure is subject to the Council's Code of Financial Governance and the projects outlined in this report are combined within an approved outline and detailed business case, as required by the Council's constitution.

Equalities Implications

50. Public authorities have a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and to foster good relations in respect of the following protected characteristics: age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

51. This statutory duty includes requirements to:
- i. Remove or minimise disadvantages suffered by people due to their protected characteristics.
 - ii. Take steps to meet the needs of people from protected groups where these are different from the needs of other people.
 - iii. Encourage people from protected groups to participate in public life or in other activities where their participation is disproportionately low.
52. As commissioner of the new school places that will be provided through the proposed expansion of Oak Bank School the Council has considered that there are no discrimination issues that arise from the change being proposed.
53. The proposals to enhance specialist provision for hearing impaired pupils will help to promote equality of opportunity and improve outcomes for a vulnerable pupil group.

Risk Management

54. The proposals, project governance arrangements and allocation of related capital investment outlined in this report for the commissioning of the new school places at Oak Bank School implements the identified need to manage demographic growth and mitigates the risk on the Council of failing in its statutory duty to provide sufficient school places.
55. The proposals, project governance arrangements and allocation of related capital investment outlined in this report for the specialist provision for Hearing Impairment at Toddington St George Church of England School and Parkfields Middle School ensures that children who are deaf or have significant hearing impairments who require specialist provision continue to have their needs met in Central Bedfordshire, thus mitigating the risk of out of authority placements.
56. Key risks include:
- Failure to discharge legal and statutory duties/guidance.
 - Failure to deliver the Council's strategic priorities
 - Reputational risks associated with the non delivery of required school places.
 - Inability of schools to recruit suitable additional staff
 - Failure to secure planning consents
 - Financial risks, including the potential for overspend on any project within the programme

Appendices

None.