

North Somerset Council

REPORT TO THE CHILDREN & YOUNG PEOPLE POLICY & SCRUTINY COMMITTEE

DATE OF MEETING: 20 JUNE 2019

SUBJECT OF REPORT: EXPANSION, INCLUDING A 2ND SITE FOR BAYTREE SPECIAL SCHOOL

TOWN OR PARISH: ALL

OFFICERS/MEMBER PRESENTING: SHEILA SMITH, DIRECTOR OF PEOPLE AND COMMUNITIES

KEY DECISION: NO

RECOMMENDATIONS

That the CYPS Policy and Scrutiny Panel supports a recommendation to be submitted to the Executive Member for Children & Young People's Services to approve the commencement of the statutory process and the publication, if appropriate, of a Statutory Notice by the Council to expand the provision at the Baytree Special School. If approved, the school would expand from a 72- place provision to a 120-place school located across the existing and a new site with effect from 1 September 2021.

1. SUMMARY OF REPORT

- 1.1 There is a projected increase in demand for special school places for pupils with Severe and Profound Learning Difficulties (S&PLD) due to demographic growth and an increase in the numbers of pupils with these learning characteristics. The 2017/18 Special Educational Needs and Disabilities and Alternative Provision (SEND and AP) Review acknowledged the growing number of children and young people with identified SEND and our responsibility to provide appropriately to meet their diverse needs as locally as possible. The Education Provision in North Somerset ~ A Commissioning Strategy 2018 – 2019 <http://www.n-somerset.gov.uk/wp-content/uploads/2018/09/Education-Provision-in-North-Somerset-a-commissioning-strategy.pdf>, approved by the Executive in September 2018, supports the increase in provision for pupils requiring S&PLT education provided by Baytree Special School.
- 1.2 Place deficits for pupils with S&PLD are now acute. Special Schools are funded from the high needs block of the schools' budget, which is funded from the Dedicated Schools Grant (DSG). The DSG's deficit has grown over the last 3 years to -£2.375m. This is partly due to the cost of out of the district places where local demand cannot be secured.

The Strategic School's Forum (SSF) have agreed to contribute £500,000 each year to recover the deficit by moving funding from the schools' block to the High Needs Block. The movement of funding requires DfE approval each year. The DfE recently

announced an expectation that Councils will develop plans to recover DSG deficits over 3 years. This could be a cost to the Council. The expansion of Baytree to an additional site is one of the key medium-term measures required to mitigate increases in spending in the High Needs Block. The expanded school will be revenue funded by a combination of place funding (£10,000 per place) and Top-Up funding. The extent to which the extended school will generate cashable savings is dependent on how many places are available to prevent new placements having to be made outside of North Somerset, how many places can be filled by pupils returning from out of area placements where appropriate and how many placements relate to pupil growth and transfers from mainstream schools. To do nothing will only exacerbate the overspend.

- 1.3 This report seeks support to permanently increase the capacity of Baytree Special School to meet the projected growth in demand in specialist school places formally from September 2021. This increase in provision is to support the extra demand across the district as well as providing local provision for pupils currently educated outside of the area who may, if appropriate, benefit from a transfer to local provision for their continuing education.

2. POLICY

- 2.1 Section 14 of the Education Act 1996 provides Local Authorities (LAs) with a statutory duty to ensure that there are sufficient schools for primary and secondary education in their areas.

The School Admissions Code does not apply to special schools. Governing Bodies of all categories of special school, and LAs for community special schools, may seek to increase the number of places by following a statutory process, if the increase is by:

- 10%; or
- 20 pupils (or 5 pupils if the school is a boarding-only school), (whichever is the smaller number).

As the school will increase in size by more than 10% and more than 20 pupils, a formal process must be followed on this occasion.

- 2.2 In addition, where the main entrance of a proposed new site for a school would be more than two miles from the main entrance of the current school site, LAs can propose the transfer to an entirely new site for community special schools following a statutory process.

This is a 2nd site for this school as the current site is not capable of expansion. It is considered prudent to consult on this change alongside the increase in provision to avoid any challenge in terms of the location changes.

- 2.3 The Council's agreed Education Provision in North Somerset [~ A Commissioning Strategy 2018 – 2021](#) is the policy base for any local decisions.

Special schools can be considered for expansion when they are classed by OfSTED as good or outstanding, there is a proven demand for places, where any building works will increase capacity but also enhance and assist to resolve condition issues, and where the increase fits with the Council's strategic principles as outlined in its commissioning strategy.

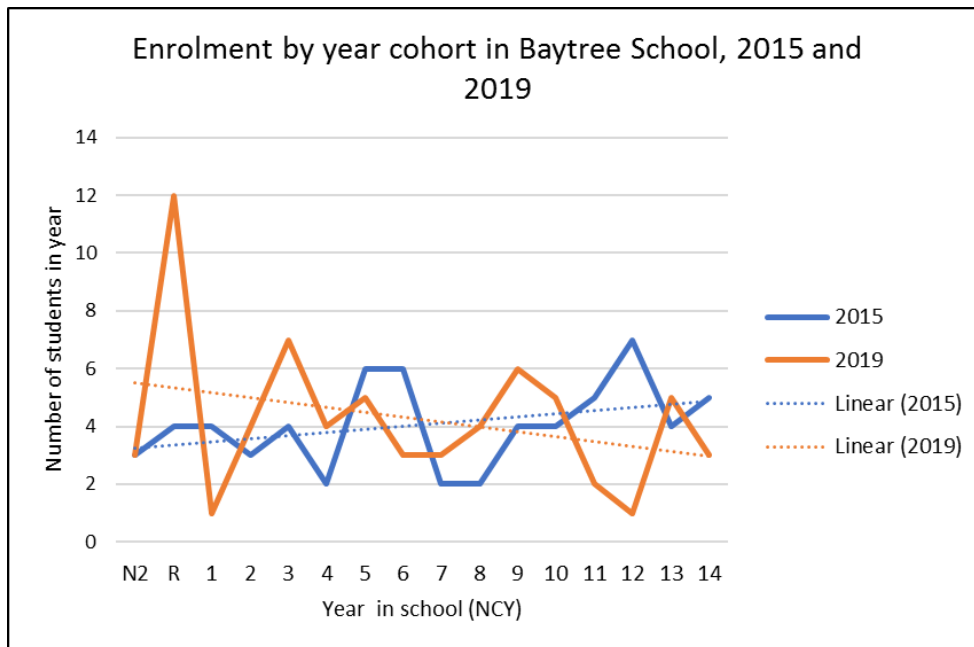
3. DETAILS

- 3.1 Baytree Special School is the only school in North Somerset offering education to students with S&PLD. It is classed by OfSTED as a good school. Despite small-scale projects to enhance the classroom and storage offers on the current Baytree Special School site in Worle, the current buildings are too small to accommodate the increase in demand for specialist places and to meet the needs of the increasing numbers of pupils with higher levels of complex needs.
- 3.2 Many of the younger pupils are non-ambulant and require hoists and considerable specialist equipment to support their learning. An increase in pupils requiring specialist equipment and the inability of the current school environment to store these, including supportive seating, standing frames, side lyres, walkers etc. has reduced the amount of remaining available space to enable the site to accommodate and deliver education to the numbers of pupils previously admitted. The design of the site is not suitable for the addition of hoists to aid pupil mobility and assist staff in manual handling support. The current school is a 2-storey establishment. The lift capacity of the school is not suitable for the numbers of non-ambulant pupils making the upper floor inaccessible for many.
- 3.3 The school needs to grow to meet the needs of its whole community. Due to its co-location with Herons' Moor Primary, the Locking and Locking Castle Children's Centre and The Campus with its community library a conference spaces, there is no space to further expand the school's buildings.

Whilst the current site has its limitations, it also has many advantages that will need to be continued on the present and replicated when on a second site. The current Baytree School will continue to provide an excellent provision that is enhanced through the established links with the organisations it is co-located with. This offers opportunities for inclusion for primary aged pupils with their mainstream peers through the strong links with Herons' Moor Academy and access to The Campus, which provides all pupils opportunities to engage and interact with the local community as well as providing work experience links for the Post 16 students.

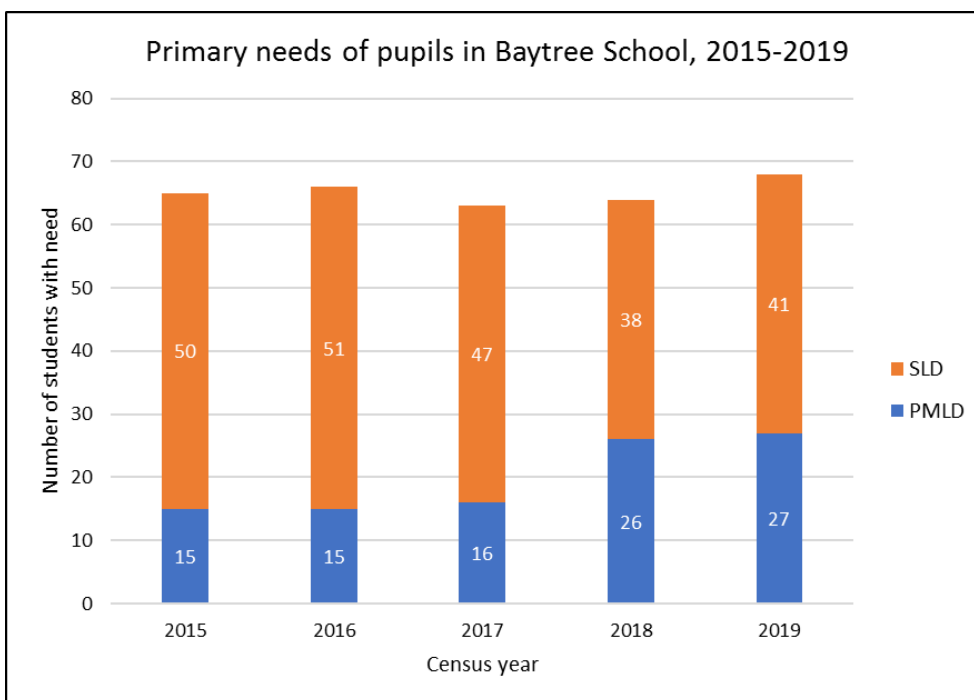
Although the current school environment has limitations, by creating a new building that will be fit for purpose for those with the most profound and complex learning needs it will allow the current facilities to provide additional places to meet new demand for those with less acute needs. In keeping links with Herons' Moor Primary and the community facilities in and around The Campus and the south of the district, and in establishing a new site to be available in an established community in the north of the district, it is hoped this expansion will enhance the offer for all of the pupils of Baytree Special School as well as whilst easing the pressures on the current school environment, enabling the benefits of both to be available to the full Baytree community.

- 3.4 Recent analysis of the current Baytree cohort and recent trends in enrolment show that demand for places at Baytree is increasing. This is due both to the increase in demographic growth across North Somerset, and to medical advancements that are helping more children to survive the health and physical challenges they face.



Source: Internal analysis of Spring school-level census for North Somerset, 2015-2019 inclusive.

As the graph above demonstrates, the cohort at Baytree this year is younger than it was five years ago. Currently, 60% of all Baytree students are in years 2-6, whereas in 2015 the pupils in these year groups comprised 49% of all students. While the *total number* of students enrolled at the school has remained relatively consistent during this time (due to limited capacity), students are starting at Baytree earlier than in previous years. Additionally, because of the complex nature of their needs, these students are likely to stay enrolled at Baytree throughout their school years.

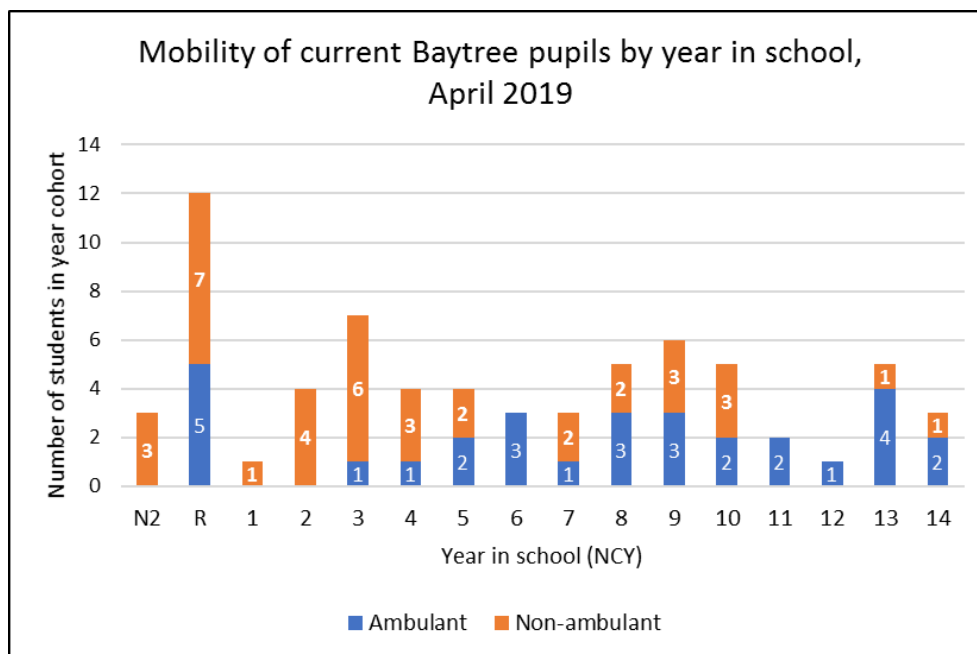


Source: *Ibid.*

All pupils enrolled at Baytree have a primary need of either Severe Learning Difficulties (SLD) or Profound and Multiple Learning Difficulties (PMLD). Pupils with a primary need of PMLD have the most complex and profound needs of the North Somerset

school cohort, and the proportion of these pupils at Baytree has increased by 17% over the last five years (from 23% of the cohort in 2015 to 40% in 2019). This shift is significant, because pupils with PMLD require more space and support per capita than other pupils.

Specifically, the increase in the proportion of younger students with profound and complex needs translates to increased demand for mobility support and medical interventions. Currently, Baytree School is the only school in North Somerset that is equipped to serve the needs of these students.



Sources: Internal analysis of 2019 Spring school-level census; Bowen-Roberts, E. (23 April 2019, email interview.)

As seen in the above graph, more than two-thirds (68%) of the pupils with mobility issues at Baytree are currently in Key Stages 0-2, including seven five- and six-year-olds in Reception year. These students will require complex medical interventions and mobility adaptations throughout their school careers. Over time, as these students grow into young adults, they may not be able to access the full resources of the current site due to its 2-storey design. In addition, valuable space on the site is used to house the many items of equipment needed by pupils during the school day. This is removing teaching space required by all pupils to access their full, varied and often bespoke curriculum.

Demand is increasing due to both the increase in demographic growth across North Somerset and medical advancements that are helping more children to survive the health and physical challenges they face.

When reviewing the changes in physical requirements for the current pupil population of Baytree Special School, there is an increase in the need for adult support and medical interventions for many of the younger pupils.

- 3.5 The Council has been working with senior staff and governors at Baytree Special School since 2016 to determine whether a permanent increase in provision should be made. The school had been working with a local Multi-Academy Trust (MAT) provider on a Free School Bid submission to the DfE for a new school. Regrettably the MAT

was unable to progress their bid and the opportunity for external funding for this change could not be fully exploited. Baytree Special School, along with all of the special schools in North Somerset, is a maintained school. Only academies who are part of a MAT are eligible to apply for assistance under the Free School Programme.

3.6 Since the changes referred to in 3.5 above, the Council has continued to progress options for the creation of extra S&PLD places with Baytree School. The Specialist and AP Review undertaken 2017/18 determined, in relation to this need, that:

- the principle of 'local schools for local children' is equally applicable to children with additional needs
- demand for specialist provision current exceeds supply in North Somerset and extra provision for pupils with complex physical needs should be one of the priorities for change
- North Somerset Council's endorsement of a Free School bid, should the Department for Education announce further waves of funding, should be supported. With no North Somerset Special Schools holding academy status – something that is a school decision – and with the requirement for all schools to convert no longer being nationally dictated, this option is no longer available to the Council

3.7 Progressing the outcomes of the SEND and AP Review, in 2018 a Council assessment of potential sites for an expansion of Baytree Special School commenced. As the funding for the new school must be provided locally, a Council site has been sought as this has no direct financial cost, enabling capital resources to be maximized on the need to provide buildings and other associated resources.

Thirteen sites across the North Somerset area were assessed against the following criteria:

- to be c2ha in size to allow for a single- storey building with additional facilities to be possible
- in a good location for school use
- located within an established community
- within walking distance of shops and amenities
- easy access from the whole district and from the Baytree current site, preferable close to the M5 corridor for junctions 20 and 21
- affordable – for a nil or minimal outlay
- have the potential, subject to a full planning application, of being able to secure planning consent
- deliverable, preferably by 2020

Of the thirteen sites, five were precluded due to the potential housing loss opportunities for the Council, their addition in the Council's Strategic Development Location Plan or their identification for an alternative statutory duty. Of the remaining eight, one was precluded as it is too small, six were removed due their locations not being close enough to the M5 corridor and therefore not easily accessible from across North Somerset and one due to narrow access and nearby watercourses. One site remained.

The Council has undertaken a number of site surveys on this remaining site, Brookfield Walk in Clevedon. It is the only site that fulfilled most key criteria and is in easy reach

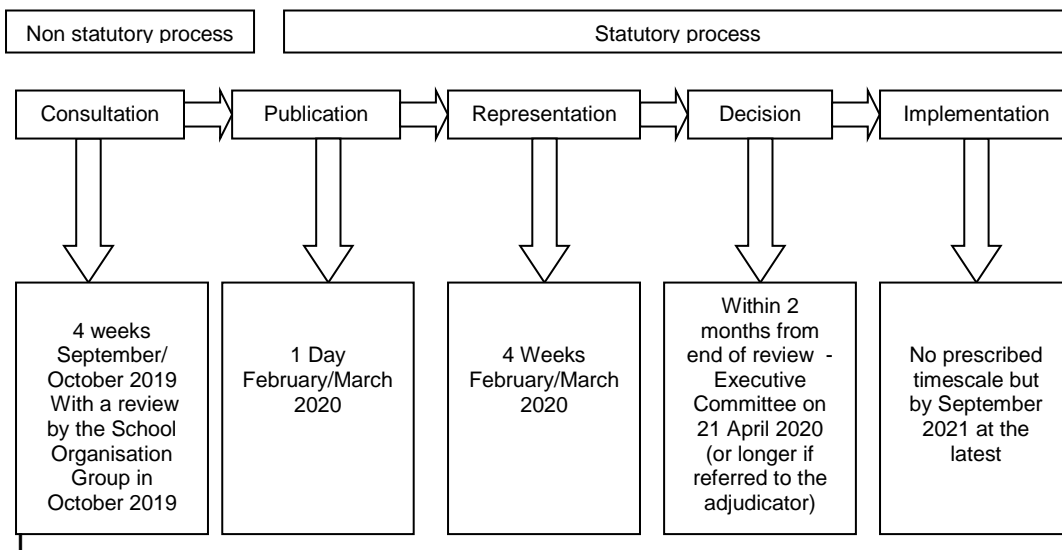
from the current Baytree school site. Subject to planning and consultation approvals, this 2nd site for Baytree Special School could be available from September 2021. Any progression is subject to this consultation approval and the submission and agreement of a planning application. The planning application process and site development will be run in parallel with this expansion consultation from, if approved, the autumn 2019.

- 3.8 Increasing the place value admission levels of Baytree Special School would increase the numbers of permanent available places from 72 to 120. Initially the growth in places available will be phased to enable the school to manage the increase for new cohorts whilst overseeing transitions back to local provision for those students where a change in a placement outside of the area will not be detrimental to their educational experience and outcomes. Places at Baytree Special School can only be accessed if the school is named in an Education, Health and Care Plan. The growth in the numbers of places will mirror the demand for new and transfer placements.

4. CONSULTATION

- 4.1 The ‘Making Significant Changes (prescribed alterations) to Maintained Schools ~ Statutory Guidance for Proposers and Decision Makers – October 2018 requires Local Authorities to consult interested parties when developing proposals prior to the formal publication of any proposals. For the significant changes such as the one being recommended, this would include holding consultations and public meetings during term time.

For the LA to progress any changes for Baytree Special School the following consultation process would be followed:



- 4.2 If the Council continues to recommend the expansion and 2nd site for Baytree Special School, the Council’s Executive will make the final decision as to whether the school should be expanded. The local Diocesan Bodies, School Trustees and the school’s Governing Body are the only organisations that have the right to appeal to the School’s Adjudicator against the Council’s decision.
- 4.3 Consultees will be: Stakeholders of the school i.e. families of children of the school; pupils of the school; potential pupils of the school via known early years providers; any other school affected by the change; the governing body/staff of the school and other

schools affected by the change in North Somerset and at schools with places commissioned by North Somerset outside the area; trade unions; the local MP; Town and Parish Councils; the Diocese of Bath & Wells; Diocese of Clifton; Early Years Stakeholders; neighbours of the school and other members of the general public.

- 4.4 In parallel with this process, pre-planning consultations will also take place with parents, staff, pupils, key stakeholder groups and local neighbours from August 2019 with a view to a planning submission being made later in the autumn and a planning determination in the spring 2020. If successful, work to deliver the new school would start on site around May 2020.

5. FINANCIAL IMPLICATIONS

- 5.1 The Council has a statutory duty to secure sufficient school places for its residents.

Costs - Revenue

- 5.2 Special Schools are funded from the high needs block of the schools' budget, which is funded from the Dedicated Schools Grant. Funds are distributed to schools based on formulas and allocations set by the Strategic Schools' Forum (SSF). The High Needs block not only covers maintained special schools and the Pupil Referral Unit, but also SEND Top Up Funding and placements for pupils in independent and private non-maintained schools.
- 5.3 The Dedicated Schools Grant has a current deficit of -£2.375m, which has grown, in particular over the last 3 years. The Strategic Schools' Forum (SSF) has agreed to contribute £500,000 each year to recover the deficit by moving funding from the schools' block to the High Needs Block. The movement of funding requires DfE approval each year. The DfE has also recently announced an expectation that Councils will develop plans to recovery DSG deficits over 3 years.
- 5.4 The expansion of Baytree to an additional site is one of the key medium-term measures required to mitigate increases in spending in the High Needs Block. The expanded school will be revenue funded by a combination of place funding (£10,000 per place) and Top-Up funding. The extent to which the extended school will generate cashable savings is dependent on how many places are able to be filled from pupils returning from out of area placements and how many placements relate to pupil growth and transfers from mainstream schools.
- 5.5 This proposal will, due to increasing pupil numbers, have an impact on Baytree Special School's revenue budgets (as detailed in above) and on the high needs budget. Special Schools are funded based on Place Values – the numbers of places to be commissioned in any period – and not pupil admission numbers. Schools also receive Top-Up Funding paid through a banding allocation to pay for the bespoke needs of individual students. The current Place Value and Top-Up bands are shown in the table below:

	2020/21		2021/22		2022/23		2023/24	
Site and Numbers of pupils	Baytree @ Worle	Baytree @ Clevedon	Baytree @ Worle	Baytree @ Clevedon	Baytree @ Worle	Baytree @ Clevedon	Baytree @ Worle	Baytree @ Clevedon

	40	40	50	50	55	55	60	60
Place Value Funding per place	£10,000	£10,000	£10,000	£10,000	£10,000	£10,000	£10,000	£10,000
Estimate of Top-up funding per place *	£14,800	£14,800	£14,800	£14,800	£14,800	£14,800	£14,800	£14,800
Total funding per place	£24,800	£24,800	£24,800	£24,800	£24,800	£24,800	£24,800	£24,800
Total funding	£992,000	£992,000	£1,240,000	£1,240,000	£1,364,000	£1,364,000	£1,488,000	£1,488,000

* Based on 2018/19 average per place

Funding – capital

5.6 The delivery of new school places is dependent on the provision of sufficient land and capital allocations appropriate to new place needs. Securing new school sites of the right size and location for a proposed new school clear of physical constraints is complex.

The capital funds needed to progress all schemes contained within the Education Commissioning Strategy, including this scheme, are not yet in place. Officers continue to work to secure capital allocations through local and external funding sources as available.

5.7 To-date officers have been working with Rio Architects and Wilmott Dixon Construction to develop plans to build a new site for Baytree Special School in Clevedon. Early indicative costs for the new school site are in the region of £11.5 – £12.5m. To-date the Executive and Council approved in February 2019 £1m of capital spend to progress this scheme through to a planning submission. Whilst significant resources have been identified but have not yet been approved for this scheme, work continues to value engineer the project costs to ensure the Council receives value for money.

5.8 Officers are engaging with partners who hold responsibilities and budgets associated with meeting the learning, health, equipment and care needs of pupils. It may be necessary to re-use specialist equipment from the Baytree Special School site at Worle in some cases to bring down costs. Access to the equipment resources of partner funders is being requested.

5.9 Any recommendations for an increase in the numbers of pupils to attend the school on a 2nd site will be subject to appropriate capital funding being made available and approved to support the physical changes needed. Such decision will be submitted for approval at a meeting of the full Council.

5.10 Representatives of the school and officers are working together to further advance any building plans in time for implementation by September 2021.

6. LEGAL POWERS AND IMPLICATIONS

- 6.1 The School Standards and Framework Act 1998 sets out how Local Authorities should exercise their statutory duties to secure primary and secondary education to meet the needs of the population in their area. The Education and Inspection Act 2006 enhanced the role of Local Authorities, making them strategic commissioners of services with a mandate to promote high standards for all and greater choice and diversity.
- 6.2 The Education Act (EA) 1996 Section 14A, added by Section 3 of Education and Inspections Act (EIA) 2006 requires Local authorities to consider and respond appropriately to parental representations about school provision in relation to local authorities' functions under Section 14 of the Education Act 1996. Local Authorities must reasonably consider parental representations regarding the provision of schools and respond accordingly, including outlining any proposed action or, where it is considered action is not needed, to explain the reasons for this.
- 6.3 The Education Act 2011 maintains the role of Local Authorities as the strategic commissioner of services but provides greater autonomy of education provision by the encouragement of the establishment of academies, free schools, studio schools and Enterprise Colleges that are independent of the Local Authority. The Act gives Local Authorities 'a critical new role as strengthened champions of choice, securing a wide range of education options for parents and families, ensuring there are sufficient high-quality school places, co-ordinating fair admissions, promoting social justice by supporting vulnerable children, and challenging schools which fail to improve.'

7. RISK MANAGEMENT

- 7.1 Whilst early consultations with the public are not statutory, it is important that the strategic plans and commissioning strategies the Council wishes to pursue in relation to its special education provision planning should be shared with schools, other partners and local stakeholders. By consulting on proposed plans, the risk of not providing the right forms of education is mitigated.
- 7.2 In expanding current schools, the Council must be mindful not to compromise the educational opportunities available to pupils prior to the expansion. The move to a new site for some S&PLD pupils may be complex for certain pupils. They and their families will need to be supported through the change process to ensure that pupils are not unduly affected. Any change will need, where possible, to provide advantages that will hopefully outweigh any disadvantages of new arrangements for existing pupils likely to be placed at the new site. Offering a dual site will assist with this as the school can work through transition plans to ensure any change is timely, can be phased if needed and be bespoke for individual pupils.
- 7.3 Parity of provision with a mainstream offer is also key to managing risks. It is hoped the school can offer additional facilities to parents at their 2nd site such as breakfast and after school clubs to both enable pupils to access these resources and to offer parents the opportunity to access child care before and after work (if needed). This will also help to mitigate transport issues around the site that otherwise would need to be condensed at school start and end times.

Facilities for parents to network with other families and for pupils to access health and other specialist support on site is also being considered.

- 7.4 Baytree Special School leaders are keen to ensure the new site is seen as local provision. They are keen engage with the local community. They would want to offer their hydrotherapy pool for use by the local community outside of school needs for both swimming sessions and adult health needs and their school hall for hire. A pupil led café and local produce produced by the pupils and the school may also be on offer.
- 7.5 The loss of open space because of the possible development of the Brookfield Walk site will be of concern to local residents and is likely to be raised as an issue during the planning process. Officers will investigate whether there are any options to mitigate this loss within the final budget.
- 7.6 There is a risk that the full capital funds needed to progress this scheme will not be found. Officers continue to work to secure capital allocations from developers and through external funding sources as available. They are also working on business cases and school placement transfers in addition to cost-avoidance opportunities to enable pupils, where appropriate, to access more local placements. This could result in revenue savings to the High Needs Budget that could be reallocated to meet costs that are as yet unfunded.

8 EQUALITY IMPLICATIONS

[Have you undertaken an Equality Impact Assessment? Yes/No] Yes. This is available on request.

- 8.1 The changes proposed by this consultation are intended to enhance the learning experiences of children with S&PLD who attend Baytree Special School as well as creating additional places at a purpose-designed school to enhance the Council's current local offer.

9. CORPORATE IMPLICATIONS

- 9.1 The Council has a duty to meet the school-place needs of primary and secondary-aged pupils living in North Somerset including those with special educational needs and disabilities. This consultation intends to seek the views of pupils, parents, staff and local stakeholders to ensure that the best possible long-term educational outcomes can be achieved for children with S&PLD and that local resources are used effectively across the whole district.

10. OTHER OPTIONS CONSIDERED

- 10.1 To not expand the school and rely on meeting the needs of North Somerset pupils through commissioning places at schools and other settings outside of this area.

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BACKGROUND PAPERS

- Education Provision in North Somerset ~ A Commissioning Strategy 2018 – 2021 – see <http://www.n-somerset.gov.uk/wp-content/uploads/2015/11/education-commissioning-strategy.pdf>
- Executive – 5 February 2019 - <http://apps.n-somerset.gov.uk/cairo/docs/doc29420.pdf>
- Council – 19 February 2019 - <http://apps.n-somerset.gov.uk/cairo/docs/doc29460.pdf>