



EXECUTIVE BOARD DECISION

REPORT OF:	Executive Member for Children, Young People and Education
LEAD OFFICERS:	Acting Director of Childrens Services and Education (DCS)
DATE:	Thursday, 9 February 2023

PORTFOLIO/S AFFECTED:	Children, Young People and Education
WARD/S AFFECTED:	Blackburn Central; Blackburn South East; Darwen West;
KEY DECISION:	Y

SUBJECT: EB Creation of new specialist school places

1. EXECUTIVE SUMMARY

Proposal to increase the capacity of specialist school places in Blackburn with Darwen to support current and forecasted demand.

2. RECOMMENDATIONS

That the Executive Board:

- Approves the detailed projects and associated expenditure (**Appendix 1**);
- Gives approval for the funding for academy schools to be delegated to the associated Trust so as to enable the agreed works to be directly managed by the Trust;
- Gives approval for the Council to enter into a legal agreement with each Trust by way of a Funding Agreement (**Appendix 2**).

3. BACKGROUND

Blackburn with Darwen has seen an increase in demand for specialist school places resulting in a number of children that require more specialised placements being offered places out of borough and/or putting additional pressures on existing in Borough Special Schools to accommodate more pupils within their existing estate.

Using existing data and information, a recently commissioned analysis of current and future demand shows:

- *Over the historical period (2019-20 to 2021-22), the number of pupils with SEN in Blackburn with Darwen has continued to grow, with total growth of +107 pupils since 2019-20 (12%)*
- *Whilst the annual rate of growth in SEN pupils is projected to reduce over the forecast period from the current rate, the SEN forecast indicates continued overall growth in the total number of SEN pupils over the forecast period. By 2031-32, the total number of SEN pupils, Years R-14, is estimated to be +335 higher than its 2021-22 total.*

In the 3 year period from 2019/20 the number of pupils accessing Out of Borough placements has increased year on year from 4.9% to 6.4% of the total number of pupils requiring a Specialist School place. Given the forecasted increase in the overall number of pupils requiring a Specialist School place, the number of Out of Borough placements is also likely to continue to increase.

Whilst there will always be a demand for some out of borough specialist provision for those pupils who have a complexity of need that cannot be managed in borough, the percentage of pupils accessing specialist provision out of borough could be reduced if capacity of places was increased across Blackburn with Darwen.

Feasibilities and initial designs have been completed at two of the Borough's existing specialist schools, and both have potential to accommodate expansions by means of extensions/reconfigurations of existing premises:

- Newfield School – option to extend at each end of the existing complex needs school to provide 6 newly formed class teaching spaces, creating up to an additional 60 pupil places for pupils aged 4 – 16 years.
- Crosshill School –option to reconfigure and refurbish the existing modular building adjoined to the main school (former Sunnyhurst Centre), or, to reconfigure and refurbish the former sports hall to create 3 newly formed class teaching spaces, creating an additional 30 pupil places for pupils aged 11 – 16 years.

In addition to the above, feasibilities and initial designs have been completed for the creation of a new primary specialist school in the former Stansfeld Centre, Blackburn. An initial budget allocation of £500,000 was allocated to establish the project on the Schools Capital Programme pending full feasibilities which was approved by the Executive Board on 10 March 2022. These premises were previously declared surplus by Adult Social Care Services. They have been well maintained but require some minor reconfigurations of rooms/spaces and a full refurbishment to bring them back into operation as a small specialist school with up to 6 newly formed class/teaching spaces creating up to 60 new places (dependent on complexity of need).

Direction is being sought currently from the Department for Education on how the proposed new primary places will be established in school organisation terms, which might be either:

- by the primary provision being affiliated to an existing established local specialist school operating on a split site model, or,
- by the establishment of a new special free primary school

Information will be reported to Executive Board with regards to this at a later date.

Costs associated to each of these projects are detailed at **Appendix 1**.

4. KEY ISSUES & RISKS

Doing nothing will result in:

- a year on year increase in the number of pupils being placed in Out of Borough Specialist schools costing significantly more than providing similar places in borough. Typically an In Borough provision will cost circa £30k per year compared to the average Out of Borough place being £70k
- pupils having to travel greater distances to access a specialist place, often having journeys of an hour or more to get to and from school each day
- The potential for an increase in parental complaints and/or cases moving to tribunal.
- Children having to remain in mainstream provision for long periods when the LA has identified that this is not suitable and that they require specialist provision.
- Children being without a school place for longer periods, particularly those who move into the area and need specialist provision
- Increased pressure on the High Needs Budget – potential to move to a deficit budget position
- Increased pressure on the Specialist School Transport budget

Whilst there is potential for the places proposed from the project at Crosshill Special School to be available by Sept 2023, the projects proposed for Newfield Special School and the proposed new primary specialist school at the former Stansfeld Centre will not be available until later in the 2023/24 academic year and possibly not before the start of the 2024 academic year. In order to cater for some immediate demand pressures and reduce the need for additional out of borough placement, it is proposed to locate a temporary modular classroom structure on the grounds of Newfield School for the period of the proposed extensions works so that 30 of the proposed 60 additional school places could be available for the start of the 2023 academic year.

Mainstream schools are under increasing pressure to retain pupils for longer periods where the LA has identified that their needs can only be met in specialist provision. This impacts upon the provision of an efficient education not only for the child, but also for their peers, as the child is not able to cope with the mainstream environment.

Projects for academies will be managed directly by the Academy/Trust and will therefore require for the associated funding to be delegated to that Trust. Delegating the capital funding directly to the Schools/Trusts with a legally agreed funding agreement will offer assurance to the LA that each school/trust will be responsible for managing their agreed project directly including holding full budget responsibility with no recourse to the LA should any project overspend. The delegation of funding will be staged in line with agreed project milestones.

5. POLICY IMPLICATIONS

None

6. FINANCIAL IMPLICATIONS

The total value of funding requested to support increased pupil place capacity is set out below:-

1. Newfield: Creation of six new classrooms, demolition of main entrance lobby and remodel to main build. Provision of three temporary classrooms from Sept 2023 for the duration of the construction project.
Approximate project cost including all fees: £2,300,000,
2. Remodel Stansfeld Centre to create 6 new classrooms.
Approximate cost £1,000,000, with a required variation of £500,000,
3. Contribution to expansion project at Crosshill School
Project cost £900,000,

There is existing 500k allocated to the Stansfeld Centre approved previously from the High Needs Provision Budget.

The total budget request of £3,700,000 required to secure the above detailed projects will be funded using School Basic Need funding of £576,900 and High Needs Provision capital funding of £3,123,100 as detailed at **Appendix 1**.

7. LEGAL IMPLICATIONS

A funding agreement (**Appendix 2**) will be entered into for any projects being directly managed by Schools/Trusts to ensure that all agreed capital expenditure is spent appropriately and that the number of new places to be created are delivered in a timely manner and with no financial recourse to the LA should any project overspend.

The LA is seeking advice on the project at the former Stansfeld Centre and whether this provision/school will be able to be affiliated to an existing established local specialist school operating on a split site model or if the school would need to be established as a new special free school.

The LA/Academy Trusts must act in accordance with relevant guidance when exercising functions under *The School Organisation (Prescribed Alterations to Maintained Schools (England) Regulations 2013* – e.g. by expanding a school. Detailed requirements and processes for making these prescribed alterations to maintained schools (including extending an existing school onto split sites) are set out in the statutory guidance documents which are both hyperlinked in Section 10 below. If the decision is taken to establish an entirely new primary special school then other legal considerations will arise as different guidance and processes apply when opening a new school. Direction is awaited from the Department for Education in respect of this issue and further information will be reported to Executive Board as necessary.

8. RESOURCE IMPLICATIONS

Leadership of the projects will be met from existing Education resource with support required from the Council's Legal, Finance and Building Consultancy Teams

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1 Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. (*insert EIA link here*)

Option 3 In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. (*insert EIA attachment*)

10. CONSULTATIONS

In line with statutory guidance, both Newfield and Crosshill schools will be required to follow due process with regards to the expansion of a special school which includes a period of consultation with all key stakeholders:

[Making significant changes \('prescribed alterations'\) to maintained schools \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/614247/making-significant-changes-to-maintained-schools.pdf)
[Academies: making significant changes or closure by agreement - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/614247/making-significant-changes-to-maintained-schools.pdf)

Consultation processes for the additional primary provision will be determined by the direction given from the Department for Education in respect of how these new places will be provided (i.e. either as expanded provision in an existing school operating on a split site, or as a new school). Information will be reported to Executive Board with regards to this at a later date.

11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded in the Summary of Decisions published on the day following the meeting.

VERSION: 1

CONTACT OFFICER:	Carol Grimshaw, Head of Service, School System Support
DATE:	20 January 2023
BACKGROUND PAPER:	Appendix 1: Education Capital Programme 22-23 Variation Report 1 Appendix 2: Sample funding agreement