

Report of the Strategic Director of Children's Services to the meeting of the Executive Committee to be held on 5 October 2021

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Subject:

The allocation of Basic Need funding to the proposed creation of a new Resourced Provision for children and young people with SEND and the enlargement of the school premises for the existing mainstream facilities increasing the overall capacity at Bingley Grammar School.

Summary statement:

This report asks the Executive to:

Approve the request to allocate Basic Needs funding to allow construction works at Bingley Grammar School to be undertaken to create suitable space for a Specialist Resourced Provision (subject to consultation and approval) for children and young people with SEND and the enlargement of the school premises, increasing the overall capacity of the school.

EQUALITY & DIVERSITY:

Equality assessments -

An equalities impact assessment will be undertaken as part of the statutory prescribed alteration process.

Equality objectives -

A detailed report on the equality objectives will be undertaken as part of the statutory process to establish a Resourced Provision.

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Portfolio:

Education, Employment and Skills

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Overview & Scrutiny Area:

Children's Services

1. SUMMARY

This report asks the Executive to:

- 1.1 Approve the request to allocate Basic Needs funding to allow construction works at Bingley Grammar School to create suitable space for a specialist Resourced Provision (subject to consultation and approval) for children and young people with SEND and the enlargement of the school, increasing the overall mainstream capacity of the school by up to 150 places.

2. BACKGROUND

- 2.1 Bradford Metropolitan District Council (the Local Authority) has a statutory duty under The Education Act 1996 Section 14(1) to ensure a sufficient number of school places for all children and young people who are resident within Bradford. The Authority has specific duties to ensure that there is sufficient specialist provision available for children and young people with Education Health and Care Plans (EHCPs), where their EHCPs determine that their needs should be met in specialist provision. Over recent years there has been a significant increase in the number of children entering the secondary phase in year 7.
- 2.2 Due to this increase several secondary schools have increased their PANs to meet demand, accommodating the increased numbers of pupils through the closure of sixth forms or building expansions. A number of secondary schools have also admitted additional pupils over their PAN to meet the demand.
- 2.3 Bingley Grammar School admitted up to an additional 30 pupils into year 7 in September 2019, 2020 and 2021, despite them having difficulties in accommodating a third year of increased intake.
- 2.4 The numbers of pupils in lower year groups in primary schools and younger children not yet of school age are reducing with each cohort. A number of primary schools have experienced lower reception intakes since September 2017 (current year 4). As a result, there is significant surplus capacity in many primary schools across the District (The I&S Service are providing guidance and support to those schools regarding potential PAN reductions).
- 2.5 As schools only receive funding for the number of pupils on roll and recorded in the October Census, a number of primary schools have consulted or intend to consult in the autumn term to reduce their PANs which will give schools more financial stability.
- 2.6 Data shows that the biggest cohort entered secondary school in September 2021.
- 2.7 Health Data and school census data shows that across the District the number of pupils moving from primary schools to secondary schools will begin to decrease from 2022.
- 2.8 2021/22 final forecasts using official PANs show that across the District there will be a shortfall of Year 7 places until 2023 when a surplus of 6 places is forecast (0.08%). However, informal agreements have been made with schools which will ensure that the required additional places are available in 2022, as such no shortfall is expected based on current projections.

- 2.9 Bingley Grammar School is a popular school in the Aire Valley planning area.
- 2.10 There are currently no surplus year 7 places forecast in the Aire Valley planning area until 2024 (25 places), 16 places in 2025, 25 in 2026 and subsequently 26 in 2027.
- 2.11 Following many years of undersubscription which led to high levels of surplus places, University Academy Keighley (UAK) (in neighbouring Keighley planning area) have consulted on and determined a PAN reduction of 30 places from September 2022.
- 2.12 Increasing the PAN at Bingley Grammar School would offset those places lost at UAK. However, as indicated in the forecast, surplus places are expected from 2025 so a PAN increase at Bingley Grammar School may not be necessary.
- 2.13 As the numbers of pupils entering secondary schools decrease, the additional places at Bingley Grammar may not be required. A statutory consultation would be required to reduce their PAN in the future.
- 2.14 Increasing the PAN is likely to be a popular proposal as Bingley Grammar School is a popular and significantly oversubscribed school. Additional places here could reduce the numbers of pupils leaving the LA for their secondary phase of education.
- 2.15 However, an increase in PAN at Bingley Grammar School could have a negative effect on less popular schools in the District as the numbers requiring secondary places reduce.
- 2.16 Additional built capacity to accommodate an extra form of entry in every year group (7-11) would enable Bingley Grammar School to admit bulge classes until the increased demand has diminished. It will also offer flexibility if the number of younger children increases in the future and the additional places are required again or for longer than currently forecast. New permanent built accommodation will be the most suitable to meet the needs of those pupils.
- 2.17 Specialist Provision for pupils with Special Educational Needs and Disabilities is planned in constituencies rather than the planning areas used in the planning of mainstream school provision. Bingley Grammar School is in the Shipley constituency.
- 2.18 There are high numbers of children in the Shipley constituency with an EHCP with a primary need of ASD, SEMH and SLCN.
- 2.19 A Local Authority Led Resourced Provision for secondary aged children of up to 24 places with a designation of either ASD or SEMH will ease the pressure on the Resourced Provisions in other areas and will offer a clear pathway for parents and children living in the Shipley/Keighley areas.

3. OTHER CONSIDERATIONS

- 3.1 Bingley Grammar School is Voluntary Aided school. As such, proposals to expand the building and establish SEND provision can be made by either the Governing Board or the Local Authority on behalf of the Governing Board, but the Local Authority is the decision maker for such prescribed alterations.

- 3.2 Subject to approval by the Council's Executive Committee, the Council is proposing to allocate Basic Needs Funding to create a proposed suitable space for a Specialist Resourced Provision (subject to consultation and approval) for children and young people with SEND and enlarge the school's existing mainstream facilities to accommodate the current pupils in permanent accommodation and enable additional pupils to be admitted as required in the future.
- 3.3 The DfE document 'Making significant changes ('prescribed alterations') to maintained schools' states that statutory proposals are required when a proposed enlargement is permanent (more than 3 years) and where the capacity of the school is increased by more than 30 pupils and 25% or 200 pupils, whichever is the lesser. For enlargements less than this, the publication of a statutory proposal is not necessary.
- 3.4 Although the proposed expansion at Bingley Grammar School does not require a statutory proposal, it is the Council's intention to carry out consultation on both matters, to ensure the views of all the community and those potentially affected by the proposals can be sought and considered.
- 3.5 The DfE document 'Making significant changes ('prescribed alterations') to maintained schools' states that statutory proposals are required for proposals to establish SEND provision in a mainstream school. Therefore, if the proposal is agreed a statutory process will be undertaken to establish the proposed Resourced Provision.

4. FINANCIAL & RESOURCE APPRAISAL

- 4.1 There is currently approximately £8.0m available Basic Needs Capital Grant funding.
- 4.2 Approval is required from the Executive Committee to use £6.1m of Basic Needs Capital Grant to increase and enhance facilities.
- 4.3 Based on recent expansion schemes of a similar size, the estimated cost of the project is £6.6 Million however more detailed work on the costing of the project will be required in view of current uncertainties within the construction market and inflation. Any additional cost above the current estimate of £6.6m will be funded from Basic Needs Capital Grant which could potentially impact on the delivery of future schemes
- 4.4 Bingley Grammar School's governing body has confirmed that the school will contribute towards the scheme, through the income generated by the resale of the existing temporary accommodation - estimated to be around £0.5m.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

- 5.1 In order to support the Local Authority to meet the increased demand for secondary places, Bingley Grammar School have admitted additional pupils into year 7 since 2019. Without the additional places at Bingley Grammar School, some pupils would have been allocated a secondary school much further from their home, increasing

the risk of multiple schools admitting over their PAN through successful appeals. To ensure sufficient built places are available for the future, the permanent provision is required at Bingley Grammar School. This should also protect other secondary schools from going over the PAN and over the capacity.

- 5.2 Lack of Capital funding, increases the risks to SEND place development; which could lead to more children being placed out of authority in costly placements and away from their families and local communities.
- 5.3 The Construction Market is currently experiencing unprecedented price increases as a result of labour and material shortages due to the effects of the pandemic. Therefore, higher contingencies may be needed on projects to cover increasing costs. However, we will work closely with the Council's procurement team and Client Services Team to ensure that procurement is being undertaken in the most cost effective way in relation to the current market conditions being experienced.

6. LEGAL APPRAISAL

- 6.1 Under section 14 of the Education Act 1996, the Council has a statutory duty to provide sufficient school places for all pupils in its area. The Council also has specific duties to ensure that there is sufficient specialist provision available for children and young people with Education Health and Care Plans (EHCPs), where their EHCPs determine that their needs should be met in specialist provision
- 6.2 Basic need funding is the money given to local authorities each year to help them fulfil their duty to make sure there are enough mainstream school places for children in their local area.
- 6.3 The Secretary of State for Education makes grant determinations under section 31 of the Local Government Act 2003. Section 31(3) and 31(4) of the Local Government Act 2003, provides that the Minister of State determines that the grant will be paid subject to conditions
- 6.4 Grant paid to a local authority under this determination may be used only for the purposes that a capital receipt may be used for in accordance with regulations made under section 11 of the Local Government Act 2003.
- 6.5 The Local Authority is required to make a declaration as part of the outturn statement to the Department for Education that it has complied with conditions attached to the Basic Need Grant determination and it may be required to provide information as reasonably expected by the Secretary of State relating to the expenditure on school places.

7. OTHER IMPLICATIONS

7.1 SUSTAINABILITY IMPLICATIONS

The Ministry of Housing Communities and Local Government requires that all new public buildings should have nearly zero energy. The Councils own targets are a year

on year reduction of 10% from the 2019/20 corporate emissions.

The Bingley Grammar scheme will need to meet the requirements of the new building regulations by ensuring that there will zero CO² emissions. This will include the introduction of alternative technology solutions moving away from the reliance on fossil fuel.

7.2 GREENHOUSE GAS EMISSIONS IMPACTS

As per the Council's commitment to Climate Change, it is proposed that the building will not depend on fossil fuel and will be developed using sustainable construction technologies

7.3 COMMUNITY SAFETY IMPLICATIONS

The proposal to establish a SEND provision at Bingley Grammar school will allow the children and young people to build their skills in a specialist environment and access their own community in the safest and most independent fashion.

7.4 HUMAN RIGHTS ACT

The Human Rights Act incorporates the European Convention on Human Rights which provides that no person shall be denied the right to education.

7.5 TRADE UNION

If approved the Trade Unions will be consulted formally about these proposals in accordance with the Council's IR Framework as part of the consultation process.

7.6 WARD IMPLICATIONS

Ward Councillors will be consulted with about any proposed changes to the schools/provision in their wards.

7.7 AREA COMMITTEE ACTION PLAN IMPLICATIONS (for reports to Area Committees only)

None.

7.8 IMPLICATIONS FOR CORPORATE PARENTING

No direct impact on corporate parenting, however if funding is approved, the proposals to increase specialist provision across the District will provide a wider choice within their local communities, reducing need for out of District placements.

7.9 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

7.9.1 The City of Bradford Metropolitan District Council (the 'Council') is registered with the Information Commissioners Office (ICO). For more information about how the Council uses information, please refer to the general 'Privacy Notice' on the Council's website.

- 7.9.2 Children's Services will undertake a Privacy Impact Assessment to identify any data protection and information security matters arising from the proposals.
- 7.9.3 The legal basis for holding any data relating to buildings is contractual and may relate to tenancy or other property type agreements. General Data Protection Regulation (GDPR) principles relating to individual's rights will be fully respected.
- 7.9.4 Any need for partner agencies to share data would only be with the express permission of the service users in the full knowledge of why and what it would be used for. General Data Protection Regulation (GDPR) principles relating to any individuals' data and rights under the Data Protection Act 2018 will be respected.

8. NOT FOR PUBLICATION DOCUMENTS

9. OPTIONS

That Executive can decide to:

- 9.1 Approve the request to allocate £6.1 million Basic Needs funding to allow construction works at Bingley Grammar School to create suitable space for a specialist Resourced Provision (subject to further consultation and approval) and the enlargement of the school premises, increasing the overall capacity of the school.

Or

- 9.2 Reject the request to allocate £6.1 million Basic Needs funding to allow construction works at Bingley Grammar School to create suitable space for a specialist Resourced Provision (subject to further consultation and approval) and the enlargement of the school premises, increasing the overall capacity of the school.

10. RECOMMENDATIONS

- 10.1 Approve the request to allocate £6.1 million Basic Needs funding to allow construction works at Bingley Grammar School to create suitable space for a specialist Resourced Provision (subject to further consultation and approval) and the enlargement of the school premises, increasing the overall capacity of the school.

11. APPENDICES

None

12. BACKGROUND DOCUMENTS

Making significant changes ('prescribed alterations') to maintained schools. [\(link\)](#)