

## **TRAFFORD COUNCIL**

**Report to:** Executive  
**Date:** 24 June 2019  
**Report for:** Decision  
**Report of:** Deputy Leader and Interim Corporate Director Children's Services

### **Report Title**

**Education and Early Years Basic Need and SEND Capital Report**

### **Summary**

The Council has a statutory duty to provide sufficient places in schools and early years settings and a duty to meet the needs of children and young people with special education needs and disabilities (SEND).

To support the achievement of this duty, and to meet any risks in relation to school conditions and access, the Council has received Basic Need capital funding (for expansion of pupil places) of £18.102m for 2019/20 and an indicative allocation of nil for 2020/21. An allocation of £1.752m SEND Capital for 2018/19 to 2020/21.

This report further details and updates on the progress that has been made on existing projects to meet demand for places predicted in 2018.

The primary school admissions round has recently completed for September 2019. There is no requirement to provide urgent additional Reception spaces for September 2019 although the LA is exploring options for additional places in upper year groups, particularly Years 2, 5 and 6, where schools are operating at capacity or above.

Section 7: Proposed Options, sets out the Council's proposals to address the shortfall of Primary and Secondary places along with the proposals for the SEND Capital Grant.

All proposals are at the budget estimate stage and will be met from within the grant allocation available.

### **Recommendation**

That the Executive agrees the proposals contained within this report as the detailed capital programme for 2019/20, specifically -

1. Agree to carry out work to improve the facilities and expand provision for pupils with special education needs and disabilities (SEND) detailed in Appendix A: Proposed Capital Projects, SEND Capital Programme, Table 2.
2. Agree to the proposed options to meet the demand for primary and secondary school places, Section 2 and 3.

3. Note and agree the completion of previous schemes and the demand for early years places, Section 5.

Contact person for access to background papers and further information:

Name: Sarah Butters, Head of Service – Early Years and Access  
Karen Samples, Director of Education Standards, Quality & Performance

Extension: 912 1056 / 912 5100

Background Papers: None

Relationship to Policy Framework/Corporate Priorities	Ensuring a fair start for all children and young people Supporting our residents when they need it most
Relationship to GM Policy or Strategy Framework	Not Applicable
Financial	The estimated capital cost of the schemes, now recommended for approval in Appendix A, is £18.972m which can be financed by capital grant from the DfE.
Legal Implications:	All changes to schools' status, closure, expansion and amalgamation, and new schools, are subject to statutory processes, which will need to be adhered to as appropriate for each scheme. In addition, the Council has statutory duties in relation to the provision of school and early education places, including using its planning powers to secure provision.
Equality/Diversity Implications	Schools are subject to current legislation regarding Equality and Diversity
Sustainability Implications	School buildings are procured requiring successful contractors to meet required sustainability criteria.
Resource Implications e.g. Staffing / ICT / Assets	School buildings are assets that need to be maintained
Risk Management Implications	Operational risk of buildings closing if capital maintenance works not undertaken and insufficient school places
Health & Wellbeing Implications	The condition of School buildings affects the Health and Wellbeing of all staff and pupils.
Health and Safety Implications	All building work is subject to appropriate current Health and Safety/CDM regulations. Failure to respond to condition issues, which have health and safety implications, will find the Council in breach of the Health and Safety at Work Act.

**Key Decision:** Yes

**If Key Decision, has 28-day notice been given?** Yes

Finance Officer Clearance .....GB.....

Legal Officer Clearance .....JLF.....



**CORPORATE DIRECTOR'S SIGNATURE** (electronic)

To confirm that the Financial and Legal Implications have been considered and the Executive Member has cleared the report.

## 1.0 Background

- 1.1 There has been a rolling programme of capital expansion across Trafford Schools in order to ensure that the Council is able to meet its statutory duty in relation to the provision of school and early years' places. The Executive have previously approved the following schemes to increase capacity and the Table below shows progress to date.

<b>CAPITAL PROJECTS – PREVIOUSLY APPROVED SCHEMES</b>			
<b>EXPANSIONS</b>			
<b>School</b>	<b>Description</b>	<b>Progress</b>	<b>Additional Places</b>
2 Schools		Completed Sept 2010	140
3 Schools		Completed Sept 2011	420
3 Schools		Completed Sept 2012	203
2 Schools		Completed Sept 2013	210
4 Schools		Completed Sept 2014	770
5 Schools		Completed Sept 2015	553
Oldfield Brow	Expand from 1 to 2-FE	Completed Oct 2016	210
Brentwood	Relocate to Cherry Manor site and expand to 150	Completed Sept 2016	50
Worthington	Expand from 40 to 1.5-FE	Completed Sept 2016	35
Park Road, Sale	Expand from 45 to 2FE	Completed Sept 2017	105
Broadheath	Expand from 2FE to 3FE	Completed April 2018	210
Brooklands	Expand from 70 to 3FE	Completed Sept 2018	140
Gorse Hill	Expand from 50 to 2FE	On target June 2019	70
<b>Total:</b>			<b>3,116</b>
<b>CONDITION / SUITABILITY ISSUES</b>			
St Vincent's	Two additional classrooms to replace 2 very small first floor classrooms.	Complete Dec 2017	-

- 1.2 Most of the schemes detailed have been completed to target date and on budget. Projects in progress are all on target to complete in line with the agreed timetable.
- 1.3 The Council sets its priorities for the allocation of capital resources using these key principles:-
- Ensuring there is an appropriate level of school places so every child has a school place and parental choice is maximised;
  - Taking account of emerging and changing demographics, including inward migration;
  - Supporting “Good” and “Outstanding” schools;

- Using the learning environment efficiently to enhance the provision of vulnerable pupils;
- Ensuring health and safety issues are identified, prioritised and addressed;
- Supporting growth and economic investment;
- Making judicious use of public resources including supporting infant and junior school amalgamations and promoting full forms of entry into infant, junior and primary schools.

## **2. School Place Demand – Basic Need – Primary**

2.1 There are currently sufficient places to accommodate Trafford resident children entering primary school in September 2019. However, predictions for the future show a continuing increase in numbers in some parts of Altrincham and Sale at the normal point of entry and a steady influx of pupils into already oversubscribed areas.

### 2.2 Altrincham

#### i) Stamford Park Schools – Option 1 – preferred option

In order to meet the need for additional places, both at the normal year of entry and in upper year groups, the LA proposes that Stamford Park Infant School and Stamford Park Junior School, which together provide 70 places in each year group, be discontinued and replaced with a 3 form entry primary school so creating 20 additional places per year group in a central Altrincham location.

The current provision was built in the early 1900's and the condition of the existing buildings need investment. The buildings are currently undersized based on BB103 guidance and the existing School site is too tight for expansion. Infant classes are currently vertically grouped, that means that mixed age classes are employed. The need for mixed age classes would be removed by the expansion to 3 straight forms of entry.

and/or

#### ii) Willows Primary School – Option 2

The LA proposes that Willows Primary School, currently operating at 1.5 forms of entry (45 pupils per year group), be expanded to 2 straight forms of entry 60 pupils per year group, providing 15 additional places per year group. Classes are currently vertically grouped throughout the School. The need for mixed age classes would be removed by the expansion to 2 straight forms of entry.

### 2.3 Sale

#### i) Worthington Primary School

In order to meet the need for additional places, both at the normal year of entry and in upper year groups, the LA proposes that Worthington Primary School, which currently provides 45 places in each year group, be expanded to 2 straight forms of entry creating 15 additional places per year group in Sale East where the heaviest levels of oversubscription have been felt. The LA has recently taken steps to protect

priority for any additional places created for children living in the local area by combining the catchment area of Worthington Primary School with the catchment area for Templemoor Infant School. Again classes are vertically grouped throughout the School. The need for mixed age classes would be removed by the expansion to 2 straight forms of entry.

### **3. School Place Demand – Basic Need – Secondary**

#### **3.1 Altrincham**

##### **i) Blessed Thomas Holford Catholic College**

Blessed Thomas Holford Catholic College is a popular school giving priority to baptised catholic children attending a catholic primary school in Trafford. The School experiences high levels of over subscription and has admitted children, year on year, above the net capacity at the School. Facilities at the School are fast approaching saturation point and extra accommodation is required to ensure that the provision remains safe and fit for purpose. Blessed Thomas Holford is the major contributor to levels of oversubscription in the Altrincham area and the largest importer of pupils into the planning area. The LA proposes to fund works at the School in order to meet a published admission number of 290.

#### **3.2 Sale**

##### **i) Sale High School**

The LA proposes to fund works at Sale High School in order to support an increase in the Published Admission Number from 198 to 210. This will provide additional places in Sale East and is in line with the DfE's Calculation of Secondary Places Required in the Sale area; 33, equivalent to 7 places per year group.

#### **3.3 Stretford**

##### **i) Stretford Grammar School**

The School have bid to the Department for Education (DfE) for Selective Schools Expansion Fund (SSEF)

The Council wish to contribute to the Schools bid to increase their opportunity for success, as School have had previous unsuccessful bids to the DfE.

Stretford Grammar is an inclusive Grammar School and pupil premium children have achieved places at the School that otherwise wouldn't have.

### **4. Special Educational Needs and Disabilities (SEND) Provision Capital funding**

4.1 In March 2017 the Department for Education (DfE) announced all LA's would receive a share of the special provision fund, to make capital investments in provision for pupils with special educational needs and disabilities.

4.2 The allocation will support Trafford LA to create new places or improve facilities at existing schools and special educational needs providers. The funding is intended to

improve provision for children and young people with education, health and care (EHC) plans. The funding can be invested in mainstream schools and academies, special units, special schools and academies, early years settings, further education colleges or to make other provision for children and young people aged from 0-25.

- 4.3 Trafford LA allocation of SEND Capital Funding Allocation was originally £1,032,415. This was to be paid over three years from April 2018 onwards - £344,138 per year.

In May 2018, additional top up funding was announced for 2019/20, equating to another £240,096. Again, in December 2018, a second top up allocation was announced for 2019/20, equating to a further £480,193.

Trafford's overall SEND Capital Funding allocation totals £1,752,704, with £344,138 in 2018/19, £1,064,427 available in 2019/20 and £344,138 in 2020/21.

- 4.4 As per DfE Guidance consultation has taken place between 13 March 2019 and 26 April 2019 with parents and carers, schools and all other providers who offer special education provision to children and young people in Trafford including Trafford parent forum. Feedback from the consultation shows a good level of support for the schemes outlined by the LA. 55 young people attended the 2019 Let's Talk SEND conference. 133 agreed with individual scheme proposals, 13 disagreed with individual scheme proposals.  
28 online responses were received in 2019. 68 agreed with individual scheme proposals, 3 disagreed with individual scheme proposals.

- 4.5 In 2017/18 Trafford completed a review of small specialist class provision in primary schools and was pleased to find that children are well supported and outcomes are good. However there is a recognised gap for children moving into secondary provision. Discussions with special schools have also highlighted a small number of condition issues and improvements needed in special educational needs provision.

- 4.6 The 2019 proposals are in line with the consultation feedback received from the 2018 consultation around supporting development of the Secondary sector. A further consultation round was undertaken in March/April 2019 with the same stakeholders and will help inform the SEND Capital priorities for 2019/20 and 2020/21.

The consultation document included a further three proposed schemes:

- a) Expression of Interest requested

New Small Specialist Class in a further mainstream secondary school to support pupils with Autism Spectrum Condition (ASC). This would be for between 10 to 15 pupils per class with additional support from Educational Psychology, Speech and Language Therapy, Occupational Therapy and Healthy Young Minds

- b) Egerton High School

Increase provision from 56 to 65 places by Sept 2020. Provision of mobile accommodation to support increase in pupil numbers. The additional accommodation will allow School to develop a fitness suite and further therapy suite.

c) Manor Academy

Increase provision by 25 places, including a change in the sixth form age range to include a 3<sup>rd</sup> year (age 16-19).

Redevelopment of existing Sale West Development Centre into 4 classrooms to allow multi-use of this area and support increase in pupil numbers and age range.

4.7 The consultation document also included an update on the 2018 schemes.

a) Delamere School – hydrotherapy pool.

Following the outcome of the feasibility study to ascertain as to whether it is possible to refurbish or extend the existing pool or whether the development would require a new hydrotherapy pool, the preferred option is for a new hydrotherapy pool to ensure the School have fit for purpose facilities.

b) Pictor Academy

Further phase of additional hoists in the KS2 area to support the geographical primary special school model.

c) Gorse Hill Studios

Following a revised bid. The scheme for the contribution to create an accessible training kitchen and redevelopment of music studio is recommended for approval.

4.8 Estimated costings for options in 4.6 and 4.7 are detailed in Appendix A: Proposed Capital Projects, Table 2.

## 5. Free Early Education Places

5.1 The Council has a statutory duty under the Childcare Acts 2006 and 2016 to secure free early years provision for eligible 2, 3 and 4 year old children in their area. This entitlement is a part time place of 15 hour per week for the 40% most disadvantaged 2 year old children and all 3 and 4 year old children.

5.2 The statutory duty was extended by the Childcare Act 2016 to include an additional 15 hours per week entitlement for eligible 3 and 4 year old children. This 30 Hours Free Childcare scheme is for working families and it came into effect in September 2017.

5.3 Capital funding was secured for two schemes to ensure sufficient places for 30 Hours Free Childcare. Both schemes are complete and EFA funding has been claimed. Our Lady of the Rosary RC Primary School created a new 52 part time place nursery and Wellfield Infant and Nursery School expanded their existing nursery from 52 to 104 part time places.

5.4 Capital funding was recently secured for a scheme at Kings Road Primary School to secure the ongoing provision of early education places for vulnerable 2 year old children alongside expanded nursery provision to meet increased demand brought about by 30 Hours Free Childcare. This is being jointly funded from the corporate capital scheme and an early years capital grant. The scheme will see an increase of 52 part time places in the nursery class for 3 year old children alongside continued



provision of 40 part time places for 2 year old children which are delivered in partnership with a private provider on site.

- 5.5 Trafford has a buoyant childcare market and it is anticipated that in the majority of localities the private, voluntary and independent sector will naturally expand to meet any surplus demand. Ongoing sufficiency monitoring is taking place to ensure Trafford continues to meet its childcare sufficiency duties.

## **6. Financial Implications**

- 6.1 The allocation of Basic Need grant for 2017-18 was £6.273m (of which £6.220m was committed in the 2016 Education and Early Years Capital Report). Trafford had a nil Basic Need allocation for 2018-19, has £18.102m for 2019-20 and a nil allocation for 2020-21. Grant allocations are based on projections of pupil numbers across both the primary and secondary sectors. Although this is not a ring-fenced grant it is a Council priority to ensure sufficient primary and secondary school places exist.

- 6.2 The projects proposed in this report are at the budget estimate stage and are yet to be fully costed, the estimated capital expenditure of £18.972m can be financed from the following funding streams;

- Basic Need Capital Grant 2019-20 - £18.102m
- SEND Capital Grant 2018-2021 - £1.752m – See section 4.

Please note that whilst the schemes are being approved from the 2019/20 budget, the delivery of the projects will be phased across the next 2 – 3 years. Indicative estimates are that £3m will be incurred in 2019/20, £12m in 2020/21 and £3m in 2021/22.

## **7. Proposals**

- 7.1 The Council has expanded a number of primary schools and added 3116 new places during the last nine years including new accommodation set to open in September 2019.

- 7.2 Since the last report to Executive dated 11<sup>th</sup> June 2018 there have been no minor basic need schemes and no known schemes needed to meet demand for places for September 2019.

- 7.3 Following a thorough analysis of the options it is recommended to proceed with the following:

- a) Altrincham Option 1: Stamford Park Schools
- b) Worthington Primary School
- c) Blessed Thomas Holford Catholic College
- d) Sale High School
- e) Stretford Grammar School

- f) The SEND Capital Grant investment be used to create new places or improve facilities at existing schools and special educational needs providers to improve the provision for children and young people with education, health and care (EHC) plans. (See Appendix A: Proposed Capital Projects Table 2).

## **8. Legal Position**

- 8.1 It is important to note that the Council has a general duty under Section 14 *Education Act 1996* to ensure that there are available in its area sufficient schools in number, character and equipment to provide for all pupils the opportunity of appropriate education (s. 14 (2)). This general duty has been characterised as a target duty in *Meade v London Borough of Haringey* [1979], rather than absolute, though the Council must be able to show a reasonable cause i.e., an emergency, as to why it cannot fulfil the duty and it must take all statutory steps to overcome obstacles to its fulfilment (*R v Inner London Education Authority ex parte Ali and Another* [1990] COD 317).
- 8.2 In addition, the Education and Inspections Act 2006 amends Section 14 of the 1996 Act by inserting a new subsection (3A) to require LAs in England, when exercising their powers on the provision of schools in their area under that section, to do so with a view to securing diversity in the provision of schools and increasing opportunities for parental choice.
- 8.3 The Council has a statutory duty under the Childcare Acts 2006 and 2016 to secure free early years provision for eligible children in their area.
- 8.4 Under the Children and Families Act 2014 Section 27 the Council has a duty to keep education and care provision under review and consider the extent to which the provision is sufficient to meet the educational needs, training need and social care needs of the children and young people concerned.
- 8.5 In addition Section 42 of the Children and Families Act 2014 places a duty on the Council to secure special educational provision in accordance with a child's or young person's Education, Health and Care Plan.
- 8.6 The Council has a general duty under Section 2 of the Health and Safety at Work Act 1974 to provide a safe working environment and hence respond to condition issues, which have health and safety implications.

## **9. Other Options**

- 9.1 There is a second option within the Altrincham area. The expansion of Willows Primary School from PAN 45 to 60. However, this expansion would only provide 15 additional places in each year group and the school is not centrally located within the planning area. Option 1, the expansion of Stamford Park Schools from PAN 70 to 90 is the preferred option as this provides the places in the area they are required along

with removing significant condition and suitability issues with the current buildings which were constructed in the early 1900's.

If option 2 was to proceed and there be a budget saving compared to option 1, any saving would revert to Basic Need for re-allocation and be subject to a further report to Executive.

- 9.2 If the SEND capital schemes are not approved then improvements cannot be made to school buildings and facilities. There would continue to be a gap in local provision which could result in more pupils having to travel considerable distances to often more costly out of borough provision.
- 9.3 None of the Capital grants are ring-fenced and could be used for other Council priorities; however they meet the Council's Corporate Priorities of "ensuring a fair start for all children and young people" and "supporting our residents when they need it most".

## **10. Consultation**

- 10.1 Further consultation will be required as changes to schools' status including closure, expansion, amalgamation and new schools are subject to statutory consultation processes and these will be complied with for each scheme.
- 10.2 Individual consultation on the larger schemes has been carried out with appropriate Heads. Further, more detailed, consultation will be carried out with Heads and Governors if the schemes contained within the report are agreed.
- 10.3 There was a consultation for Special Educational Needs and Disabilities (SEND) Provision Capital Fund 2018-2021 from 13 March 2019 – 26 April 2019 to help inform the SEND Capital priorities for 2019/20 and 2020/21. The online survey was circulated to early years providers, schools, Trafford College, parents (Trafford's Parent Forum) and Young People, and available on the Trafford Council website for Trafford residents to comment. Feedback from young people was also received via the Let's talk SEND conference held on 7 March 2019.

## **11. Reasons for Recommendation**

- 11.1 To ensure compliance with the Council's statutory duties as highlighted in Section 8 - Legal Position.
- 11.2 To enhance facilities and expand the local offer of special educational provision in Trafford schools for children and young people with Education, Health and Care Plans.
- 11.3 To support Trafford's vision of Excellence in Education and ensure that pupils are able to thrive and achieve their educational outcomes through fit for purpose and high quality learning environments.

## Appendix A – Proposed Capital Projects

<b>BASIC NEED CAPITAL PROGRAMME – TABLE 1</b>		<b>£m</b>
<b>Allocation c/f from previous report (inc. 2018-19 allocation)</b>		<b>1.155</b>
<b>2019-20 allocation</b>		<b>18.102</b>
<b>Total</b>		<b>19.257</b>
<b>School</b>	<b>Work</b>	<b>Estimated Cost £m</b>
<b>Worthington Primary School</b>	Expansion in PAN 45 to 60	<b>2.000</b>
<b>Stamford Park Schools</b>	Expansion of PAN 70 to 90	<b>8.000</b>
<b>Sale High School</b>	Expansion in PAN 198 to 210	<b>1.000</b>
<b>Stretford Grammar School</b>	DfE bid to increase PAN	<b>0.160</b>
<b>Blessed Thomas Holford Catholic College</b>	Improve accommodation to support the PAN of 290	<b>6.800</b>
<b>Total Cost of schemes</b>		<b>17.960</b>
<b>Total Available</b>		<b>19.257</b>
<b>Balance still to allocate</b>		<b>1.297</b>

<b>SEND CAPITAL PROGRAMME – TABLE 2</b>		<b>£m</b>
<b>Allocation including two additional DfE ‘top-up’ allocations</b>		<b>1.752</b>
<b>Allocated in 2018/19 (June 2018 Executive Report)</b>		<b>0.740</b>
<b>Total Allocation available</b>		<b>1.012</b>
<b>School</b>	<b>Work</b>	<b>Estimated Cost £m</b>
<b>Additional funding</b>	Complete 2018-19 schemes due to revised budget estimates for the work.	<b>0.057</b>
<b>New Small Special Class</b>	Expression of interests required for a second SSC at Secondary level	<b>0.150</b>
<b>Egerton High</b>	Provision of mobile accommodation to support increase in pupil numbers	<b>0.340</b>
<b>Manor Academy</b>	Redevelopment of SWDC into 4 classrooms to allow multi-use of this area and support increase in pupil numbers and age range	<b>0.115</b>
<b>Delamere</b>	Additional monies to provide a new hydrotherapy pool. (£350,000 approved June 2018 report)	<b>0.270</b>
<b>Pictor Academy</b>	Phase 2 - further hoists in KS2 area	<b>0.030</b>
<b>Gorse Hill Studios</b>	Contribution to the creation of accessible training kitchen and redevelopment of music studio (Revision of unsuccessful 2018 bid)	<b>0.050</b>
		<b>£m</b>
<b>Total Cost of schemes to be undertaken in 2019/20 and 2020/21</b>		<b>1.012</b>
<b>Total Allocation Available</b>		<b>1.012</b>
<b>Balance still to allocate</b>		<b>0</b>