

TRAFFORD COUNCIL

Report to: Executive
Date: 25 January 2021
Report for: Decision
Report of: Deputy Leader of the Council and 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, £0m for 2020/21 and an allocation of £7.842m for 2021/22. 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 2019.

To ensure sufficient primary school places in Sale for the 2020 academic year, the LA negotiated:

25 additional reception places in the Sale area as an emergency measure;

35 places in Year 5; and

15 places in Year 6.

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 2020/21, specifically -

1. Agree to the reallocation of funding streams of Egerton High School and

Delamere School in order 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. Note the demand for primary and secondary school places, Section 2 and 3 and approve the proposal to expand Firs Primary from 2FE to 3FE as detailed in Section 7.
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 £5.180m 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.

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.

CAPITAL PROJECTS – PREVIOUSLY APPROVED SCHEMES			
EXPANSIONS			
School	Description	Progress	Additional Places
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	Completed June 2019	70
Worthington	Expand from 45 to 2FE	Completed Nov 2020	105
Blessed Thomas Holford CC	Expand to PAN 290	On target Oct 2021	400
Sale High	Expand from 198 to 210	Ongoing	60
Total:			3,681
CONDITION / SUITABILITY ISSUES			
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. There has been a small delay in some projects due to COVID-19, however projects in progress are all on target to complete in line with the revised 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 Primary Overview

In the 2020 admission round oversubscription was most prominent in Sale. On national offer day (16th April) 11 applicants, that had applied on time, could not be allocated a place at any of their preferred schools and could not be allocated a place at any other school within a reasonable distance because all those schools were oversubscribed. All 11 children lived in the Firs catchment area. In addition the LA received 39 late applications from Trafford residents. 4 of these lived in Sale and, again, they could not be allocated a place at any other school within a reasonable distance.

It was hoped that, as in previous years, sufficient vacancies would arise to enable local children to be accommodated. However, all the allocated places were confirmed as accepted. As a result, Trafford approached Worthington Primary School, where a planned expansion of 15 places for reception 2021 was already under way, to request that the school admit 15 additional pupils into the reception class. Worthington Primary School agreed to the measure and all 15 additional places were allocated. This did create some movement, allowing already allocated children to move to a preferred school. However, the 11 children in Sale East could still not be allocated a place at a local school. Instead places were allocated at St. Anne's C.E. Primary School in Sale West, and at Broadheath and Navigation Primary Schools in Altrincham.

It did become clear that sufficient movement was not going to happen and that a number of the 11 children affected were amongst the most vulnerable children in the area. In an emergency measure the LA approached Firs Primary School, and it was agreed that the LA would fund an additional teacher in order to allow the admission of up to 10 additional children without contravening infant class size Regulations. The 10 additional children are currently accommodated in the existing open plan reception class area although a more permanent accommodation will be required as the class moves through the School.

In upper year groups oversubscription is also an issue in Sale East and West. In the Sale East Planning area, 35 additional places have been accessed early in Year 5, 20 at Brooklands Primary School and 15 at Worthington Primary School. 15 additional places have been accessed in Year 6 at Worthington Primary School.

2.2 Stamford Park Schools Update

In January 2018, outside the presumption to amalgamate process, the LA began discussions with staff and Governors of Stamford Park Infant and Junior Schools

regarding a proposal to amalgamate the two schools on the basis that the LA would discontinue (close) both Stamford Park Infant School and Stamford Park Junior School and replace those schools with a new 3 form entry school in a new building. This was to be funded from Trafford's Basic Need Allocation which had been granted to provide additional places in the area. In February 2020 the school buildings were designated Grade II listing. As result, the proposed expansion to 3 form entry could not take place and, as a result, the proposal was abandoned. The LA is now undertaking consultation on the amalgamation of the 2 separate schools although the proposal does not provide any additional places. A review of options to enable the expansion from PAN 70 to 3FE is still underway. The £8m Basic Need funding approved for the expansion by Executive in June 2019 remains allocated to the provision of additional places and will be subject to a further, separate report to Executive outlining the available building options.

3. School Place Demand – Basic Need – Secondary

- 3.1 As in the primary sector, oversubscription in Sale West continues in the secondary sector and, every year, a number of vulnerable children from that same area affected by primary oversubscription, cannot achieve a place at the nearest non-selective school.

Based on the LA's annual SCAP submission the DfE have calculated that there is a short fall of 424 secondary school places across Altrincham and Sale. This is equivalent to 84 places in every year group. The LA has a general duty to provide sufficient places for all the children in its area. However, the DfE's calculations are based on the number of children attending a school in an area, whether they are Trafford residents or not. Since Trafford, and Altrincham in particular, is a net importer of pupils from outside the area the calculation is skewed towards Altrincham. However a significant number of pupils from Sale do seek places in Altrincham because they cannot achieve places at the preferred non selective school in Sale.

In the 2020 admission round 84 pupils resident in M33 were allocated places at Altrincham College or North Cestrian School. Officers are at the initial stage of exploring options for provision of additional places to ensure provision into the future.

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. Each young person had the opportunity to comment on 3 individual questions. 91% agreed with individual scheme proposals, 9% disagreed with individual scheme proposals. 28 online responses were received in 2019. Again, each person had the opportunity to comment on 3 individual questions. 96% agreed with individual scheme proposals, 4% 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 were 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 3rd 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 Building works have been completed for the schemes at Egerton High School, Manor High School, Pictor Academy and Gorse Hill Studios.

4.9 Building works are currently on site at Delamere School to provide a new fit for purpose hydrotherapy pool. However, in order to progress the scheme with the cost increase there is a request to re-allocate the Egerton High scheme from SEND capital to Basic Need in order to release further SEND capital for the scheme at Delamere. The adjustment to funding streams is detailed in Appendix A: Proposed Capital Projects, Table 2.

4.10 There are ongoing discussions between Officers and Schools for the further Secondary SSC provision.

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 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. The scheme has recently been completed.
- 5.5 Trafford has a buoyant childcare market and despite the challenges of Covid 19 it is anticipated that in the majority of localities the private, voluntary and independent sector will be able to meet demand. More in depth sufficiency and sustainability monitoring is taking place to ensure Trafford continues to meet its childcare sufficiency duties across the different parts of the early years sector in light of the changing economic landscape.

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 has Basic Need allocation for 2019-20 of £18.102m, nil for 2020-21 and an allocation of £7.842m for 2021-22. 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 £5.180m can be financed from the following funding streams;
- Basic Need Capital Grant 2021-22
 - SEND Capital Grant 2018-2021

As detailed in Appendix A: Proposed Capital Projects, Tables 1 & 2.

7. Proposals

- 7.1 The Council has expanded a number of primary schools and added 3681 new places during the last ten years including new accommodation set to open in November 2020.
- 7.2 Since the last report to Executive dated 24th June 2019 there have been no minor basic need schemes. There has however been an emergency provision introduced at Firs Primary to meet the demand for places for September 2020, along with bringing the places online early at Worthington Primary once the new accommodation was available in November 2020.

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

a) Firs Primary School

The Expansion of Firs Primary School from 2 forms of entry to 3 forms of entry providing 30 additional places in Sale West in each year group. In the first instance this will consolidate the 10 emergency places already allocated and provide places to meet the demand brought about by the proposed redevelopment of the Sale West estate. This proposal is planned to provide 170 to 267 additional affordable housing units within the Firs catchment area. The School is centrally placed within the Sale West area and is located on a public transport route which allows direct transport from Sale East and West Timperley, to the School. This means that, in addition to ensuring places for children living in the Firs catchment area and the joint Firs/Woodheys catchment area, in year applicants from other parts of Sale and Timperley can be accommodated within the requirements of reasonable travel times when other schools are oversubscribed. The School's site has the capacity to accommodate additional buildings and an expansion would enable the removal of a temporary building which is currently being used to accommodate permanent provision.

b) The revision of funding streams for SEND Capital Grant investment to be agreed in order for all approved schemes to progress. The schemes will 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 When considering the expansion of a school, the LA must consider the impact on neighbouring schools. The option to expansion Firs Primary School will meet the needs of both current and future catchment area children and allow the LA to accommodate in year applicants that cannot achieve places elsewhere. This option will create the least impact on other schools.
- 9.2 If the revision to funding streams for 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.

Key Decision: Yes

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

Finance Officer ClearancePC.....

Legal Officer ClearanceTR.....

CORPORATE DIRECTOR'S SIGNATURE *(electronic)*



Jill McGregor

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

Appendix A – Proposed Capital Projects

BASIC NEED CAPITAL PROGRAMME – TABLE 1		£m
Allocation c/f from previous report (June '19)		1.297
Savings from previous schemes		1.047
2021-22 allocation		7.842
Total		10.186
School	Work	Estimated Cost £m
Firs Primary School	Expansion in PAN 60 to 90	4.500
Egerton High School	Revise the funding stream from SEND capital to Basic Need	0.340
Total Cost of schemes		4.840
Total Available		10.186
Balance still to allocate		5.346

SEND CAPITAL PROGRAMME – TABLE 2		£m
Allocation including two additional DfE ‘top-up’ allocations		1.752
Allocated in previous Executive Reports		-1.752
Re-allocation of Egerton High scheme as a Basic Need funded project		0.340
Total Allocation available		0.340
School	Work	Estimated Cost £m
Delamere – new Hydrotherapy Pool	Previous reports have approved £0.620m Estimated cost is now £0.960m	0.340
		£m
Total Cost of schemes to be undertaken in 2020/21		0.340
Total Allocation Available		0.340
Balance still to allocate		0.000