

**NORTH SOMERSET COUNCIL  
DECISION**

**DECISION OF: EXECUTIVE MEMBER FOR CHILDREN'S SERVICES &  
LIFELONG LEARNING  
WITH ADVICE FROM: SHEILA SMITH, DIRECTOR OF PEOPLE &  
COMMUNITIES  
DIRECTORATE: PEOPLE & COMMUNITIES**



**DECISION NO: 2019/PC19**

**SUBJECT: EXPANSION OF BAYTREE SPECIAL SCHOOL**

**KEY DECISION: Y**

**1. BACKGROUND:**

- 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. Since 2015 the numbers of North Somerset children with an Education, Health and Care Plan (EHCP) has risen from 534 to 948. Currently 78% (740) of children and young people are educated within North Somerset with the remaining 22% (208) educated outside the area or receiving alternative provision. The Council supports 'local schools for local children' and seeks to secure appropriate provision for pupils with ECHPs as close to their home as appropriate.
- 1.2 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 primarily by Baytree Special School.
- 1.3 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 financed 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 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 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.

- 1.4 Approval is sought to start consultations and the statutory process 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. Due to the limitations of the current Baytree Special School site, the expansion would need to be on a 2<sup>nd</sup> site within the district. Following the request of Councillors at a CYPS Policy and Scrutiny meeting on 20 June 2019, a further review of potential sites is being progressed and a separate Decision Sheet on a potential site will be submitted.
- 1.5 The Council has a statutory duty to secure sufficient school places for its school-aged residents.

#### **DECISION:**

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.

#### **2. REASONS:**

- 2.1 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.
- 2.2 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.
- 2.3 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.

- 2.4 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. OPTIONS CONSIDERED:**

- 3.1 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.

### **4. FINANCIAL IMPLICATIONS:**

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

#### **Costs – Revenue**

- 4.2 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.
- 4.3 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 (HNB). The HNB has a current deficit of -£2.375m, which has grown, in particular over the last 3 years. 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.

#### **Funding – capital**

- 4.4 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.
- 4.5 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.

- 4.6 The above budget assumes the use of a council-owned site. A separate approval for a named site will be submitted.
- 4.7 Any recommendations for an increase in the numbers of pupils to attend the school on a 2<sup>nd</sup> 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.

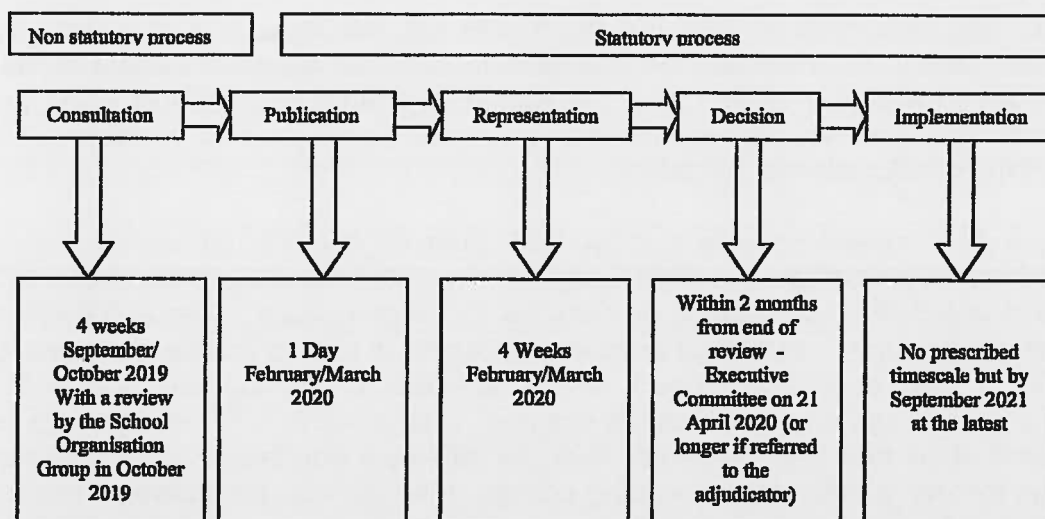
Representatives of the school and officers are working together to further advance any building plans in time for implementation by September 2021.

## **5. LEGAL POWERS AND IMPLICATIONS**

- 5.1 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.
- 5.2 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.
- 5.3 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.'

## **6. CONSULTATION**

- 6.1 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.
- 6.2 For the LA to progress any school-based changes for Baytree Special School the following consultation process would be followed:



6.3 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. 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.

6.4 The Children & Young People's Policy and Scrutiny Panel considered a report at their meeting on 20 June 2019 - <http://apps.n-somerset.gov.uk/cairo/docs/doc29644.pdf> Following considerable debate the Panel determined to support the officer recommendation as shown above with an added requirement to ensure that the Executive Member responsible for securing a site for the new school is appraised of alternative options to the one mentioned in the report – Brookfield Walk, Clevedon. This submission seeks support for the commencement of the statutory process to expand Baytree Special School. A separate Decision Sheet will be jointly submitted to the Executive Member for Business, Economy and Employment and the Executive Member for Children's Services and Lifelong Learning seeking permission to progress the plans for expansion on a site.

6.5 Due to the need to have new provision in place for the 2021/22 school year, 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.

## **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 out-weigh 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.

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.

7.6 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.

7.7 Any risks in relation to a site for the new provision will be included in the site approval request.

**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.

**BACKGROUND PAPERS**

CYPS Policy & Scrutiny Committee - <http://apps.n-somerset.gov.uk/cairo/docs/doc29644.pdf>

**SIGNATORIES:**

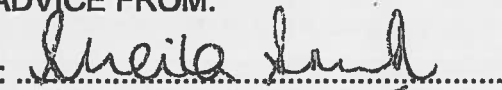
**DECISION MAKER(S):**

Signed: 

Title: *Executive Member, Children's Services and Lifelong Learning*

Date: *10.7.19*

**WITH ADVICE FROM:**

Signed: 

Title: *Director, People & Communities*

Date: *10.7.19*

Signed: \_\_\_\_\_

Title: \_\_\_\_\_

Date: .....

**Footnote: Details of changes made and agreed by the decision taker since publication of the proposed (pre-signed) decision notice, if applicable:**