

North Somerset Council Decision



Decision Of: the Deputy Leader of the Council and Cabinet Member for Children's Services, Families, Skills and Lifelong Learning

With Advice From: Director of Children's Services and the Head of Strategic Place Planning & Capital Programmes
Directorate: Children's Services

Decision No: CY106 (2025/26 scheme)

Subject: Expansion of Baytree School from 120 to 160 places to help meet the increasing demand for pupil places for those with Severe and Profound Learning Difficulties

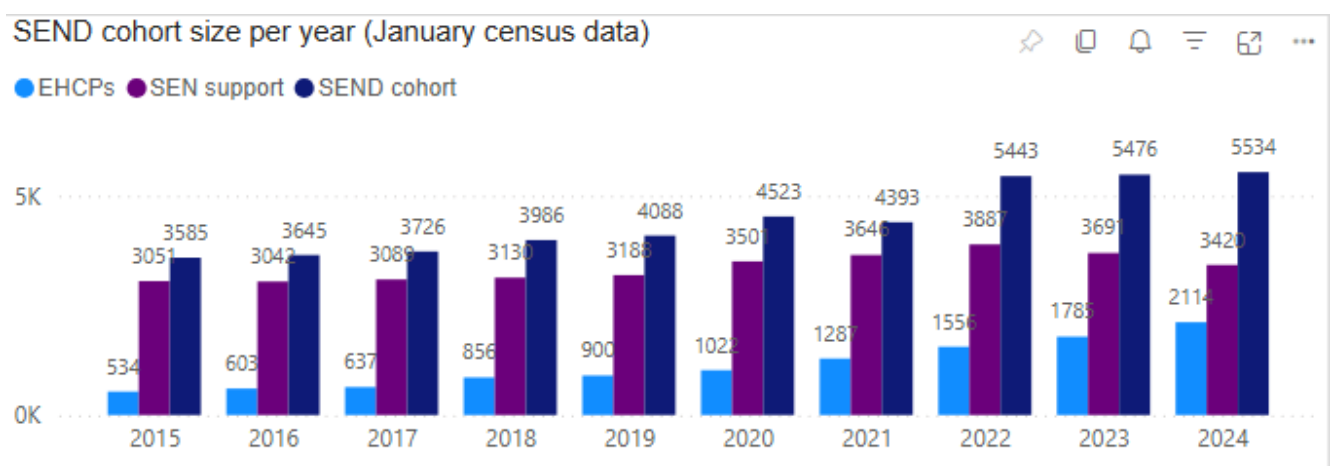
Key Decision: YES

Reason: Pupils attend Baytree School from across all parts of North Somerset.

Background:

Demand for all special school places across North Somerset continues to grow and this includes pupils with Severe and Profound Learning Difficulties. This is due to demographic growth and an increase in the numbers of pupils with these learning characteristics. The resulting outcome is a deficit of local places with more children needing to access education in costly out of the district establishments. Local schools are full, and demand continues to rise.

The LA is statutorily responsible for finding and funding appropriate SEND school places. Place demand is already exceeding local supply – see below.



The Council's Executive agreed an expansion of Baytree School to operate over two sites on 27 April 2022. The school's second site in Clevedon opened in February 2024 and was designed to offer provision to between an additional 65 to 85 pupils. Initially it was agreed

that Baytree should offer up to 120 places in total across both sites. Physically however the 2nd site was also future proofed to allow for at least 160 places to be physically available across both locations.

The Council's agreed School Place Planning Strategy 2024-27 [n-somerset.gov.uk/sites/default/files/2024-09/School_Place_Planning_Strategy_final.pdf](https://www.n-somerset.gov.uk/sites/default/files/2024-09/School_Place_Planning_Strategy_final.pdf) supports plans to increase the numbers of places available to pupils with SEND and notes the potential for Baytree School's Place Value to increase to at least 160, subject to public consultation. The School Place Planning Strategy also supports the provision of local schools for local pupils, including those with SEND where appropriate. Increasing the place value of Baytree School would increase the numbers of permanent available places from the current 120 places (dependent on the needs of pupils) to up to 160 places.

Decision:

To approve the commencement and full process of consultations to expand Baytree School from their current place value of 120 places to 160 places (to be determined as part of the consultation) to further meet the needs of pupils with Severe and Profound Learning Difficulties (SPLD).

Reasons:

The Council has a statutory duty to meet the school place needs of all children and young people. This includes those with profound and severe learning needs for whom, without this expansion, there is a deficit of places locally.

Special schools can be considered for expansion when they are classed by OfSTED as good or outstanding, there is a proven demand for places, where any building works will increase capacity but also enhance and assist to resolve condition issues, and where the increase fits with the Council's strategic principles as outlined in its commissioning strategy. Baytree School was rated 'Outstanding' in all categories at their most recent OfSTED inspection in September 2024. There is a proven demand for new places and the two school sites already have the capacity for up to 160 pupils.

Options Considered:

To not increase the place value and rely on meeting the needs of North Somerset pupils through commissioning places at schools and other settings outside of this area.

Financial Implications:

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 Council's Pupil Referral Unit but also SEND Top Up Funding and placements for pupils in independent and private non-maintained schools.

No capital scheme is required as the school has already been expanded to meet additional place needs.

Costs and Revenue Funding:

Additional funding is available to schools that have a significant pupil growth during a financial year. For special schools, based on the current policies, the funding the school will receive from existing budgets is as below:

- i. If numbers exceed the places agreed when the individual school's budget was allocated, then the school will receive 1/12th of the place funding for each place each month that the places are exceeded.
- ii. The school will also receive Top-up Funding (TUF) for these pupils appropriate to their needs and in accordance with the banding agrees with the Strategic School's Forum.

The school's budget for the 2026/27 school year is likely to be set by the Strategic Schools Forum by 28 February 2026.

It is likely that for the 2026/27 school year, if the pupils that could be allocated places at Baytree School within an higher PV were to be educated outside of North Somerset, the likely cost of their placements per annum would be in the region of an average of £90,060 per annum per student. (This includes a 'Top-Up' funding allocation based on an individual pupil's needs and the £10,000 per place funding to purchase a placement in a special school outside of the district over and above that school's capacity). The per pupil cost at Baytree School is around £38,523 per student. The change could potentially save the High Need budget over £2m pa.

In addition, there would be home to school transport cost savings that are dependent on the journey length and numbers of pupils in each vehicle.

This proposal will, due to increasing pupil numbers, have an impact on Baytree School's revenue budgets and on the High Needs budget. Special Schools are funded based on Place Values – the numbers of places to be commissioned in any period – and not pupil admission numbers.

Schools also receive Top-Up Funding paid through a banding allocation to pay for the bespoke needs of individual students.

The Dedicated Schools Grant has a current projected deficit at the end of 2025/26 of - £45.576m. The Strategic Schools' Forum (SSF) have agreed in principle to continue transferring 1% from the schools' block to the High Needs Block for the financial year 2026/27 due to the deficit and pressures on the High Needs Block (the movement of funding requires DfE approval each year).

Legal Powers and Implications:

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.

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.

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.'

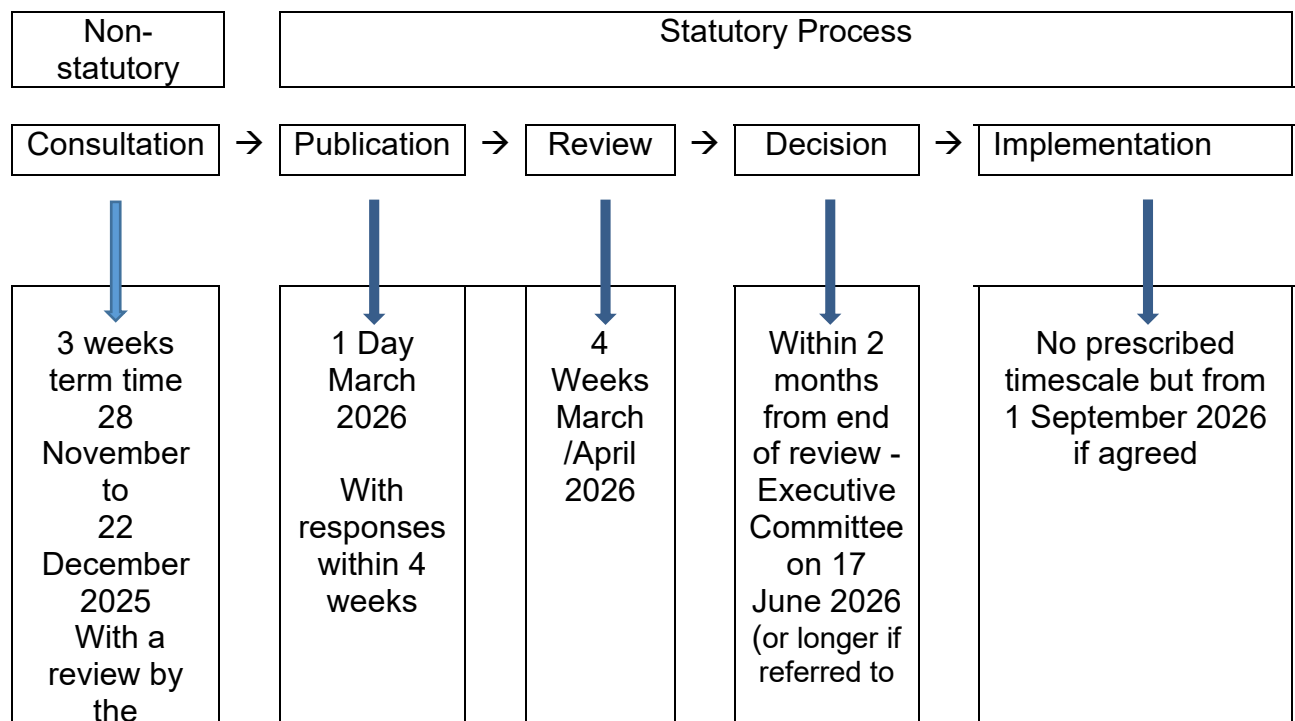
Climate Change and Environmental Implications:

The nature of Baytree pupils' needs is such that most are likely to be taken to school on minibuses that will be accommodated on site. Often pupils qualify for free home-to-school transport. The Council is committed to becoming carbon neutral by 2030. Reducing the journey lengths of pupils attending special schools, some of whom may have to attend schools outside of the area if they cannot be allocated a school place more locally, will assist with this commitment.

Consultation:

The 'Making Significant Changes (prescribed alterations) to Maintained Schools ~ Statutory Guidance for Proposers and Decision Makers – October 2018 recommends that Local Authorities should 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.

A proposed timeline is shown below:



Governing Body, Children & Young People Policy & Scrutiny Working Group, Executive Member and senior Children's Services staff in January 2026			the adjudicator)	
--	--	--	------------------	--

If the decision is likely to be significant or receive significant public interest, then the Council's Cabinet is the body that will need to determine whether the place value should be increased. It can agree with the proposal, agree to the proposals with certain conditions or reject the proposal. However, if after the review of the non-statutory consultation, this is deemed to be a non-contentious decision, the decision can be taken by the Deputy Leader of the Council and Cabinet Member for Children's Services, Families, Skills and Lifelong Learning.

The legislation requires a decision to be referred to the Decision Maker within two months of the end of the consultation period (the end date for the Statutory Notice). Allowing for the four-week review period, the first Cabinet Committee meeting date is likely to be June 2026. If the decision can be made by the Deputy Leader of the Council and Cabinet Member for Children's Services, Families, Skills and Lifelong Learning, then it is possible it could be made in April/May 2026.

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 include 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 MPs; 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.

It is good practice to undertake open early consultations before the publication of a Public Notice. These consultations are key to understanding the needs of the pupils and wider community that this school serves. They also help to clarify the intention of the change and allay any fears.

Risk Management:

Whilst early consultations with the public are not statutory, it is important that the strategic plans and commissioning strategies the school and Council wishes to pursue in relation to its SEND 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.

In expanding current schools, the Council must be mindful not to compromise the educational opportunities available to pupils prior to the expansion. The school will need to manage increases in pupils and staff numbers. Having new staff can bring benefits of wider experience and expertise that can be available to all the pupils.

Equality Implications:

If permission is granted to commence consultations, an EIA will be undertaken prior to the start of this process.

Corporate Implications:

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 severe and profound learning difficulties and that local resources are used effectively across the whole district.

Appendices:

None

Background Papers:

North Somerset School Place Planning Strategy 2024-2027 <https://n-somerset.gov.uk/sites/default/files/2024-09/School%20Place%20Planning%20Strategy%20final.pdf>

Signatories:**Decision Maker(s):**

Signed:

Title:

Date:

With Advice From:

Signed:

Title:

Date:

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: