Report to: EXECUTIVE CABINET

**Date:** 23 June 2021

**Executive Member:** Councillor Leanne Feeley – Executive Member – Lifelong Learning,

Equalities, Culture and Heritage

**Reporting Officer:** Richard Hancock – Director, Children's Services

Subject: NEW BUILDING FOR HAWTHORNS SCHOOL

Report Summary: This report informs members of the need to increase places at

Hawthorns School, an outstanding school providing specialist education for primary aged children with an Education, Health and

Care Plan (EHCP).

**Recommendations:** It is recommended that:

 A budget of £13m of Basic Need funding is allocated to the expansion and relocation of Hawthorns School to 220 places on

the Longdendale Playing Field site.

That the LEP is instructed to develop the design of the expanded / relocated Hawthorns School to RIBA Stage 3 and carry out site investigates as required to inform the development. With a

target of opening in September 2023.

3. The issue of revenue funding be pursued with DfE as a matter

of urgency.

**Corporate Plan:** The proposals contained within this report will support the delivery of the Community Strategy, through the delivery of sufficient and

suitable places to meet anticipated increased demand in 2022/23.

Policy Implications: To deliver efficient and effective school places nd reduce costs of

doing so.

Financial Implications: (Authorised by the statutory Section 151 Officer & Chief Finance Officer)

Capital: The Council had £12,010,447 of Basic Need available to spend in 2020/21 and notification has been received of additional allocations of £12,231,816 for 2021/22 and £6,348,338 for 2022/23, totalling £30,590,601. There is currently a commitment against this of £11,511,512 relating to previously approved earmarked schemes (£11,489,500) and commitments due to outturn spend for 2020/21 (£22,012). There is £19,079,089 available to allocate. This report requests approval of £13,000,000 which along with the separate requests in a separate agenda item for other specialist provision totals £14,016,000.

There is also a separate report going to Strategic Planning and Capital Monitoring Panel (SMCMP) on 5 July 2021, which is requesting approval of £827,100 for other basic need schemes. If approval were given for all requests, this would result in unallocated basic need funding of £4,235,989. In order to afford all requests, future years funding would need to be committed. It is uncertain whether the remaining balance will be sufficient to meet future demands.

Revenue: The Council's High Needs funding within the Dedicated Schools Grant is already in deficit (£1.8m at 31 March 2021). Section 5 of the report explains how the construction of a new building (as opposed to a new school) will increase that deficit by

£0.480m per annum due to current national funding arrangements being restricted to new special schools. Dialogue is currently taking place with the DfE in an attempt secure additional revenue funding (that would automatically flow from a Free School application) as we consider that the Council's actions are not incompatible with government policy.

It is important this anomaly in funding arrangements is pursued as the Council would be deprived of £0.480m each year with no obvious means how to make good the shortfall. Therefore at this stage it is not recommended that full approval is given to the commissioning of a new building. Instead it is recommended that approval is given to proceed with RIBA stage 3 works. This would minimise delays in construction and the work should be helpful in a new school route to construction if that avenue becomes a necessity.

It is recommended that a full business case be brought forward for the proposals outlined at 4.8 once members have decided on the future use of the resulting vacant site. Depending on the proposed use this again may have an impact on the High Needs deficit.. This proposal should be subject to a formal governance route.

If Members agree to continue with the RIBA 3 works and the scheme did not progress due to the Special Free School Process being accessed, these costs may need to be treated as abortive costs in the Council's accounts and £0.538m revenue funds would need to be found to pay for this. This will be explored further with the Council's external auditors.

Legal Implications: (Authorised by the Borough Solicitor)

Members will note that in light of the financial implications a recommendation is only being sought to proceed with the RIBA stage 3 works which should minimise any delay if the full project is to proceed but also to assist and inform the Free School route.

Any works will be carried out under the LEP contract on the standard terms. Any variation of those terms should only be agreed once advise has been taken from legal and finance.

Even in relation to the preparatory work Members need to be content that the work is necessary and represents good value and the best use of finite funds.

**Risk Management:** 

The proposals contained in this report are necessary to ensure that the Council has access to sufficient places in the borough for pupils needing specialist provision. Failure to expand the current provision will result in the Council being unable to fulfil its statutory duty to provide sufficient places for children in the borough and will result in additional revenue implications should specialist out of borough places be needed to meet the needs of children with Education, Health and Care Plans.

**Background Information:** 

The background papers relating to this report can be inspected by contacting Catherine Moseley – Head of Access Services

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#### 1. INTRODUCTION AND BACKGROUND

- 1.1 All local authorities have a statutory duty to ensure that there are sufficient school places to meet demand in their area. Planning for fluctuations in demand for school places is an important function which needs to be carried out at a local level and will differ depending on the phase of learning, for example, pupils will travel further to secondary schools than primary schools. The compact geography of the borough and the mix of types of school, for example, single sex means that place planning happens at a level higher than wards or towns.
- 1.2 School place planning is a complex process that takes account a range of factors including the number of births in the borough, in year movement and cohort survival rates (how many children move from one year to the next) as well as parental preference and planned housing development. With rapid shifts in economic conditions for families and changing patterns of migration, planning for basic need for school places requires a proactive approach to best respond to both short and medium-term demand for places.
- 1.3 The Council has been proactive in tackling the issue of a 27% rise in births and a 24% increase in pupils starting primary schools over the last few years whilst also managing to maintain high levels of meeting parental preference.
- 1.4 The Published Admission Number (PAN) has been increased at many primary schools and overall by almost 18% from 2734 places in 2009/10 to 3195 places currently and we are now increasing secondary school places. In 2010, there were 2582 pupils in Year 7 and for September 2021, there are 3239 places available. With the cooperation of secondary schools across the borough, it is predicted that will be sufficient places for predicted demand for the next few years. However, major new housing developments will require additional places to be factored over a number of years.
- 1.5 As the numbers of pupils in mainstream schools increases, so does the number of pupils in specialist provision. In 2014/15, there were 519 children with a statement of special educational needs. As of January 2021, there were 1738 children and young people with an Education, Health and Care Plan. There has been some expansion of specialist provision in the borough but more is needed to ensure that needs are met appropriately and within the borough if possible.
- 1.6 The Council's strategy and plans to meet future forecast demand are approved by Executive Cabinet at least on an annual basis when school admission arrangements are also determined. The latest approval was on 27 January 2021. Progress on all education capital projects is reported to Strategic Planning and Capital Monitoring Panel.
- 1.7 Most of these increases in pupil numbers and admission numbers have necessitated capital work to expand the accommodation available in some of our schools. This has been funded through the Basic Need Grant from the Department for Education. Between 2011 and 2019, the Council received a total of £42,745,350 to fund additional places in the borough. A further £12,231,816 has been allocated for 2021-22 and £6,348,338 for 2022-23. In addition to Basic Need Funding, the Council has also received an allocation of £1,075,921 for the period 2018 21 from the special capital fund for provision in specialist settings.

### 2. SPECIALIST PROVISION CAPITAL PROJECTS

2.1 As with primary and secondary schools, there have been some permanent increases in places across the special school estate. For example, an additional 60 place Autism Spectrum Condition unit was built at Samuel Laycock School and Oakdale Primary School has expanded provision through remodelling of nursery space and the Children's Centre. Following the fire at Cromwell School in 2016, some additional accommodation was provided as part of the rebuild.

- 2.2 However, there has been a significant increase in children requiring specialist provision over recent years. The SEND Forward Plan 2019-22 was developed with parents and carers, schools and other education providers and professionals working in the area of SEND, and children and young people to set out what the Council will do to develop and improve education provision for children and young people with SEND in Tameside. The plan will also develop and be refined as time goes on so, if needed, to ensure the actions are the right ones.
- 2.3 One of the intentions clearly set out in the Plan is that the Council wants all children and young people with SEND in Tameside to be able to attend a school or provision as close to their home as possible.
- 2.4 Tameside currently maintains 1780 Education Health and Care Plans (EHCPs). The number of plans maintained has been rising steadily since 2017. The number of EHCPs in Tameside has more than doubled since 2017, when the Local Authority maintained 828 plans. Tameside is now in line with our statistical neighbours, with EHCPs representing approximately 3.4% of the population. We can confidently conclude therefore that the growth in EHCP's was appropriate and necessary. However, this exponential growth in EHCPs has placed significant additional strain on specialist providers and resource bases across Tameside. The rapid rate of the growth in EHCPs in Tameside has been such that it was never going to be possible to plan and deliver provision sufficiency at the same rate. This has inevitably created pressure on placements for children with EHCPs, and particularly across the specialist sector, where all schools are currently oversubscribed. This is also true of our specialist resource bases. It is therefore imperative that we create additional provision in order to appropriately accommodate these vulnerable learners.
- 2.5 The table below shows our specialist provision across Tameside in both specialist schools and resource bases and illustrates the pressure on our existing provision. It highlights the need for additional resource bases and the expansion of some of our existing specialist schools.

School	Actual number	Commissioned number 2020	Commissioned number 2021
Hawthorns	141	114	140
Thomas Ashton	92	77	90
Cromwell (inc 6 <sup>th</sup> form)	97	110	116
Samuel Laycock	178	170	170
Oakdale	136	125	130
Oakfield	13	8	8
Linden Road	4	8	8
Russell Scott	4	5	6
St John Fisher	16	12	15
Hyde High	2	2	2
St Thomas More	18	14	19
Pupil Referral Service	40	20	34

2.6 There are currently 181 pupils attending schools and colleges outside of Tameside. These are attending other local authority special schools, independent, non-maintained schools or special free schools or special academies outside of Tameside. This means a number of pupils are often not being educated close to their home. This puts more pressure on the budget, both for special school provision and for transport particularly for more complex needs including ASC. The remainder of these children and young people attend a range of establishments such as further education colleges and other local authority mainstream schools.

- 2.7 The Forward Plan identified the following priorities for additional provision:
  - Develop sixth form provision at Cromwell High School
  - Increase special school places for primary aged children at Hawthorns School
  - Create a short term nurture provision for Key Stage 1 pupils within Thomas Ashton School
  - Increase the amount of resourced provision across the Borough with a focus on the main areas of need: SEMH, ASC and the prevalence of MLD so that there are at least three Resource Bases, capable of supporting 10 pupils, in each Neighbourhood. This would entail either having existing space refurbished, or extensions built.
- 2.8 A report on additional specialist provision is being considered by Executive Cabinet at its meeting in June 2021.

# THE NEED TO INCREASE SPECIAL SCHOOL PLACES FOR PRIMARY AGED CHILDREN AT HAWTHORNS SCHOOL

- 3.1 Hawthorns School is an outstanding primary special school located within the Audenshaw area of Tameside and caters for pupils with a range of complex special educational needs aged between 4-11 years old. The school is an academy and part of New Bridge Multi Academy Trust. As a result of growing pupil numbers and to meet expected need for additional places, there is a need to provide additional accommodation to accommodate both the current number of pupils enrolled at the school and the increases in admissions forecast over the coming years.
- 3.2 The main school building was originally constructed in 2006/07, the main building and site is shared between Hawthorns School and Aldwyn Primary School, a mainstream primary school.
- 3.3 The area of the school building designated as Hawthorns School was originally designed to accommodate 60 pupils. In 2015, it was identified that additional accommodation was needed and so a joint scheme to expand both Hawthorns School and Aldwyn Primary School was developed. The scheme for Hawthorns School included internal remodelling to create an additional classroom and a new build classroom. The internal remodelling work was completed. However, for a number of reasons, the joint external build scheme has not progressed as quickly as would have been ideal and so the opportunity has arisen to reconsider the scheme given the significant increase in pupil numbers at the school.
- 3.4 There are 141 pupils currently on site, more than double the number the school was originally built for. A four classroom demountable extension is currently on site to help the school accommodate the additional pupils but this is not a permanent solution and does not reinstate staff space already utilised for additional pupils. The demountable was the subject of a previous grant agreement for £300,000 with New Bridge Academies Trust.
- 3.5 The Inclusion Service have commissioned a space utilisation company, Space Solutions, to analyse the existing space in our specialist schools and to advise if the existing provision was fit for purpose. This work highlighted in particular the difficulties currently faced by Hawthorns School. They provided the following information:
  - "With the caveat that at one group of modular building rooms remains unaccounted for, the building overall net and gross areas are significantly below the benchmark minima as set out in regulation BB104... All key groups of support spaces are under minimum recommended areas for current pupil numbers, and it needs to be recognised that some administrations spaces are shared with Aldwyn Primary School... Therefore, regardless of the capacity of teaching spaces, it is very unlikely that there is scope to increase pupil numbers without significantly extending the building. There is also a challenge over useable external space, which is significantly less than might be required, even without factoring in the loss of space

caused by the additional of temporary teaching spaces. Unless additional land can be acquired, extending the existing building to provide additional space would only further decrease available outdoor space."

- 3.6 This position cannot be allowed to continue and so a number of potential options have been considered to accommodate both the current number of pupils enrolled at the school and the increases in admissions forecast over the coming years to enable a total of 220 pupils to attend the school. This would mean that children could attend school in their home borough rather than having their needs met at schools in other areas.
- 3.7 A number of short term alternative accommodation options to reduce the number of pupils in the current Hawthorns School buildings are being considered with the aim of being available from September 2021. The New Bridge Multi Academy Trust are working with Victorious Academies Trust to identify and secure additional accommodation for September 2021.

#### 4 OPTIONS APPRAISAL FOR A NEW BUILDING

- 4.1 A RIBA stage 1 site options appraisal has been undertaken by the LEP and only one Council owned site that is not already committed to disposal or another operational use, has been found that can accommodate an outline business case. This site is Longdendale playing field, adjacent to the Active Longdendale facility.
- 4.2 The site appraisal looked at three options for the future of school places:-

Option 1 150 Places (Keep 70 places at Existing Hawthorns School)

Option 2 220 Places (Move all Hawthorns School to new build)

Option 3 460 Places through School (Move all Hawthorns School to new build)

The cost estimate for these 3 options are:-

Option	LEP Estimate	+ FFE + Zero Carbon Commitment	+ Internal and Legal	+ 10% Contingency	Total*
Option 1	£6.5 - £9M	£400k	£250k	£715k - £965k	£7.865m – £10.615m
Option 2	£9.5 - £11m	£500k	£250k	£1.025m – £1.175m	£11.275m- £12.925m
Option 3	£18- £22m	£800k	£300k	£1.91m - £2.31m	£21.01m - £25.41m

<sup>\*</sup>Excludes any allowance for Abnormal Ground Conditions/ MUGA

- 4.3 The LEP have indicated a cost to proceed to RIBA Stage 3 (Includes developing design up to a Planning Application)
  - a. Option 1: 150 School Places (Keep 70 places at Existing Hawthorns School)
    - i. £490.992.03
  - b. Option 2: 220 Places (Move all Hawthorns School to new build)
    - i. £537,782.75
  - c. Option 3: 460 Places through School (Move all Hawthorns School to new build)
    - i. £789,836.30
- 4.4 There are 2 options for the delivery of this project. As Hawthorns School is an academy, the Council could chose a design and build contract funded through a grant agreement to the

New Bridge Multi Academy Trust. Alternatively, the Council could be responsible for a design and build scheme.

- 4.5 If the LEP were to deliver the scheme they have indicated a potential programme of:-
  - (a) Tameside Council approval June 21 Instruct Riba Stage 3
  - (b) RIBA Stage 3 Completion November 21 (Planning Submitted Dec 21)
  - (c) Practical Completion: June 23
- 4.6 It is recommended that the Council pursue option 2 as outlined in the options appraisal for the following reasons:
- 4.7 Option 2 would provide Hawthorns School with sufficient space to accommodate current and future demand for places on one site. The school would be purpose built using the area guidelines for SEND and alternative provision as outlined in the Department for Education's Building Bulletin 104. As demonstrated by the increasing numbers going into the school over recent years, the school is very popular with parents and it is an outstanding school. The current site was considered at the initial stages of the feasibility study but it was quickly discounted as it does not have sufficient space to expand on a permanent basis and a new build on a new site is the only option to increase specialist primary places for the school. A move to another site will need meticulous planning to ensure a smooth transition for all of the children but the transition would only be necessary once. Building on a new site would mean that the build would be completed without interruption for children at the school and the adjacent Aldwyn Primary School where building work is also currently underway.
- 4.8 Option 2 presents opportunities for the school and Trust to work with the Active Longdendale provision. A consultation is underway on the future of a number of Active Tameside sites including Longdendale, the results of the consultation are currently being analysed and will be presented to Executive Cabinet in July. The development of a new school on the Longdendale Playing Fields site may present opportunities for the New Bridge Multi Academy Trust to potentially work with the provision (buildings and pitches) and support the development of inclusive learning opportunities in a community environment. This will be considered as part of the consultation.
- 4.9 Whilst Option 1 is the lowest cost option, this would mean that the school would be operating on a split site model with significant distance (over 8 miles driving distance) between the two sites. This would increase the running costs of the school as it would incur additional, unavoidable costs. These would include additional: reception, cleaning and caretaking staff; head cook and senior mid-day supervisor; senior leadership to manage each separate site, models might include introducing Heads of Schools; travel costs to facilitate whole school staff training and meetings and the means to transport resources, deliveries and mail. There would be additional pressure on the Dedicated Schools Grant as there would be an additional split site payment to cover the costs highlighted.
- 4.10 Dependent on how Hawthorns School organises the curriculum across a split site, Option 1 could result in children with additional and complex needs needing to transition to another site during their primary phase of education. Whilst they would not be changing schools, they would be moving to another site with different people and learning environments together with changes to their travel to school patterns which can be difficult for children with complex needs. There would be a need to plan and prepare for any transition with children including establishing relationships with new staff, visiting the site, creating continuity in the new building and involving other professionals, for example, occupational therapist and physiotherapists. Transition can be unsettling for any child and the need for this transition is negated with a single site for the school.
- 4.11 In order to move the whole school to a new site, the academy trust would need to surrender the lease for the current school site on Lumb Lane but this would release that accommodation

back to the Council and this could be used to provide additional specialist places in the borough to meet the need set out in paragraphs 2.1 to 2.8. Plans for this accommodation would be subject to further governance reports.

- 4.12 The Council has extensively consulted with parents of current Hawthorns School children. The initial meeting with parents was as a result of concerns raised over the growing numbers of pupils being placed at Hawthorns School. This however, has led to a series of regular meetings over a sustained period with parents who have been involved in outlining the options that have featured in the options appraisal. Option 3 was considered on behalf of the parents who had requested that the Council look at the possibility of establishing a through special school which would cater for children from Reception to Year 14.
- 4.13 Option 3 is not a viable option for a number of reasons. A through school would cater for pupils from age 4 19. Whilst this is not a unique proposal, there are very few through special schools and only 167 through schools of any kind in England out of over 21,000 schools. The size of the school would be significant and would pose organisational challenges for the school. The average size of a special school in England in 2020 is 129 pupils (Department for Education Schools, pupils and their characteristics 2020). A through school would be four times the average size and would be very large.
- 4.14 Currently, there isn't the same need to develop additional secondary special school places in the borough as Samuel Laycock School and Cromwell High School are larger than the primary schools. A through school providing a total of 460 places would include 240 secondary places over eight year groups for learners aged 11 19 which equates to an additional 30 places per year group to existing provision. In effect, this would provide enough places for all the pupils in the primary phase at Hawthorns School to progress into the secondary phase at the same school. Currently, pupils from Hawthorns School usually progress to Samuel Laycock School at the end of Year 6 as all other primary aged children in the borough do. If all the primary pupils were to remain at Hawthorns School for their secondary phase, this would jeopardise the viability of Samuel Laycock School into the future as significantly less pupils would be in the school. It would also mean that children attending Hawthorns Schools are less likely to make a transition into Year 7 alongside their peers.
- 4.15 The options appraisal highlights that the cost to build a through school is significantly beyond the basic need funding that the Council has been allocated for current and future years. To allocate all the remaining basic need funding to build a through school would mean that there is no funding to develop other specialist provision in the borough that currently forms part of the SEN forward plan and would require significant borrowing. Option 2 can be achieved from within existing grant allocations.
- 4.16 New Bridge Academies Trust have been involved in developing the range of options considered in the appraisal. As a multi academy trust, the trust may wish to develop proposals to deliver a new build themselves and this could be facilitated through a grant agreement. This potential option does not affect the recommendation of this report to instruct the LEP to develop the design of the expanded / relocated Hawthorns School to RIBA Stage 3 and carry out site investigates as required to inform the development. Further governance reports will be required should this be the preferred option for building a new school building.

## 5 REVENUE IMPLICATIONS OF A NEW HAWTHORNS SCHOOL BUILDING

5.1 As outlined in at 2.4 and 2.5 there is increased demand across specialist settings in the borough, further demonstrated at 4.11 the additional capacity at the old Hawthorns site is needed for additional specialist demand to increase capacity across the borough which would deliver approximately 80 places for other settings alongside the Hawthorns 220 places.

- 5.2 The only option the DfE supports to build new special schools is via the Free Special School applications proposal process. This process is open only to Multi Academy Trusts and other non-Council organisations. This route not only provides capital funding for the build but also unlocks additional revenue funding into the High Needs Dedicated Schools Grant. The Free Special School process supports the government agenda for schools to move to Academy or Free School status. The Council can therefore not attract specific capital funding for special schools build in its own right however a Multi Academy Trust can.
- 5.3 The funding of all special school and resource base places must be funded from the High Needs element of the Dedicated School Grant. Funding to schools for pupils attending specialist settings is provided in separate elements as outlined below;
  - Element 1 This is basic entitlement provided for all pupils approximately £4,000
  - Element 2 This is known as place funding £6,000
  - Element 3 Top Up funding this is awarded dependant on the pupil's individual need.

As pupil numbers increase the DfE High Needs DSG national formula provides additional element 1 funding for pupils as part of the formula allocation. However element 2 funding is not provided for general growth in special school population. If the school was built under the Special Free school process via the DfE Tameside would receive the additional element 2 funding to pay for the on-going revenue.

Per Pupil Values	DSG Funding by Council Expansion	DSG Funding by Special Free School Bid	
Element One	£4,039	£4,039	
Element Two	£0	£6,000	
Per pupil funding	£4,039	£10,039	
No of Additional Places	80	80	
Total Funding	£323,120	£803,120	
Cost of Placement at Hawthorns	£803,120	£803,120	
High Needs Pressure	-£480,000	£0	

The funding pressure would be a recurring annual pressure adding to the existing deficit.

It is recognised without sufficient local provision that the only option for specialist provision would be for pupils to be placed out of borough or access independent settings which would be more costly than an in borough offer. The average cost of an out of borough placement is broadly comparable with Tameside cost, however the average independent placement would cost approximately £34,119, the average out of borough place costing £26,484. Which is £7,635 more expensive see the table below;

Setting	Element	<b>Total Cost</b>		Difference	
	3				
Hawthorns	£8,849	£	18,849		
Out of Borough Provision					
Out of Borough Special	£8,849	£	18,849	£0	
Independent Schools		£	34,119	£15,270	
Average Cost of Out of Borough		£	26,484	£7,635	

5.5 Conversations have started with DfE to see if the revenue funding could be accessed as the Council's intention is to work with New Bridge Trust and for this school not to become a maintained special school. It is unclear at this point whether this representations will successful. If these representations are unsuccessful consideration could be given for New Bridge to approach the DfE to see if it could be considered for the Special Free School proposal process, this will put a time delay into the process, which could result in students being placed out of borough whilst the process is progressed.

The annual cost of 80 places should the growth in numbers come through as anticipated would be as follows;

Setting	Places	Additional cost per place	Total	Payback years
Out of Borough Special	80	£0	£0	0.00
Independent Schools	80	£15,270	£1,221,565	2.54
Average Cost of Out of Borough	80	£7,635	£610,783	1.27

However these would not be recurring costs, this costs would be until the places became available in borough. Unlocking the £6,000 Element 2 funding per place at 80 places would give a payback period of 2.54 years if all pupil were placed in the a placement at the average independent cost or 1.27 years if the places were at the average out of borough cost.

#### 6 CONCLUSION

- 6.1 There is an urgent need for additional accommodation at Hawthorns Primary School to provide for current and future children.
- 6.2 An options appraisal has concluded that there is only one site in Tameside that is large enough for a new school building and that is the Longdendale Playing Fields adjacent to Active Longdendale.
- 6.3 The increased demand in borough is creating financial pressure. A new special school in Tameside will be part of the strategy to manage the pressure, however a special free school bid or negotiations with the DfE are the best approach to achieve the capacity problem without placing increased annual pressures on the High Needs DSG fund.

## 7 RECOMMENDATIONS

7.1 As set out at the front of the report.