

<b>Report title</b>	Expansion of Broadmeadow Special School	
<b>Decision designation</b>	AMBER	
<b>Cabinet member with lead responsibility</b>	Councillor Chris Burden Education, Skills and Work	
<b>Key decision</b>	Yes	
<b>In forward plan</b>	Yes	
<b>Wards affected</b>	All Wards	
<b>Accountable Director</b>	Emma Bennett, Executive Director of Families	
<b>Originating service</b>	Children's Services	
<b>Accountable employee</b>	Bill Hague	Head of Service School Business and Support Services
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<b>Report to be/has been considered by</b>	Children's & Education Leadership Team	17 November 2022
	Strategic Executive Board	29 November 2022

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### Recommendations for decision:

The Cabinet is recommended to:

1. Approve the proposal to fund additional accommodation to meet pupil need and demand at Broadmeadow Special School (Phase 1).
2. Authorise Legal Services to enter into or execute or seal any legal documentation in relation to this scheme to protect the Council's interests.
3. Delegate authority to the Cabinet Member for Education, Skills and Work, in consultation with Executive Director of Families, to approve the virement from the currently approved capital budget High Needs Capital Programme – Future Schemes to a budget for this specific project, once the actual level of budget required is finalised.

**Recommendations for noting:**

The Cabinet is asked to note:

1. That Central Learning Partnership Trust (CLPT) have an existing agreement with the Local Authority to lease the ground floor of the Whitmore Reans Strengthening Families Hub, which is adjacent to Broadmeadow Special School. This lease would need to be extended in addition to the provision of additional accommodation under Phase 1 of the scheme.
2. That Phase 1 is intended to be a temporary solution. The proposed Phase 2 of the scheme would see Broadmeadow Special School further increase in capacity to meet additional demand and would be relocated to another site in purpose-built provision. Investigations regarding Phase 2 are currently ongoing.
3. That any proposal to relocate Broadmeadow Special School and increase in capacity would be presented at a future Cabinet meeting.

## **1.0 Purpose**

- 1.1 Broadmeadow Special School is currently commissioned for 75 places for children with special educational needs. This is an increase from the original 54 commissioned places and therefore additional accommodation is required.
- 1.2 This report seeks approval to fund Phase 1 of the project which would provide two temporary modular buildings to address the shortage of accommodation and to re-purpose parking spaces. This will be in addition to extending the lease agreement so the school can continue to occupy the ground level of the Whitmore Reans Strengthening Families Hub.

## **2.0 Background**

- 2.1 Local authorities must ensure that there are sufficient good school places for all pupils, including those with Special Educational Needs and Disabilities (SEND).
- 2.2 The Children and Families Act 2014 requires local authorities to keep provision for children and young people with SEND under review (including its sufficiency).
- 2.3 In order to enable 'Strong families where children grow up well and achieve their full potential', one of Wolverhampton's key council priorities within the Council Plan and underpinned by the SEND Strategy 2020 – 2023, it is imperative that sufficient good school places are available for all pupils including those with Special Educational Needs and Disabilities (SEND).
- 2.4 The 'City of Wolverhampton Education Place Planning 2020-2022, A Place for Every Child' outlines the Council's strategic policy in relation to the planning and organisation of school provision across the City. The strategy recommends that the development of provision for students with SEND is guided by the following principles:
  - A transparent choice of provision and providers is available to students and families.
  - Clear and consistent pathways are offered within Wolverhampton's high needs estate.
  - A broad range of high needs provision, including a comprehensive graduated response, is available within the city.
  - High quality, local solutions are developed to support a reduction in the required number of out of city placements.
- 2.5 As outlined within the approved Wolverhampton SEND Joint Commissioning Strategy 2022-25, the Council have a vision to become a highly inclusive City working with children, young people, and their families with SEND so that they can achieve their full potential.
- 2.6 There has been an increase in the number of children with Education Health and Care Plans (EHCP) that require specialist provision. Following the Covid pandemic younger

children are presenting with more complex needs and require suitable provision to support their education. The increase in places at Broadmeadow Special School helps cater for this and aligns with Wolverhampton SEND Joint Commissioning Strategy 2022-25 for children to achieve their full potential.

- 2.7 The Local Authority receives capital grant funding for High Needs provision (High Needs Capital Fund) from the Department of Education (DfE) to support the provision of places for pupils with SEND.
- 2.8 Broadmeadow Special School is an academy and became part of the Central Learning Partnership Trust (CLPT) in 2016. In order to supplement existing provision at the school the Trust have entered into an agreement with the Local Authority to lease the ground floor of the Whitmore Reans Strengthening Families Hub, which is adjacent to Broadmeadow Special School.
- 2.9 Despite this additional accommodation the current school building and the Hub does not meet the required levels of accommodation for 75 pupils.

### **3.0 Broadmeadow Special School**

- 3.1 Broadmeadow Special School caters for 75 children in the age range 3 to 11 years who have been identified as having a need of special educational provision. The school caters for children with Autistic Spectrum Disorder (ASD), Severe Learning Difficulty (SLD) and Physical Disabilities (PD).
- 3.2 The school is based in Park Ward and was judged 'Good' by Ofsted when inspected in October 2019.
- 3.3 In 2020/2021 the school extended its age range from 3 -7 to 3 -11 years. In order to facilitate the age range change the school leased the ground floor of the neighbouring Whitmore Reans Strengthening Families hub for two years (expires November 2023). However, there is still a shortfall of space that needs to be addressed.
- 3.4 CLPT commissioned a feasibility assessment to develop and cost options of installing modular accommodation on the current site of Broadmeadow Special School.
- 3.5 This is intended to be a temporary solution whilst proposals are explored to increase capacity further (above 75 pupils) to meet demand.
- 3.6 Discussions have taken place between the Local Authority, Trust, Architect and the school to determine the scope of works and ensure value for money. Discussions have also taken place with West Park Primary School (adjacent to Broadmeadow Special School) as it is likely that part of their school land may be impacted upon by this scheme.
- 3.7 In order to increase the capacity of the school to accommodate the 75 commissioned places, the preferred option is to have two new modular buildings.

3.8 In order to provide the school with sufficient accommodation to cater for the increased commissioned places (increased from 54 to 75) it is recommended that the Local Authority fund the scheme. Following any proposed relocation to meet further demand, the modular buildings would transfer to the ownership of the Local Authority.

#### 4.0 Delivery of additional accommodation

4.1 After discussion and feasibility evaluation, the preferred option to provide the required accommodation for Broadmeadow Special School is as follows:

- Site one of the modular buildings on the existing car park of Broadmeadow Special School
- The second modular building would be sited on the grounds of West Park Primary School in the corner of the field in an area not heavily utilised by the school for outdoor space
- To balance the loss of car parking spaces at Broadmeadow Special School, additional car parking places would be created adjacent to the modular building on West Park Primary School, again in the area not heavily utilised for outdoor space
- Fencing would be erected to enclose the modular building and car park spaces and entry and exit would be via an existing access gate from the Strengthening Families Hub
- Both modular buildings will transfer to the ownership of the Local Authority once they are no longer required by Broadmeadow Special School if the school were to relocate.

4.2 The Headteacher and Governors of West Park Primary School have worked with the Local Authority and architect so they are comfortable with the position of the modular building on the school site. Due to the method of construction, it is envisaged that there will be minimal disruption to West Park Primary School as the majority of the accommodation is being assembled off site.

4.3 The estimated cost of Phase 1 of the scheme is £800,000. As Figure 1 illustrates, this is slightly above the national average cost per place. It should be noted that the national average cost per place is based on the National School Delivery Cost Benchmarking exercise (July 2022) and that regional cost differences can be considerably more or less than the national average stated.

**Figure 1:**

<b>Overall number of places</b>	<b>Estimated Cost £</b>	<b>Cost Per Place £</b>	<b>National Average Cost Per Place (Temporary)</b>
21	800,000	38,095	37,460

4.4 The location of the modular buildings at Broadmeadow Special School and West Park Primary School may require consent under Section 77 School Standards and Framework Act 1998 (SSFA) due to the 'disposal' of the playing field land. Playing Field land includes hard informal and social areas. Advice will be sought to determine if consent from the Secretary of State is required for this proposal.

## **5.0 Evaluation of alternative options**

5.1 The school requires the additional accommodation to ensure that a sufficient teaching and learning environment is available and there are limited options due to the size of the school site.

5.2 Several options for Phase 1 have been considered regarding the layout of the modular buildings on the school site which have been discounted due to not being suitable or not providing value for money.

## **6.0 Reasons for decision(s)**

6.1 This scheme would secure the required accommodation for the number of commissioned places.

## **7.0 Financial implications**

7.1 The feasibility assessment for Phase 1 of the scheme for the installation of modular build is estimated at £800,000. The current capital programme approved on 16 November 2022 by Cabinet includes a £9.8 million budget for High Needs Capital Programme - Future Schemes which is fully funded by the High Needs Provision capital allocation grant 2021-2024. This report seeks approval for delegation so that once the budget requirement is known more accurately, a virement can be actioned moving budget from the High Needs Capital Programme – Future Schemes budget to a specific budget for this project.

7.2 The work will be contracted by the Academy Trust and this will be funded by the Council via a legal agreement to be drawn up by legal services. The modular buildings will remain an asset of the Academy until such time as Phase 2 detailed above is implemented and the school moves to a new site. At such time the modular buildings would return to Council's control.

[JB/29112022/Z]

## **8.0 Legal implications**

8.1 Under Section 14 of the Education Act 1996, a local authority shall secure that sufficient schools for providing primary and secondary education are available in their area. Sufficient means sufficient in number, character, and equipment to provide for all pupils the opportunity of appropriate education. In meeting this duty, a local authority must do so with a view to securing diversity in the provision of schools and increasing opportunities for parental choice.

- 8.2 When proposing significant changes, academies must follow guidelines as detailed within the 'Making significant changes to an open academy'. Departmental guidance for all types of academy trust' (Department for Education January 2022).
- 8.3 Any grants connected with the proposed scheme as detailed in the report will need to be authorised in accordance with the Council's Constitution and the relevant legislation.
- 8.4 That all necessary legal agreements are entered into in order to protect the Council's interest.
- 8.5 The Council to ensure that the appropriate procedure is in place should the recipient organisation misuse the grant or fail to comply with the terms and conditions of the grant agreement.
- 8.6 In relation to the extending of the tenancy of the Whitmore Reans Lease, this will be carried out in accordance with standard conveyancing practice and the Council's constitution. Entering into leases is permitted at paragraph 28 of the Contracts and Procedure Rules, which forms part of Part 4 of the Constitution.
- 8.7 Where the Council has land ownership responsibilities, investigations will need to be undertaken to ensure compliance with existing agreements and in relation to any covenants on the legal title to the land.
- 8.8 If required Section 77 School Standards and Framework Act 1998 will need to be adhered to in regards to Broadmeadow Special School and West Park Primary School. [AS/28112022/A]

## **9.0 Equalities implications**

- 9.1 This report has equal opportunity implications as the contents have direct reference to educational provision for children and young people in the City. Section 149 of the Equality Act 2010 requires that public bodies, in exercising their functions, have due regard to the need to (1) eliminate discrimination, harassment, victimisation and other unlawful conduct under the Act, (2) advance equality of opportunity and (3) foster good relations between persons who share a protected characteristic and persons who do not share it.
- 9.2 The number of commissioned places at Broadmeadow Special School has increased from 54 to 75 providing additional school places in the city for children with ASD, SLD and PD. The accommodation that will be provided as part of Phase 1 will help to ensure delivery of education and to meet the needs of young people.
- 9.3 The increase in places at Broadmeadow Special School helps cater for the growth in EHCP's and for young people with ASD, SLD and PD that need to attend specialist provision, aligning with the Wolverhampton SEND Joint Commissioning Strategy 2022-25 for children to achieve their full potential.

## **10.0 All other implications**

- 10.1 CLPT would be responsible for delivery of the additional accommodation; City Assets would be involved in the project to provide assurance that the proposed scheme is delivering the required capacity in a timely fashion and offering value for money.

## **11.0 Schedule of background papers**

- 11.1 Making significant changes to an open academy. Departmental guidance for all types of academy trust [Academies: making significant changes or closure by agreement - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/441222/16-00006-1-Open-Academy-Trusts-2016-17.pdf)