

# People Scrutiny Commission

12 September 2022



**Report of:** Hugh Evans, Executive Director: People

**Title:** School provision - update on:

- \* new school provision in Temple Quarter and Knowle;
- \* new specialist school places provided over the last year, and those planned for the next 2 years.

**Ward:** All

**Officer Presenting Report:** Richard Hanks

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## Recommendations:

To note progress on new school provision in Temple Quarter and Knowle and new specialist school places being provided.

## The significant issues in the report are:

The target opening date for the 2 new secondary free schools is September 2023. Both will initially open on temporary sites.

Details of new specialist provision delivered over the last year as well as that planned for the next 2 years.



## 1. Summary

Projections indicate that the demand for secondary school places will continue to rise for September 2023 and the delivery of the planned free schools in Temple Quarter and Knowle will be critical in ensuring sufficient places are available. Delivery of these schools is being managed by the Department for Education.

The DfE is working closely with Oasis Community Learning and the council on both new schools with a target opening date of September 2023. Temporary sites have been secured and detailed feasibility is being undertaken prior to the submission of planning applications. Each school will have temporary accommodation to provide up to 180 places in the opening year.

Oasis have been undertaking work on admissions arrangements and the application process. The first year of admission will be outside the co-ordinated arrangements with applications direct to Oasis but it is anticipated that timescales will follow those of the co-ordinated schemes operated by local authorities across England.

In addition to the requirement for secondary school places, there remains an ongoing need to provide further SEND places and in early 2020 the Mayor pledged to create an additional 450 specialist provision places by 2024.

## 2. Context

1. Demand for places in secondary schools has increased again for September 2022 and schools have supported the Council in ensuring that the statutory duty to offer all pupils a place has once again been met. Projects to enable schools to accommodate the additional pupils are progressing. Rising demand over recent years reflects the previous rise in primary school pupil numbers and reduction in the number of families applying for schools outside the city.
2. A programme of capital works has been undertaken across a number of schools to allow them to accommodate additional pupils. In addition, Trinity Academy opened in 2019 and a further 2 free schools were approved. Delays to the delivery of Oasis Academy Temple Quarter in particular has meant this programme has been more extensive than originally planned.
3. Despite the rising numbers of pupils requiring a place, all pupils have been offered a school place and the proportion receiving an offer of a preference school has remained broadly the same.
4. After lengthy delays, including a Planning Inquiry, the development that includes the Temple Quarter school has now been approved and the DfE is working to enable the school to open on a temporary site from September 2023.
5. Oasis Academy Daventry Road is also planned to open on a temporary site in September 2023 until the new building in Knowle is complete.
6. In September 2020, Cabinet approved a programme of works to create additional capacity within the (SEND) estate to deliver sustainable sufficiency of places as much as possible within Bristol and dramatically improve parts of the existing estate to create a better accommodation for young people with special needs.
7. Completion of a new post 16 building and expansion of year groups 7 to 11 at KnowleDGE has been achieved.
8. The Council receives Basic Need Grant funding (BNGF) and High Needs Grant Funding (HNGF) from the Department for Education. This capital is provided to allow the Council the ability to

work with schools to create additional school places, including SEND provision where required and undertake essential buildings maintenance when needed.

9. The DfE have announced High Needs Grant funding to the sum of £6,372,940 for 2022-2023 and £8,501,243 for 2023-2024. The DfE have also announced Basic Need grant funding of £14.599m for 2023/24 and £1.776m for 2024/25.
10. It is proposed that a second phase of SEND minor works (Appendix A4) is authorised to continue to provide a phased response to the need, bringing forward quick wins and high priority projects that will allow the council to place children and young people with Education Health Care Plans (EHCP's) in local provision over which the council has a high level of control and influence. More children and young people will be able to access appropriate education in their locality as opposed to travelling out of area. This will facilitate improved outcomes for children and young people, a reduced call on the High Needs Block, the ability for the council to deliver on its statutory obligation to provide appropriate provision and to ensure that the provision is of a high educational quality.
11. The first phase of the specialist provision project has created a total of 142 special school places. 82 of these have been delivered already and the remaining 60 will be delivered between September 2022 and January 2023. The second phase of the specialist provision project will deliver the full 450 special school places to meet the mayors pledge by 2024, improving outcomes and attainment as more children and young people with EHCPs will be able to access appropriate education in their locality.
12. Feasibility work to define the project in phase 2 for new specialist provision began in November 2021 and a range of SEND projects have been considered (Appendix A4).

### 3. Policy

The above links directly to the outcomes of the 2019 SEND Locality Inspection and Written Statement of Action.

### 4. Consultation

#### a) Internal

#### b) External

- The DfE and Oasis Community Learning have undertaken public consultation in line with the requirements for free schools. Further consultation will be undertaken prior to the opening of the schools.
- Full and active consultation has been carried out regarding SEND projects with all schools, the City of Bristol College, parents, pupils, communities and all other stakeholders.
- People Scrutiny Briefing October 2021.
- Department for Education and Regional Schools Commissioner (RSC).
- Sufficiency issues - City leaders and education sector – 9th March 2020.
- Consultation with Elmfield & Claremont Schools and the City of Bristol College to ascertain the brief and develop outline feasibility.
- For the SEND phase 2, Head Teachers, Special Educational Needs Coordinators (SENCO's) have been cited on how many specialist provision places have been created. Fortnightly meetings have been held with the RSC. The BCC SEND team and Schools

Partnership Team have also been kept updated. Refer to Appendix B.

## 5. Public Sector Equality Duties

- 5a) Before making a decision, section 149 Equality Act 2010 requires that each decision-maker considers the need to promote equality for persons with the following “protected characteristics”: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Each decision-maker must, therefore, have due regard to the need to:
- i) Eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010.
  - ii) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to --
    - remove or minimise disadvantage suffered by persons who share a relevant protected characteristic;
    - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it (in relation to disabled people, this includes, in particular, steps to take account of disabled persons' disabilities);
    - encourage persons who share a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
  - iii) Foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to –
    - tackle prejudice; and
    - promote understanding.
- 5b) The work discussed within this report is in direct response to the Local Authorities statutory duties in relation to Disability and as such due consideration to equalities duties has been exercised in the relative workstreams discussed.
- An Equality Impact Assessment has been completed, which did not identify any significant negative impacts from this project. However, there are existing disparities for children and young people with special educational needs and disabilities which we will aim to mitigate where possible through this and wider approaches outside the scope of the proposal. The project will impact the following groups:
- All existing and prospective children and young people (CYP) with SEND who may go on to need an EHC Plan and their families.
  - Schools and staff within schools (SENCO's) who have responsibilities for CYP with SEND.
  - All professionals, i.e. Educational Psychologists, caseworkers, senior inclusion officers, health and social care colleagues who support CYP with SEND.

In relation to those with protected characteristics under the Equalities Act, the group affected by this proposal are those with disabilities. As such, this project affects children in educational settings who have or need an EHC Plan.

This project has significant benefits for CYP with SEND and their families. More children and young people with SEND will be education in appropriate specialist settings with access to resources to support their inclusion. There will be fewer CYP travelling out of Bristol to attend specialist placements, therefore less children will be educated in out of county schools. By having more specialist placements where they are needed, CYP will have shorter distances to travel to their education setting.

There are positive impacts if staff see that they are providing an improved service for children and young people with SEND.

Greater job satisfaction, less anxiety and stress due to CYP's needs not being met in provisions which are not appropriate.

All capital works in education settings will comply with fair access legislation.

### **Financial / Legal implications**

Finance Advice:

The capital costs of the new free schools are being met directly by the Department for Education. Current economic and construction market conditions suggest that construction costs are rising in a volatile market, which is being impacted by supply chain, labour market challenges, energy and materials price increases. This makes it difficult to predict potential inflationary impacts on the proposed Education Capital Programme. Any future risks in relation to cost pressures will need to be managed and mitigated within the programme resource envelope as far as reasonably possible. This may prove a significant challenge and appropriate contingencies will need to be made.

There may be revenue implications arising from capital expenditure and it is anticipated that these costs will be met from the Dedicated Schools Grant, with money following the children based on the funding formula.

Legal Advice:

The procurement process must be conducted in line with the 2015 Procurement Regulations and the Councils own procurement rules. Legal services will advise and assist officers with regard to the conduct of the procurement process and the resulting contractual arrangements.

### **Appendices:**

- Appendix 1 – Specialist Provision Executive Summary
- Appendix 2 – Details of Consultation (below)
- Appendix 3 – Equality Impact Assessment – Specialist Provision Project

### **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

#### **Background Papers:**

None

## **SEND SUFFICIENCY & CAPITAL PROPOSALS**

### **APPENDIX 2 – DETAILS OF CONSULTATION**

During phase 2 of the Specialist Provision Project, communication about the project and its objectives has been included in multiple head teacher newsletters as well as on the Local Offer website.

The head teachers and SENCOs at any schools interested in becoming a part of the project have received communications through site visits, emails and phone calls. All schools have been cited on how many specialist provision places have been created so far and how many will be in the future through head teachers' briefings.

Fortnightly meetings have taken place with the Regional Schools Commissioner who have been sited on developments with the project.

The SEND team and the School Partnerships Team have also been kept updated through meetings and emails.

Education Capital and Education & Skills

14<sup>th</sup> June 2022