

**BARNSELY METROPOLITAN BOROUGH COUNCIL**

**JOINT REPORT OF: THE EXECUTIVE DIRECTOR (CHILDREN'S SERVICES) AND THE EXECUTIVE DIRECTOR (GROWTH AND SUSTAINABILITY)**

**TITLE: PROPOSED CONVERSION OF THE ATHERSLEY I KNOW I CAN (IKIC) CENTRE INTO AN EDUCATION FACILITY FOR PUPILS WITH SPECIAL EDUCATIONAL NEEDS**

<b>REPORT TO:</b>	<b>CABINET SPOKESPERSON</b>
<b>Date of Meeting</b>	-
<b>Cabinet Member Portfolio</b>	<b>Children's Services</b>
<b>Key Decision</b>	<b>No</b>
<b>Public or Private</b>	<b>Public</b>

**Purpose of report**

To seek approval for the refurbishment and use of the Athersley 'I know I Can Centre' (IKIC) Centre into an education facility to be used exclusively by children with special educational needs.

To seek approval for the commissioning of up to 30 new places for pupils with special educational needs and/or disabilities (SEND) at the Athersley provision.

To seek approval for the granting of a new lease agreement to the Waterton Academy Trust of up to 25 years for these purposes at nil rental in this instance.

**Council Plan priority**

Learning Barnsley

**Recommendations**

That Cabinet:-

- 1. Approves arrangements leading to the refurbishment of the Athersley 'I Know I Can' centre into a satellite facility for pupils with special educational needs as summarised in this report, with effect from the 2022/2023 school year**
- 2. Approves the commissioning of up to 30 places for pupils with SEND including complex needs at the Athersley provision as detailed in this**

## report

- 3. The financial implications arising from this report, be included in the Capital Programme and released in accordance with the financial regulations code of practice C5.2(a)**
- 4. That, as part of this report's proposals, approval be given for the granting of a new lease to the Waterton Academy Trust for up to 25 years at the Athersley IKIC Centre at nil rent.**
- 5. That the Head of Property Services be authorised to finalise Heads of Terms for the new lease to the Waterton Academy Trust.**
- 6. That the Service Director Law and Governance be authorised to complete the new lease to the Waterton Multi Academy Trust.**

## 1. INTRODUCTION

- 1.1 On April 29th 2020, under emergency delegated powers, the Chief Executive approved, on behalf of Cabinet, the updated Borough School Placement and Sufficiency Strategy for pupils with Special Educational Needs 2020/23)
- 1.2 The Strategy details how the Local Authority and its statutory partners will address the fundamental challenges being faced in meeting increasing demand for school places for children and young people with SEND within the available resource envelope. In particular, the strategy would be based upon the following objectives:
  - To ensure children and young people with SEND have access to the right type of school placement which best meets their needs, that is within their community and is closer to home. This includes those who have been categorised as having needs relating to social, emotional and mental health; autism and/or speech, language and communication needs.
  - Embedding a partnership-based approach, to ensure the appropriate range and capacity of provision is available in local mainstream schools, academies and specialist settings to enable the needs of a greater number of children and young people to be met, as part of an inclusive culture. This builds upon our commitment expressed in November last year within the terms of reference of the Barnsley Alliance for Schools and the Education Improvement Strategy.
  - To ensure value for money and the most effective use of available resources continues to underpin the refreshed strategy.
  - To ensure that children, young people and families are at the heart of planning and provision.
  - Statutory partners continue to work closely and ensure, where possible, to

ensure children and young people with SEND do not have to travel out of the borough to have their educational needs met through early identification and support, in parallel with improvements to the quality and efficiency of education, health and care plan processes.

- To enable children and young people who require ongoing specialist support to be placed in the best possible provision and have their needs met through a stable and enriching school life.
- Improving personalisation as part of provision, including personal budgets.
- A system which promotes independence, confidence and aspirations and enables children to make a successful transition to adulthood

## **2. PROPOSAL**

- 2.1 As part of the strategy's objective of ensuring children and young people with SEND have access to a placement which best meets their needs closer to home, the proposal in this report is for the Local Authority to develop and commission provision at Athersley Centre. This will lead to the creation of up to 30 additional Key Stage 2 places for children and young people with SEND Autism, Communication and Interactions needs over two academic years 22/23 and 23/24 (up to 15 in the first academic year, increasing by up to a further 15 for the next academic year to 30, dependant on needs of the children), who will be able to access a specialist education curriculum to meet their individual needs.
- 2.2 This will provide education places for children, identified with complex needs and who will require access to the specialist curriculum predominantly supported by supplementary teaching and specialist learning assistance.
- 2.3 Previously on 6th February 2019 Cabinet approved the use of the I Know I Can former youth centre at Athersley as part of a proposal to convert it for use as a provision to provide education places for children with SEND needs.
- 2.4 Whilst children with special educational needs were successfully transferred to the Kendray Resource Centre, as part of that former proposal, the transfer of other pupils from this Centre to the Athersley IKIC Centre never took place, due to delays concerning the terms of the lease and the first and second waves of the Pandemic during 2020-21. These children were provided with alternative education by the Wellspring Multi-Academy Trust through other arrangements

This has meant that the Athersley IKIC Centre has remained unused and closed throughout this period.

However, this has provided an opportunity for the Council to use the IKIC Centre as a satellite facility of the Waterton Academy Trust to accommodate up to 30 children aged 7 to 11 years and who have been diagnosed with

special educational needs relating to communication, interaction and autism to be able

- 2.5 With Cabinet's approval, it is proposed that the pupils, will be accommodated at the Athersley 'I Know I Can' (IKIC) Centre. The IKIC Centre's core purpose, since its opening, has been to support vulnerable, adolescent children but has been vacant for over 4 years. The former centre is a Council asset and it is proposed that Waterton MAT, will; be granted a new lease of up to 25 years at nil rent on this property, after its conversion. Doing this will help to, in order to facilitate the provision of education for pupils with SEND at the former IKIC centre site.
- 2.6 The lease will enable NEXUS MAT to operate the service on behalf of the Council and it will pass the responsibility of maintaining and running this building over to the MAT. It will also contain a landlord only break clause which will allow the Council to take back control of the SEND facility should the Council's service provider change at any point in the future.
- 2.7 Waterton MAT, recently opened a specialist resource provision in Barnsley, at Churchfields Primary school to support Barnsley children with additional needs. As part of their innovative strategic approach to inclusion they are developing new specialist settings, and as a trusted partner we are working to support them in providing specialist places for Barnsley children in KS2 with autism, communication & interaction needs.
- 2.8 Re-designating the Athersley Centre from its original role as a youth centre into a proposed facility for specialist, education provision, is based upon the Local Authority having to comply with its statutory responsibilities to ensure pupils with SEND, in particular, are accommodated in facilities which support access to an appropriate specialist curriculum.
- 2.9 However, in order to fully comply with this statutory duty, it will be necessary for the Local Authority to adapt and refurbish the building at Athersley, at a cost of £298,000 including a 20% contingency. A full provisional schedule has been developed with indicative costs, subject to competitive tender and market variations.
- 2.10 Based on current need and consultations for school places, the development of these places will ensure that these children and young people are not placed in high-cost special school settings out of borough. This is because continual long-term dependence on such provision is not financially or otherwise favourable as a long-term sustainable option when viewed against steadily rising increase in needs for these cohorts of children and young people.
- 2.11 This proposal also supports the LA's approach in managing the High Needs Block deficit through it's DSG Management action plan, as one of a number of schemes being proposed to provide additional education places and further supports the strategic approach for increasing and improving the sufficiency of education placements within Barnsley.

2.12 The proposal in its entirety would ensure all pupils transferring into the Athersley Centre, continue to have their educational needs met and as previously noted, the proposal accords with the priorities of the Borough's Placement and Sufficiency Strategy by investing in local specialist provision. and in maintaining an arrangement with a provider, thereby, making more effective use of available resources; improving value for money and helping secure better outcomes for vulnerable and disadvantaged pupils.

### **3. IMPLICATIONS OF THE DECISION**

#### **3.1 Financial and Risk**

The Service is aware that by converting such facilities into exclusive use in this way, it potentially prevents the wider community of the use of an asset. Mindful of communities' right to challenge and to bid for direct ownership and management of assets of community value, the Service directly consulted the Elected Members for St. Helen's Wards in order to give due regard to their views and those of their constituents on the proposed conversion of the Athersley IKIC Centre.

3.1.1 In addition, the proposed lease of the Athersley IKIC Centre would see a currently vacant building brought back into use for the purpose of specialist education provision for with SEND, thereby affording a facility which should benefit families within the immediate location as well as the whole Borough.

#### **3.1.2 Capital Costs**

3.1.3 The proposal to refurbish the Athersley centre will result in additional costs to the Local Authority. This is essential in order to make it fit for purpose as an education provision which ensures pupils with SEND are supported to fully access the specialist curriculum

3.1.4 A provisional schedule of the development cost of undertaking the work that totals £248,000 has been received from Waterton, with a further 20% contingency proposed totalling **£298,000**.

3.1.5 The schedule includes an indicative cost for the following:

- General upgrades to external features (roof, windows, shutters, walls)
- Internal alterations and refurbishment.
- External works (including a small car parking area and adjusting the multi-use games area site)
- Fees and contingency provision.

3.1.6 The above costs are based on high level estimated process. Until procurement exercises re undertaken for each phase of works and actual tendered rates have been received, there is a risk that scheme costs could change.

3.1.7 The schedule of costs has been discussed with the Council's Asset Management service for reasonableness and value for money against the benchmarked National School Delivery Cost for SEN provision (it provides benchmarked costs for New Build, Re-build, Extension and refurbishment). This provides a direct average, summary build cost/per pupil place.

- For the Athersley provision with 30 pupils, the average per pupil refurbishment cost is approximately **£10,000** subject to any market variations.
- The above compare favourably with the National School Delivery Cost benchmarked average refurbishment cost per pupil of **£39,428**.

3.1.8 Additionally, appropriate financial governance oversight arrangements have been discussed with both procurement and asset management colleagues as well as strategic contract and governance team in financial services.

3.1.9 It is proposed that the above capital costs is funded from the DfE's High Needs Provision Capital Allocation Grant capital funding. The DfE has allocated Barnsley £3.82m for 2022/23 and a further £3.27m for 2023/24 to deliver new SEND places and to improve existing SEND facilities and provision. This is in addition to £1.46m capital funding for 2021/22. The table below shows level of uncommitted SEND/High needs provision capital funding in 2022/23:

Special Provision Capital Fund balance B/F	2,141,816
High needs provision capital funding	3,825,538
Budgeted spend for the year	-864,286
<b>Total uncommitted funding</b>	<b>5,103,068</b>

### **3.1.10 Revenue Costs**

3.1.11 Annual revenue funding will be provided to the Trust based on number of places. The funding is comprised of:

- Place funding £10,000 per place; and
- Top up funding of £15,000 per pupil. Actual top up funding will be dependent on the actual number of pupils placed at the provision.
- The number of planned places is 15 in 2022/23 and 30 places in 2023/24.

The expected high needs revenue funding is detailed in the table below:

	<b>2022/23</b>	<b>2023/24</b>
	£	£
Top Up (£15,000)	131,250	225,000
Place Funding (£10,000)	87,500	150,000
	<b>218,750</b>	<b>375,000</b>

*(22/23 part year funding from September 22 and full year*

*in 23/24 based on 15 pupils)*

3.1.12 Funding for the above provision has been allowed for in the SEND / High Needs 2022/23 budget plan and in the Council's approved DSG Management Plan. This proposal is part of the measure (DSG.1) in the Action Plan to increase the availability and suitability of local provision with the aim of reducing the reliance on high cost placements in independent non maintained schools. This proposed provision is one of a number of pipeline schemes to create new SEND places, which will increase the capacity of education provision within the local area and help deliver the cost avoidance savings of £1.2m in 2022/23.

### 3.1.13 Transport Costs

3.1.14 Athersley School proposal is a new school and therefore all the transport routes required will be new and an increase to the school transport forecast expenditure. It is difficult to forecast how much the cost of these routes will be until we know where the pupils live and whether they require single occupancy taxis or will be able to travel in minibuses. Recently, two new schools have come into existence, and we can get a rough estimate of transport costs to the Athersley School by looking at the costs to the other two new schools.

<b>September 2021</b>	<b>Churchfield Cudworth</b>	<b>Athersley School</b>
Number of pupils accessing transport	5	0
Annual cost of transport (academic school year 2021/22)	£25,876 (2 routes)	0
Pupils accessing a personal Travel budget (PTB)	£1,703 (1 pupil)	0
Staff costs (passenger assistants and pro rata office staff)	£15,000	0
<b>Total cost 2021/22</b>	<b>£42,579</b>	0
<b>September 2022</b>		
Number of pupils accessing transport	6	8
Annual cost of transport (academic year 2022/23)	£60,000* (2 routes)	£58,900* (2 routes)
Pupils accessing a Personal Travel Budget	£ 0 (0 pupils)	0
Staff costs including passenger assistants and pro-rata office staff	£15,000	£15,000
<b>Total cost 2022/23</b>	<b>£75,000*</b>	<b>£73,900*</b>

- At time of writing this report we are still receiving applications for school transport from September 2022

3.1.15 It is proposed to have 15 places for pupils per year over the next two years. Assuming all the pupils take up their transport eligibility there will be 15 places allocated this year which based on the above figures will cost in the region of £148k

3.1.16 **2023/24** A further 15 places will be provided at an estimated transport cost of £148k. It is not envisaged that there will be a discernible reduction in out of borough routes to offset this increase by 2023/24— in such event this would result an additional cost pressure against the HTST budget

### **3.2 Legal**

3.2.1 The Athersley IKIC Centre is presently vacant, pending the approval of this report.

3.2.2 The Local Authority has statutory duties under the Education Act 1996 to educate children in accordance with parental wishes; and secure efficient education to meet the needs of the population of their area

3.2.3 The Council also has duties to achieve best consideration for the disposal of any land under section 123 Local Government Act 1972. The grant of a 25 year lease at nil rent is a disposal at less than best consideration. The Secretary of State's consent is usually required but specific consent is not required where the authority considers will help it to secure the promotion or improvement of the economic, social or environmental well-being of its area and the proposals in this report appear to fit this category. An undervalue of more than £2M requires Secretary of State consent in any event.

### **3.3 Equality**

3.3.1 Equality Impact Assessment Pre-screening completed determining full EIA not required.

### **3.4 Sustainability**

The proposal in this report has no implications for sustainability in the borough.

### **3.5 Employee**

There are no workforce implications directly arising through consideration of this report.

### **3.6 Communications**

3.6.1 Should Cabinet approve the recommendations of this report, steps will be taken to inform parents and carers of the pupils and the local community affected by the repurposing of the Athersley centre, of the changes and when they will take effect.

## **4. CONSULTATION**

4.1 A briefing for Elected Members took place on 12th May 2022 during which they raised no concerns over the proposal to convert the Athersley Centre into



a facility for meeting the education placement needs of pupils with SEND, subject to ensuring that parking courtesies currently extended to a neighbouring resident near the IKIC Centre were maintained and they are informed of the proposal and the impact of any potential traffic was taken into consideration.

- 4.2 The Senior Management Team has been consulted and has given its support to the proposal.
- 4.3 Liaison with the LA planning department and estates has taken place to ensure adherence to the appropriate protocols and governance required subject to any specific planning and building regulations.
- 4.4 Further consultation has taken place with residents who have also been given an opportunity to provide feedback and considerations on the proposals through direct consultations from the LA planning department.

## **5. ALTERNATIVE OPTIONS CONSIDERED**

- 5.1 The proposal in this report represents the best option for meeting the needs of both sets of pupils. In particular, the conversion of the Athersley Centre and the absence of a viable local alternative, would help prevent placing pupils with SEND in high cost, independent settings outside the Borough and away from their families.
- 5.2 In order to comply with its statutory responsibility of providing a sufficient number of placements for a growing percentage of children and young people with SEND whilst achieving value for money and the more effective use of available resources within an increasingly challenging financial climate, the Council has no alternative but to develop a system which is more sustainable and beneficial for the local population

The lack of alternatives within the Borough, in the medium term, has formed part of the considerations as part of the sufficiency strategy into the expansion of secondary school and special school places.

- 5.2 Any implications noted in this report would need to be considered and balanced with a requirement for the Council to address an immediate issue over its statutory duty concerning the education of this group of children and in a way which helps reduce mounting pressure on the Council's budget to meet rising demand.

## **6. REASONS FOR RECOMMENDATIONS**

- 6.1 The overriding objective of the School Placement and Sufficiency Strategy for Children and Young People with Special Educational Needs, and/or disability (SEND) is to meet these needs, closer to home, through investing in and improving both capacity and quality within local mainstream and special

schools.

- 6.2 There should be no risks to communities in the St. Helen's Ward emerging through the proposal.
- 6.3 This is in line with the Council's policy for better meeting rising demand for school places for children and young people with special educational needs by investing in local special and mainstream provision
- 6.4 It will benefit a group of children from many areas of the Borough through enabling them to have their education needs met within a satellite facility of a local, mainstream academy trust; improve parental choice and prevent the alternative of placing these vulnerable young children in far more costly out of Borough independent settings some of which could potentially be unregistered or unregulated, thereby better safeguarding these children
- 6.5 It represents value for money to the council tax- payer and a more effective use of the resources available to meet our statutory responsibility for ensuring sufficient school places for these groups of children. The proposal will provide such children to learn in a good environment, closer to home as part of our ambition to ensure all children and young people improve their life chances and achieve brighter futures.

## 7. GLOSSARY

IKIC I Know I Can  
SEND Special Educational Needs and Disabilities


## 8. LIST OF APPENDICES

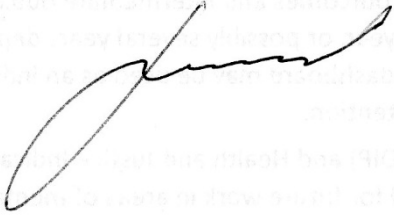
There are no appendices with this reporty

## 9. BACKGROUND PAPERS

If you would like to inspect background papers for this report, please email [governance@barnsley.gov.uk](mailto:governance@barnsley.gov.uk) so that appropriate arrangements can be made

## 10. REPORT SIGN OFF

<b>Financial consultation &amp; sign off</b>	Senior Financial Services officer consulted and date <i>Joshua Amahwe (18/08/2022)</i> 
<b>Legal consultation &amp; sign off</b>	Legal Services officer consulted and date

	 <b>Jason Field 18/08/22</b>
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**Report Author: Steve Harrison**  
**Post: Strategic Commissioning Lead**