

BARNESLEY METROPOLITAN BOROUGH COUNCIL

This matter is a Key Decision within the Council's definition and has been included in the relevant Forward Plan

JOINT REPORT OF THE EXECUTIVE DIRECTOR (PEOPLE) AND EXECUTIVE DIRECTOR (PLACE) TO CABINET ON 6th FEBRUARY 2019

PROPOSED CONVERSION OF THE KENDRAY RESOURCE CENTRE INTO A SATELLITE FACILITY FOR PUPILS WITH SPECIAL EDUCATIONAL NEEDS

1.0 PURPOSE OF REPORT

- 1.1 To seek Cabinet's approval for the conversion of Kendray Resource Centre into a satellite facility for the Wellspring Multi-Academy Trust to be used exclusively by children with special educational needs.
- 1.2 To seek Cabinet's approval to use the Athersley '*I Know I Can*' (IKIC) Centre as a location for providing alternative education for pupils at the Pupil Referral Unit satellite facility, currently located at the Kendray Resource Centre.
- 1.3 To obtain Cabinet's approval for the granting of two new leases to the Wellspring Multi Academy Trust of up to 25 years for the Kendray Resource Centre and up to 7 years for the Athersley IKIC Centre, for these purposes, at nominal rentals in both instances.

2.0 RECOMMENDATIONS

- 2.1 **That Cabinet approves arrangements leading to the conversion of the Kendray Resource Centre into a satellite facility for pupils with special educational needs, as summarised in Section 4.0 of this report, with effect from the 2018/19 school year.**
- 2.2 **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).**
- 2.3 **That, as part of this report's proposals, Cabinet approves the granting of two new leases to the Wellspring Multi Academy Trust for up to 25 years at Kendray Resource Centre and up to 7 years at the Athersley IKIC Centre at nominal rents, in both instances.**
- 2.4 **That the Corporate Assets Manager be authorised to finalise Heads of Terms for the new leases to the Wellspring Multi Academy Trust.**
- 2.5 **That the Executive Director (Core Services) be authorised to complete the new leases to the Wellspring Multi Academy Trust.**

3.0 INTRODUCTION

- 3.1 On 15th November last year, Cabinet gave approval for the adoption of the Borough's School Placement and Sufficiency Strategy for Children with Special Educational Needs including a disability (SEND). Such needs can range from cognition and learning; social, emotional and mental health, physical or sensory needs or communication and interaction.
- 3.2 A major priority for the Strategy is to invest in Barnsley's own mainstream and specialist schools so they are best able to meet the needs of SEN pupils, closer to their home and avoid having to place these vulnerable children in high cost, independent settings outside of the Borough at a time when the number of children with SEN(D), in Barnsley, is increasing and demand for places is rising, putting additional pressure on the Council's Budget.

4.0 PROPOSAL AND JUSTIFICATION

4.1 Proposed Future Use Of The Kendray Resource Centre

- 4.2 Currently, the primary occupier of the Kendray Resource Centre, is the Wellspring Multi-Academy Trust (MAT) through which the Council commissions places relating to alternative, education provision. The Centre is used as a satellite facility in accommodating a number of funded placements for pupils who have either been permanently excluded from their secondary school or who have been identified as being at risk of permanent exclusion.
- 4.3 The Wellspring MAT currently occupies the Kendray Resource Centre through a 7 year lease from the 1st September 2015. However, a small part of this property is also occupied by the "Kidsworld" Children's Nursery via a licence agreement. Following the granting of this lease, the Nursery became a direct licensee of the Wellspring MAT.
- 4.4 With Cabinet's approval, it is proposed that the pupils, based in this satellite of the Pupil Referral Unit (PRU) should be re-located and 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 pupils. This Centre is also a Council asset and it is proposed that the Wellspring MAT should be granted a new lease of up to 7 years on this property in order to facilitate the re-location of the PRU satellite pupils from the Kendray Resource Centre into the IKIC Centre.
- 4.5 This will enable the conversion of the building at the Kendray Resource Centre and allow up to 30 pupils, with social, emotional or mental health needs, to be accommodated at the Centre, as part of specialist places which have also been commissioned through the Wellspring MAT. Under this proposal and due to the relatively short, unexpired term of the Wellspring MAT's current lease, it is proposed that the MAT will surrender its existing leasehold interest and should be granted a new lease for the Kendray Resource Centre for a term of up to 25 years. The majority of the terms and conditions of this lease will be the same as the existing lease.

- 4.6 Re-designating Kendray Resource Centre from its original role as a satellite facility for alternative, education provision or PRU into a proposed satellite facility for specialist, education provision, is based upon the Local Authority having to comply with its statutory responsibilities to ensure pupils with SEN(D), in particular, are accommodated in facilities which support full access to the National Curriculum for Schools.
- 4.7 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 Kendray, at a cost of £0.477 million. Full details concerning the financial implications are shown in Section 7 of this report and in Appendix 'A'.
- 4.8 The proposal in its entirety would ensure all pupils transferring into and out of the Kendray Resource Centre, continue to have their educational needs met by Wellspring MAT which has been judged to be 'Outstanding' for its special school provision, by Ofsted at its latest inspection.
- 4.9 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 which has been judged as being 'Outstanding' would, thereby, make more effective use of available resources; improving value for money and helping secure better outcomes for vulnerable and disadvantaged pupils.
- 4.10 Impact Of The Proposal Upon Other Tenants At The Kendray Resource Centre
- 4.11 Should the proposal in the report be approved, it would result in the licence agreement held by "Kidsworld" Children's Nursery, having to be terminated in accordance with the notice period required under its licence agreement. As previously indicated, the Nursery is currently the Wellspring MAT's direct Licensee and so any notice to vacate the property would need to be served by the MAT.
- 4.12 The "Kidsworld" Children's Nursery is currently being supported by the Early Start, Prevention and Sufficiency Service in finding alternative accommodation. Evidence suggests that the Local Authority's statutory duty to provide sufficient childcare places within this locality, will still be met.

5.0 CONSIDERATION OF ALTERNATIVE APPROACHES

- 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 Kendray Resource Centre and the absence of a viable local alternative, would help prevent placing pupils with SEN(D) in high cost, independent settings outside the Borough and away from their families. The lack of alternatives within the Borough, in the medium term, has formed part of the findings of a feasibility study into the expansion of secondary and special school places, which was recently commissioned by the Council.
- 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.

6.0 IMPLICATIONS FOR LOCAL PEOPLE/SERVICE USERS

6.1 Impact Of The Proposal On The Community

- 6.2 As previously stated, the proposal in this report represents the most effective option for meeting the needs of both sets of pupils. In particular, the proposed conversion of the Kendray Resource Centre would prevent placing pupils with SEN(D) in high-cost independent settings outside the Borough away from their families.
- 6.3 In addition, the proposed lease of the Athersley IKIC Centre would see a currently vacant building brought back into use for the purpose of alternative education provision for PRU pupils and eventually SEN(D) pupils, thereby affording a facility which should benefit families within the immediate location as well as the whole Borough.
- 6.4 However, 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 both the Stairfoot and St. Helen's Wards in order to give due regard to their views and those of their constituents on the proposed conversion of the Kendray Resource Centre and the Athersley IKIC Centre.
- 6.5 A briefing for Elected Members took place on 3rd January during which they raised no concerns over the proposal to convert the Kendray Resource Centre into a satellite facility for meeting the education placement needs of pupils with SEN(D) or the transfer of the current group of pupils to the Athersley 'IKIC' Centre, 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.

7.0 FINANCIAL IMPLICATIONS

- 7.1 The proposal to convert the Kendray Resource Centre (currently leased to the Wellspring MAT) will result in additional capital costs to the Local Authority. This is essential in order to make it fit for purpose as a facility which ensures pupils with SEN(D) are supported to fully access the National Curriculum.
- 7.2 A provisional schedule of the development cost of undertaking the work that totals £477,000 has been received from Wellspring Trust. 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 new multi-use games area)
 - Fees and contingency provision.

As the current leaseholder, the capital works will be undertaken by the Wellspring Trust (in accordance with their procurement and contracting arrangements). The schedule of costs will be reviewed by the Council's Asset Management and Property Service for reasonableness and value for money and will be agreed up front with Wellspring Trust before the commencement of any work.

- 7.3 In addition to the above cost, it is anticipated that a capital cost of around £50,000 would be incurred in relation to accommodating current alternative provision (PRU satellite) pupils from the Kendray Resource Centre into the Athersley IKIC Centre. An assessment is being undertaken to determine the exact requirements and to confirm the cost of works.
- 7.4 The above, estimated capital cost will be funded from the uncommitted balance of the Department for Education's SEN(D) Special Provision Grant. The Council has been allocated £781,276 over 3 years (£260k each year) to fund additional SEN(D) pupil; places and improve facilities and provision for pupils with SEN(D) of which approved commitments amount to £237,000.
- 7.5 For International Financial Reporting Standards purposes, both leases will be classified as an operating lease. There are no undue VAT implications arising for the Council as a result of the proposed 25 year lease for Kendray Resource Centre and the proposed 7 year lease for the Athersley IKIC Centre.

8.0 EMPLOYEE IMPLICATIONS

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

9.0 LEGAL IMPLICATIONS

- 9.1 As previously stated, the Kendray Resource Centre is already leased to the Wellspring MAT and, in addition, the Athersley IKIC Centre is presently vacant, pending the approval of this report. Neither of these facilities are currently registered as an asset of community value nor is the Council aware that a bid has been received to transform either Centre into such an asset.

10.0 CUSTOMER AND DIGITAL IMPLICATIONS

- 10.1 No implications are anticipated for accessing the range of Council service channels or in maintaining digital transactions.

11.0 COMMUNICATIONS IMPLICATIONS

- 11.1 Should Cabinet approve the recommendations of this report, steps will be taken to inform parents and carers of the pupils affected by the relocation, together with those to be newly accommodated at both Centres, of the changes and when they will take effect.

12.0 CONSULTATIONS

- 12.1 The Senior Management Team has been consulted and has/has not given its support to the proposal. The outcome of our consultation on the proposals with Elected Members for the Stairfoot and St. Helen's Wards, is summarised in Paragraph 6.4 of this report.

13.0 THE CORPORATE PLAN AND THE COUNCIL'S PERFORMANCE MANAGEMENT FRAMEWORK

13.1 It is a priority outcome for the Council and the Barnsley Children and Young People's Trust that every child should, in Ofsted's terms, attend a 'Good' school as part of achieving their potential. Currently, our aim is for 90% of children to be able to attend a 'Good' school by 2020 and whilst the attainment of children and young people with SEN(D) together with pupils who have been excluded from school is not a local indicator within the Corporate Plan, our objective through the Barnsley Alliance for School Improvement, is to focus upon providing the right support to all pupils from disadvantaged groups as part of a more inclusive approach and to ensure they possess the qualifications which will enable them to improve their life chances.

14.0 PROMOTING EQUALITY, DIVERSITY AND SOCIAL INCLUSION

14.1 The proposal represents an effective option through which the needs and aspirations of a group of children with a protected characteristic, as defined by the Equality Act, can be fulfilled and any gap in achievement closed, thereby promoting equality and inclusion. In particular, please refer to Paragraphs 3.2, 4.6 and 7.1 of this report.

15.0 TACKLING THE IMPACT OF POVERTY

15.1 Please see Paragraph 13.1 of this report.

16.0 TACKLING HEALTH INEQUALITIES

16.1 All children with a special educational need and their parents are issued with an Education and Health Care Plan which aims to ensure that these needs are met and thereby enable such children to live healthy lives and achieve their potential.

17.0 REDUCTION OF CRIME AND DISORDER

17.1 There are no implications for tackling crime, disorder and anti-social behaviour arising through the report. Cabinet may be aware of concerns, expressed at national level, of '*County Lines*' through which organised, criminal gangs could potentially be targeting PRUs to groom young people. Whilst there is no evidence to suggest this is taking place in Barnsley, designated local safeguarding partners will work with the range of alternative education providers, including parents of children who are subject to elective home education, in order to safeguard young people from such risks.

18.0 RISK MANAGEMENT ISSUES

18.1 There will inevitably be a potential risk that market conditions or indeed other factors could impact upon the capacity and performance of a MAT. The Barnsley Alliance for School Improvement will monitor this issue as part of its arrangements for assessing and reviewing risks as part of our ambition of ensuring all schools and academies in Barnsley are judged to be 'Good' or better.

19.0 HEALTH, SAFETY AND EMERGENCY RESILIENCE ISSUES

19.1 In converting a community or resource centre into such an exclusive use, there is, perhaps, a potential risk that, in the event of a major incident, such as the 2007 floods, its use as a possible rest centre could be compromised. This would require the 'Silver' Team to consider using an alternative venue, if applicable.

20.0 COMPATIBILITY WITH THE EUROPEAN CONVENTION ON HUMAN RIGHTS

20.1 The proposal is compatible with the EU Convention.

21.0 CONSERVATION OF BIODIVERSITY

21.1 There are no implications for the local environment or the conservation of biodiversity arising through the report.

22.0 GLOSSARY

22.1 None, applicable.

23.0 LIST OF APPENDICES

23.1 Appendix 'A': Financial summary of proposal(s)

24.0 BACKGROUND PAPERS

24.1 If you would like to inspect background papers for this report, please email governance@barnsley.gov.uk so that appropriate arrangements can be made

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