

BARNSLEY METROPOLITAN BOROUGH COUNCIL

JOINT REPORT OF: Executive Director (Children's Services) and Executive Director (Growth & Sustainability)

TITLE: PROPOSED CONVERSION OF THE ELMHIRST YOUTH CENTRE INTO AN EDUCATION FACILITY FOR PUPILS WITH SPECIAL EDUCATIONAL NEEDS

REPORT TO:	CABINET
Date of Meeting	21 September 2022
Cabinet Member Portfolio	Children's Services
Key Decision	Yes
Public or Private	Public

Purpose of report

To seek Cabinet's approval for the refurbishment and use of the former Elmhirst Youth Centre into an education facility to be used exclusively by children with special educational needs.

To seek Cabinet's approval for the commissioning of up to 40 new places for pupils with special educational needs and/or disabilities (SEND) at the Elmhirst Youth Centre provision.

To seek Cabinet's approval for the granting of a new lease agreement to the NEXUS Multi 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 and expansion of the former Elmhirst Youth Centre into a satellite facility for providing education to 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 40 places for pupils with SEND including complex needs at the Elmhirst Youth Centre, 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, Cabinet approves the granting of a new lease to the NEXUS Multi Academy Trust for up to 25 years at the former Elmhirst Youth Centre at nil rent.**
- 5. That the Head of Property Services be authorised to finalise Heads of Terms for the new lease to the NEXUS Multi Academy Trust.**
- 6. That the Service Director (Law and Governance) be authorised to complete the new lease to the NEXUS Multi Academy Trust.**

1. INTRODUCTION

- 1.1 In April 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 the former Elmhirst Youth Centre. This will lead to the creation of up to 40 additional Key Stage 3 and 4 places for children and young people with SEND Communication, Interaction and Autism needs
- 2.2 It is proposed that this development and expansion, subject to appropriate all relevant approvals will be in two phases, over two academic years 22/23 and 23/24.
- Phase one will be the refurbishment of the existing building which will provide up to 24 additional SEND places for KS3 and 4 children and young people with C& I and Autism needs who will be able to access a specialist education curriculum to meet their individual needs. Provide new multi-use games area facilities and provide all year-round access to sports facilities and create additional recreation space for pupils. External groundworks. Remodelling/refurbishment works to include; removing internal walls, providing ramped access to the upper teaching area, new lighting, toilet facilities, floor coverings and redecoration
 - Phase two will be to expand adjacent to the current building to develop further additional capacity on the site to accommodate a further 16 places minimum. Providing a new classroom extension, with pupil cloak room and toilets. Additional resource areas for small group work, new office and SEN space.
- 2.3 To support the Council's declared climate emergency and Zero 40 and Zero 45 programmes to reduce carbon emissions, all phases of work will be developed using sustainable designs, systems, and materials to reduce carbon emissions from the site. Initial discussions with LA planning have indicated that there are no concerns for expansions within the permitted scope of the boundary and foot print requirements

- 2.4 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.
- 2.5 With Cabinet's approval, it is proposed that the pupils, will be accommodated at the Elmhirst Youth Centre. This Centre's core purpose, since its opening, has been to support vulnerable, adolescent children, but it has been vacant for over 4 years.
- 2.6 The former Youth Centre is a Council asset and it is proposed that the NEXUS MAT will be granted a new lease of up to 25 years at nil rent for this property, after its conversion. Doing this will help to facilitate the provision of education for pupils with SEND at the former youth centre site.
- 2.7 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.
- 2.8 Re-designating the Elmhirst 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, particularly those with SEND, are accommodated in facilities which support access to an appropriate specialist curriculum.
- 2.9 This proposal also supports the Local Authority's approach in managing the High Needs Block deficit through its 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
- 2.10 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 independent, high-cost special school settings or 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 The proposal in its entirety would ensure all pupils transferring into the Elmhirst 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 Worsbrough Ward in order to give due regard to their views and those of their constituents on the proposed conversion of the former Elmhirst youth centre.

3.1.1 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 former Elmhirst youth centre would prevent placing pupils with SEND in high-cost settings outside the Borough away from their families.

3.1.2 In addition, the proposed lease and conversion of the former Elmhirst youth centre would see a currently vacant building brought back into use for the purpose of specialist education provision for SEND, thereby affording a facility which should benefit families within the immediate location as well as the whole Borough.

3.1.3 Capital Costs

3.1.4 The proposal to refurbish and expand the Elmhirst 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

3.1.5 A provisional schedule of the development cost of undertaking the work that totals £1.3million has been received from NEXUS. The schedule includes an indicative cost for the following:

3.1.6 A summary of the overall scheme for delivering refurbishment and expansion is set out below

Capital Expenditure (Inclusive of Works, Fees, ICT, Furniture, etc):	£M
Phase 1- Refurbishment and external ground works including Provide new MUGA to provide all year-round access to sports facilities and create additional recreation space for pupils External Groundworks Remodelling/refurbishment works to include; removing internal walls, providing ramped access to the upper teaching area, new lighting, toilet facilities, floor coverings and redecoration	0.702
Phase 2 - New classroom extension, with pupil cloak room and toilets. Additional resource areas for small group work, new office and SEN space.	0.602
Total Capital Funding	1.304

3.1.7 The above costs are based on high level estimates. Until procurement exercises for each phase of works and actual tendered rates have been received, there is a risk that schemes costs could change.

3.1.8 The schedule of costs has been discussed with the Council's Asset Management and Property 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 Elmhirst provision with 40 pupils, the average per pupil refurbishment and expansion cost is approximately **£32,500** subject to any market variations.
- The above compare favourably with the National School Delivery Cost benchmarked average cost per pupil of **£39,428**

3.1.9 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.

3.1.10 It is proposed that the above capital costs are funded from the Council'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 current uncommitted SEND / High Needs provision capital funding in 2022/23:

Special Provision Capital Fund balance B/F	2,141,816
High needs capital funding allocation (22/23)	3,825,538
Committed schemes (as at June 2022)*	-1,162,286
Total latest uncommitted funding	4,805,068

* Includes recently approved Athersley IKIC centre SEND development (£298k)

3.1.11 Revenue Costs

3.1.12 Annual revenue funding will be provided to NEXUS based on number of places. The revenue funding arrangements are as follows:

- Place funding £10,000 per place.
- An annual top up funding has been agreed at £19,800 per pupil.
- However, it is proposed to pay an additional one-off funding of £112,000 in 2022/23 (equivalent to £8,000 per pupil) for start-up / diseconomies of scale costs in the first year. It is proposed that this cost is capitalised and funded from high needs capital resources.
- The number of planned places is 24 in 2022/23 and increasing to 40 places in 2023/24 (i.e. additional 16 places). Actual top up funding will be dependent on the actual number of pupils placed at the provision.

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

	2022/23	2023/24
	£	£
Place Funding (£10,000)	140,000	333,333
Top Up (£19,800)	277,200	660,000
Start-up costs / funding	112,000	0
	529,200	993,333

(22/23 part year funding from September 22 and full year in 23/24 based on pupils)

3.1.13 The above costs will be funded from Barnsley's allocated DSG high needs funding (NB £112k to be funded from HN capital funding) and has been included in the high needs budget for 2022/23. Funding requirement for future years has been reflected in the Council's DSG Management Plan (2022 – 2025).

3.1.14 Transport Costs

3.1.15 All school transport routes to this school are new and therefore a net cost to the service. The thrust of this report is that new schools such as this will provide more pupils with in- borough specialised places and reduce transport costs to out of borough schools. This may be the case in time but short term it will cost more. For example, West Riding School is proposed to cater for pupils with Communication, Interaction and Autism needs. A similar out of borough school is Robert Ogden. In the financial year 2022/23 school transport will still be providing transport to both Robert Ogden and West Riding as shown in the table below creating an overall increase to school transport of £58,900, whilst at the same time the overall numbers travelling to Robert Ogden has increased

September 2021	Robert Ogden	West Riding
Number of pupils accessing transport	22	0
Annual cost of transport (academic school year 2021/22) including passenger assistants	£130,410 (7 routes)	0
Pupils accessing a personal Travel budget (PTB)	£ 37,528 (14 pupils)	0
Staff costs passenger assistants and pro rata office staff	£12,000	0
Total cost 2021/22	£179,933	0
September 2022		
Number of pupils accessing transport	27	8
Annual cost of transport (academic year 2022/23) including passenger assistants	£157,494* (6 routes)	£58,900* (2 routes)

Pupils accessing a Personal Travel Budget	£37,528	(14 no)	0
Staff costs including passenger assistants and pro-rata office staff	£12,000		£12,000
Total cost 2022/23	£207,022*		£70,900*

- At time of writing school transport is still receiving applications for September 2022

3.1.16 It is also important to note that in Phase one it is proposed to have 24 places at the West Riding School. Unless a pupil lives extremely close to the school and can walk, it is fair to assume that all 24 places will be eligible for school transport, of which only 8 have applied to date. Some parents will choose not to apply for transport or take up a personal travel budget, but the worst- case scenario is that a further 16 pupils could require transport during the 2022/23 academic year. Based on the costs above this could place an extra £141,800 onto the school transport budget, with very little foreseeable reduction in the Robert Ogden School transport costs.

3.2 Legal

3.2.1 The former Elmhirst youth centre is presently vacant, being used for storage 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 nominal rents 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 this 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 Cabinet will be aware that children and young people with special educational needs, including a disability or impairment, are designated as having a protected characteristic under the Equality Act. The proposal in this report exclusively aims to promote the engagement of these vulnerable groups of children in education, support their inclusion and improve their life chances.

3.4 Sustainability

3.4.1 Cabinet's attention is drawn particularly to Paragraph 2.3 of this report.

3.5 Employee

- 3.5.1 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 Elmhirst centre, of the changes and when they will take effect.

4. CONSULTATION

- 4.1 A briefing for Elected Members took place on 7th July 2022 during which they raised no concerns over the proposal to convert the former Elmhirst youth centre into a facility for meeting the education placement needs of pupils with SEND.
- 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 former Elmhirst youth 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.

- 5.3 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 Worsbrough 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

MAT Multi Academy Trust

8. LIST OF APPENDICES

There are no appendices to this report

9. BACKGROUND PAPERS

[Details of background papers **MUST** be included]

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

10. REPORT SIGN OFF

Financial consultation & sign off	<i>Joshua Amahwe 17/08/2022</i>
Legal consultation & sign off	Legal Services officer consulted and date <i>Jason Field 17/08/22</i>

Report Author: Nina Sleight
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