READING BOROUGH COUNCIL

REPORT BY EXECUTIVE DIRECTOR OF ECONOMIC GROWTH AND NEIGHBOURHOOD SERVICES

TO: POLICY COMMITTEE

DATE: 12 JULY 2021

TITLE: THE AVENUE SCHOOL EXPANSION

LEAD COUNCILLOR PAGE PORTFOLIO: STRATEGIC ENVIRONMENT,

COUNCILLOR: COUNCILLOR PEARCE PLANNING AND TRANSPORT

COUNCILLOR BROCK EDUCATION

LEADER OF THE COUNCIL

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SERVICE: PROPERTY & ASSET WARDS: BOROUGHWIDE

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ASSET MANAGEMENT

EDUCATION ASSETS

MANAGER

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This paper seeks scheme and spend approval for the capital investment required to convert The Avenue Centre (TAC) building. There is £5 million from DfE (Department for Education) Grant in the approved capital programme for this work to The Avenue. The cost of the refurbishment will come from the overall DFE Basic Need Grant, which has been allocated within the Capital Programme which was approved at full Council in February 2021.
- 1.2 **Appendices:** Appendix A Equality Impact Survey, Appendix B to D Pupil Planning data.

2. RECOMMENDED ACTION

That Policy Committee:

- 2.1. Authorises the release and spend of the £5 million budget for this project as identified in the Council's approved Capital Programme February 2021.
- 2.2 Delegates authority to the Executive Director for Economic Growth and Neighbourhoods, in consultation with the Lead Councillors for Education and Strategic Environment, Planning and Transport, the Director of Finance and the Assistant Director of Legal and Democratic Services to:
- 2.2.1 Tender and enter into contracts for the refurbishment and new building works to TAC.

- 2.2.2 Agree and enter appropriate agreements with current occupiers of TAC and partnership organisations to facilitate the exit of current occupiers from the building and relocation of these parties within the Council's property portfolio.
- 2.2.3 Agree and enter into the academy lease with The Avenue School Special Needs Academy Trust in respect of the newly refurbished TAC; and
- 2.2.4 The Assistant Director of Legal Services should be authorised to enter into the necessary legal agreements.
- 2.3 Note the progress and issues connected with the vacation of the building to enable it to be converted and transferred to achieve the revenue savings target.

3. POLICY CONTEXT

- 3.1 A local authority (LA) has a legal duty under section 13a of the Education Act, 1996, as amended by section 5 of the School Standards and Framework Act, 1998, to: "ensure that their functions relating to the provision of education to which this section applies are (so far as they are capable of being so exercised) exercised by the authority with a view to promoting high standards." In addition, the SEND Code of Practise 2015 underpins a LA's duties under part 3 of the Children's and Families 2014 Act.
- 3.2 The LA has specific duties relating to children with special educational needs (SEND). These include:
 - securing SEND provision for pupils with SEND;
 - promoting integration of pupils with SEND;
 - making provision for children and young people with Education and Health Care (EHC) plans;
 - enabling pupils to be educated in accordance with parents' wishes; and
 - ensuring that education and training functions are exercised with a view to promoting high standards.
- 3.3 There is pressure on RBC's revenue budgets and in the November 2020 budget setting exercise, The Avenue Centre (TAC) was identified as an opportunity to reduce property running costs. The savings proposal was accepted and included in the MTFP. This saving involves discontinuing RBC/BFfC's use of this building as an office, so that it no longer incurs the associated property running costs. This paper provides an update on the delivery of this saving.
- 3.4 There is a second major benefit that is being targeted from this project. Once the building has been vacated, it is proposed to convert it to school use, to provide additional SEND places. Once the conversion is complete, the site will transfer to the school (The Avenue School Special Needs Academy Trust), who would then be liable for all of the property running costs.
- 3.5 In order to deliver this revenue saving and deliver additional SEND school placements, staff and tenants who previously used this office building (prior to COVID the building has been closed during the pandemic) will need to be relocated. This will require moving staff located there to other RBC locations, including increased working from home where appropriate.

- 3.6 The numbers of required Special Educational Needs and Disability (SEND) places in Reading is continuing to rise. The Avenue School has reached its full capacity of 175 students despite having expanded in 2017 by 25 places, with the addition of a double modular classroom and again in 2019 by refurbishing the Avenue Centre Training Suite to accommodate another 30 pupils. Other maintained SEND schools, both within the borough and out of borough, are also at full capacity.
- 3.7 Pupil forecasting data indicates that in 2021, overall there is sufficient capacity to meet demand for Reading pupils if we continue to use the 'greater Reading' schools. In 2022 with the addition of 60 places at the Avenue academy School, as proposed by this report, and 75 places at our co-commissioned Oak Tree School, there is sufficient capacity for the projected level of pupils requiring specialist provision to attend a 'Reading' School.
- 3.8 In reality though some of the capacity in the Reading schools is taken up by pupils from other LAs. From 2023 there will still be a reliance on using schools within the greater Reading area. However, this should not be considered unreasonable as travel time and suitability of schools and costs are comparable to schools within Reading
- 3.9 **Appendix A** details the Equalities Impact Scope Assessment (EISA) which has been carried out for the project. The conclusion of the EISA is that a full Equality Impact assessment is not required.
- 3.10 In October 2020, officers identified an opportunity for the Council to reduce its property running costs by moving staff located at the TAC to other locations including increased working from home where appropriate.
- 3.11 Staff, who prior to the pandemic, were based at TAC are being consulted and relocated.

4. THE PROPOSAL

4.1 Current Position:

- 4.1.1 The number of pupils with EHC Plans has increased significantly over the last three years, increasing from 1282 in Jan 2019, to 1364 in Jan 2020 and 1436 in Jan 2021
- 4.1.2 The DfE grant (contained within the Dedicated Schools Grant) for High Needs block (HNB) funding is over spent mirroring the national picture. The funding is overseen by the Schools Forum. At the January 2021 meeting it was reported that the funding for the HNB will be just under £2m and currently the deficit is estimated to be £2.1m. A significant contribution towards this cost is from the number of high cost specialist placements for those pupils.
- 4.1.3 Approximately 50% of those pupils with special educational needs are currently educated out of Borough. Many attend either LA maintained or Academy run provisions which represent good value in adjacent authorities, and it is not intended to alter the arrangement.
- 4.1.4 It is suggested that BFfC will need to increase liaison where possible, with Reading's neighbouring LAs to monitor the future availability of those places. It is likely that if the number of SEND places for Reading pupils is increasing that this issue will be mirrored in the authorities whose schools we rely on in the 'greater Reading' area and may therefore lead to pressure on the places Reading has traditionally relied on.

- 4.1.5 At present there are approximately 60 students who have EHC Plans which identify The Avenue School but are not able to be awarded places. BFfC have reported there are a further 60 pupils attending out of Borough SEND provision currently.
- 4.1.6 The original planning permission for the school development on the site dates from 2006 when application 06/00253/REG3 was granted permission for the redevelopment of school playing field to erect a mixed used educational centre to include special needs school, community uses and ancillary educational staff offices and conference facilities for the Reading Education Centre, incorporating new access road, parking and highway works with associated landscaping and re-provision of public open space. Then in 2011 application 11/01262/REG3 proposed internal refurbishment works including changes to the first-floor layout.

4.2 Option Proposed:

- 4.2.1 It is proposed that the whole of TAC building is transferred to The Avenue School Special Needs Academy Trust and refurbished, to cater for a further 60 SEND pupils, enabling the school to increase their capacity from 175 to 235 pupils.
- 4.2.2 The creation of 60 additional spaces at The Avenue School and the 75 places at the Oak Tree School in Wokingham could provide a potential saving from the High Needs block by reducing the number of more expensive placements at independent or non-maintained schools and related transportation costs. Appendix B indicates a potential saving of £1.5m from 2022 to 2026. This assumes that the pupils at the independent and non-maintained schools continue in situ until the end of their education and that no more pupils are allocated to those provisions from 2022 onwards, when the capacity in Reading schools is increased. It should be noted that savings of this scale have materialised since our introduction of the extra 55 places at the Avenue Centre in past years. Since 2017 there has only been a reduction from 68 pupils to 60 pupils in the Independent and non-maintained schools (see Appendix C).
- 4.2.3 Measures or actions should be encouraged to be put in place to strengthen the placement of pupils either within Reading Special Schools or those included in the 'greater Reading' area which are LA maintained or Academy Schools. Some pupils may always need to attend different specialist provision due to their individual needs, but greater efforts need to be made to reduce these instances. This would help to ensure this project demonstrates value for money.
- 4.2.4 Advice has been sought on whether planning permission would be needed for the proposed increase in use of the building for educational purposes. The mixed-use nature of the property was recognised in the original description when planning permission was granted in 2006, with the office used and described as being ancillary to the main educational and community uses. If it can be confirmed that the current community use of the building after school times will continue and that some of the floorspace will still be required for ancillary office use, then the proposed reconfiguration of the use of the building would still fit within the description of development as approved. It is also relevant to note that when planning permission was granted for the 2011 internal refurbishment works, the officer report confirmed that there were no concerns raised by the proposal then to change existing office space used by education staff into classrooms and other associated uses. If formal confirmation is needed that the proposed use under this option would be a lawful planning use of the property, then an application can be submitted for a Lawful Development Certificate.

- 4.2.5 This proposal has been agreed by Brighter Futures for children Director of Education.
- 4.2.6 In order to achieve vacant possession of the site, a number of occupants will require assistance in moving out of the premises and in some instances being relocated within the Council's property portfolio. Officers will need authority to proceed with facilitating the transition by agreeing and entering appropriate agreements with current occupiers of TAC and partnership organisations.

4.3 Other Options Considered

4.3.1 'Do Nothing' approach.

BFfC will continue to follow their existing plans for providing SEN places in Sept 2021 and onwards. Paragraph 3.7 demonstrates that there are sufficient places within the 'greater Reading area', however data is not available to demonstrate if the types of provision available adequately meet the pupils needs.

If it were not possible to expand The Avenue School, then pupils would need to be placed with other State Funded Special Schools, or Independent Non-maintained schools, often outside the borough. Average cost per pupil place at LA or maintained schools can be up to £19k per place, and at Independent or Non-maintained schools up to £50k. A further allowance of £10k transport costs per out of borough placement is then added.

4.3.2 Explore alternative sites. The Avenue School is the only Academy School and Holy Brook is the only maintained special school in Reading. A further bid to the DFE could be submitted for a new SEND school, however there is an urgent need for places and The Avenue School is already set up and successfully operating with an 'Outstanding' Ofsted rating. There is also a shortage of sites available within Reading suitable for development for a SEND school.

5. CONTRIBUTION TO STRATEGIC AIMS

5.1 The purpose of this section is to ensure that proposals contained in reports are in line with the overall direction of the Council by meeting at least one of the Corporate Plan priorities:

By providing further SEND school places within the Borough, we would be helping to protect and enhance the lives of vulnerable adults and children and helping to ensure that there are good education opportunities for the people of Reading.

- 5.2 The project will contribute to the Council's strategic aims:
 - Healthy environment by providing further school places within the borough, we
 would be reducing the length of taxi/minibus journeys to out of borough schools,
 therefore reducing the associated carbon emissions. It is also likely that we would
 be able to reduce the number of mini buses being used, as it would be to one
 destination rather than several.
 - Thriving communities by creating further SEND school places, we are providing local opportunities to educate the pupils within Reading. The expansion of the school would also allow pupils to stay on into post 16 education and vocational training, helping them to find a role post school.
 - Inclusive economy- the Council has a legal obligation to provide school places for all students, including those with SEND. By providing further places at The

Avenue School, we are creating the opportunity for pupils to receive their school place within the borough, enabling them to make local friendships and reducing their daily journeys to school.

6. COMMUNITY ENGAGEMENT AND INFORMATION

- As a SEND Academy, it is the responsibility of the school to go out to consultation on the increase in school capacity. As part of their application, they are required to submit a business case to the Department for Education detailing the consultation process they have undertaken, which should invite the local authority, feeder schools, other SEND schools in the area and local parents to comment. BFfC may need to support the School in this consultation process.
- 6.2 Consultation will also be undertaken with parents, staff and neighbours through the planning process.

7. EQUALITY IMPACT ASSESSMENT

- 7.1 Under the equality Act 2010, section 149, a public authority must, in the exercise of its functions, have due regard to the need to -
 - Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 7.2 The project was assessed against the EIA template and it was determined that the project would positively affect SEND children within the borough, by increasing their access to local education facilities. Any children between 2-19 with a Statement of Special Educational Needs or an Education Healthcare plan would benefit and would not be discriminated against by age, religion, gender or sexual orientation. A full EIA was therefore not thought to be necessary.

8. LEGAL IMPLICATIONS

- 8.1 Under the Children and Families Act 2014, the Council has a statutory duty to identify and assess the special education needs (SEN) of children and young people who they are responsible for and to secure the 'best possible outcomes' for them.
- 8.2 The Council has a statutory duty to provide education that meets the SEN, where such need is identified in that child or young person's EHC Plan.
- 8.3 Wherever possible, it is proposed that schemes are procured through HCC (Hampshire County Council), using their Framework Agreements in accordance with contract procedure rule 9 (3). These Framework Agreements have been through the EU regulated tendering process to appoint the Framework Contractors. This means that individual projects using the Frameworks are carried out by Framework Contractors and they do not have to be advertised in the UK's e-notification service Find a Tender, which replaces the Official Journal of the European Union. Works contracts with the framework contractors in respect of each of the individual school projects will be entered into.
- 8.4 It is proposed that the design work and contract administration is undertaken by Hampshire County Council, working in accordance with the Reading & Hampshire Property Partnership.

- 8.5 The TAC must be vacated, and any current licences for occupation or occupational tenancies held by external organisations, terminated, before the building can be transferred to the Avenue School Special Needs Academy Trust under a standard 125-year academy lease, once the building works are completed.
- 8.6 Heads of terms for the grant of an academy lease and a development agreement for lease (if necessary) should be agreed and signed by all parties as soon as possible.
- 8.7 If the premises include school playing fields then an application for consent to dispose of a playing field under the School Standards and Framework Act 1998 must be made to the Secretary of State for Education for permission to develop the building once any formal local consultation has been concluded.
- 8.8 RBC Joint Legal Team have been consulted in the production of this report and will work collaboratively with RBC and BFfC to deliver this.
- 8.9 The Assistant Director of Legal Services should be authorised to enter into the necessary legal agreements.

9. FINANCIAL IMPLICATIONS

9.1 General Fund Revenue - There will be ongoing revenue savings to Reading Borough Council as a result of reduced expenditure on utilities, cleaning and maintenance. Recharges currently made to the Avenue school for the use of the building will cease. The net savings are estimated at £136,600 per annum and the following table shows the annual profile of those savings. Note - all figures in these tables are cumulative.

General Fund	2021/22	2022/23	2023/24 Onwards
	£	£	£
Running costs	-162,000	216,600	255,600
Expenditure	-162,000	216,600	255,600
Fees and charges	119,000	119,000	119,000
Total Income	119,000	119,000	119,000
Net Cost (+) / saving (-)	-43,000	-97,600	-136,600

9.2 Dedicated Schools Grant Revenue - Placement costs for pupils with special educational needs are charged to the High Needs Block of the Dedicated Schools Grant. There is a current projected overspend against the High Needs Block and the proposals contained in this report, alongside another project in Wokingham, are part of the deficit recovery plan. It is estimated that these savings could potentially reach £1.493m by 2027/28, as shown in the following table:

Year	Potential Saving £
2023/24	116,083
2024/25	344,250
2025/26	854,000
2026/27	1,347,583

2027/28	1,493,000
	., ., .,

These figures are based on the data in Appendix B converted into financial years and are purely indicative at this stage. The impact of the Avenue and Wokingham projects cannot be separated but the proposals in this paper are expected to make a very substantial contribution to these savings.

The council will not have nomination rights to the new places created at the centre so while there is confidence that this project will have a beneficial impact, the council cannot be certain about the level of SEN placement savings that will be achieved in practice.

It is also anticipated that the proposals contained in this report will result in savings against transport costs for SEN pupils, but these cannot be estimated at this stage.

Costs to move staff currently at the Avenue Centre to alternative accommodation are not known and do not form part of this proposal.

There are no capital financing charges for works associated with the expansion of the School as the capital expenditure would be fully funded by the DFE education grant.

It is estimated that the costs associated with moving existing RBC staff into new accommodation will be in the region of £15k and the funding for this is already included in the General Fund capital programme.

9.3 Capital - the estimated profile of capital expenditure is as follows:

Year	2021/22 £m	2022/23 £m
Expenditure	1.620	3.380
Basic Need Grant	(1.620)	(3.380)
Net Expenditure	0.000	0.000

9.4 Value for Money

The opportunity to reduce RBC building and maintenance costs as well as refurbish as exiting building rather than provide a new build for SEND places, offers significant value for money. This coupled with potential reduced transport costs per pupil and lower 'top up' fees for places at independent and non-maintained Schools may present further value for money

9.4.1 To attempt to improve value for money, reports should be produced on how admissions and forecast demand are being coordinated between the new facilities at the Avenue school and the Oak tree School in Wokingham to ensure the high needs block savings are achieved.

9.5 Tribunals

9.5.1 Most of the tribunals that occur for special schools are because there are insufficient available spaces. BFfC seek to resolve as many of these as possible through mediation. For every child placed over numbers at The Avenue, BFfC pay up to an additional 10k base funding per year to the school, in addition to the top up figures.

If a tribunal concluded that it would be detrimental to the education of others to place a child at The Avenue <u>and</u> that mainstream provision was unsuitable, or if, in the absence of a placement offer at The Avenue, parents stated a preference for an independent or non-maintained school and won a tribunal for that, or if BFfC found themselves having no choice but to decide to make a costly placement, then the typical costs are:

 Day placement at non-maintained/independent school in travelling distance such as Tadley Court or Priors Court = minimum approx. £75k per year depending on need plus transport costs. If there is no capacity at The Avenue and these local day placements are used then BFfC may be forced, by tribunal or otherwise, to place residentially at costs of between approx. £150k-300k per year.

9.6.1 Risk Assessment of key financial risks

- 9.6.2 The project will be a refurbishment project of an existing building. Internal surveys of the building have been carried out and the building has been found to be heavily serviced, with underfloor heating pipework throughout the flooring and particularly thick walls. Both elements have made the proposed works more challenging and could pose issues as the works commence.
- 9.6.3 Works will be taking place on a live building. Further complications programming the works will be experienced due to the nature of the building users and the need to keep noisy, disturbing works to out of school hours. This may incur additional charges and time, should contractors need to operate at weekends or later into the evening to complete works when the children are not on site.
- 9.6.4 The on-going COVID-19 pandemic may impact on workforce practices, subcontractor availability and potential supply issues.
- 9.6.5 Savings risk Places at the Avenue School cannot be reserved for Reading Children and therefore this project may not result in the predicted savings to Reading's High Needs Block costs.

10 ENVIRONMENT AND CLIMATE CHANGE IMPLICATIONS

- 10.1 The internal refurbishment of the building will not present much opportunity for improving the environment as the building is relatively new, however all building works will adhere to the latest Building Regulations which cover environmental measures.
- 10.2 It is proposed to retain the existing Solar panels on the roof of the building. The option to increase the number of panels and improve lighting may be investigated through Salix Funding.
- 10.3 There will be a net reduction in travel to the building as the building occupancy will be lower as a School than when it was an RBC Staff facility.
- 10.4 This report has been agreed with the Council's Climate strategy team

11.0 CONCLUSION

11.1 Although the data indicates there will be sufficient SEND places available for Reading pupils with EHCP plans to attend specialist provision if required through to 2026 within the 'greater Reading' area, there are currently 60 applications for Reading pupils wishing to attend the Avenue School who cannot be granted a place.

11.2 Due to the uncertainty of demand and therefore future capacity within our neighbouring authorities, the opportunity of using The Avenue Centre building, which will be vacant, should be converted to further SEND places and reserved for Reading pupils if confirmed legally possible.



Provide basic details

The Expansion of The Avenue School

Directorate: Economic Growth and Neighbourhood services

Service: Education Asset Management

Name and job title of person doing the assessment

Name: Linda Church

Job Title: Education Assets manager

Date of assessment: 28/1/21

Scope your proposal

What is the aim of your policy or new service/what changes are you proposing?

To expand the Avenue School to create 60 more SEND places within the borough, by refurbishing The Avenue Centre.

Who will benefit from this proposal and how?

Children from across Reading aged 2-19 with complex Special Educational Needs. We will be creating an additional 60 SEND places within the borough enabling local children to access a local school.

What outcomes does the change aim to achieve and for whom?

The project aims to provide more specialist places for children with complex Special Education Needs within the borough, responding to the increase in demand. The pupils will be able to attend a local school within Reading, reducing travel time and allowing them to make local friendship groups. The additional places will reduce revenue spent on Out of Borough Places and home to school transport.

Who are the main stakeholders and what do they want?

The school - the ability to provide more places within the borough to meet the increasing demand for places at the school.

SEND pupils and their parents - more specialist SEND places within Reading to reduce travel time and support their children with specialist knowledge and facilities

Neighbouring Local Authorities - SEND schools in neighbouring authorities are also at capacity.

Assess whether an EIA is Relevant

How does your proposal relate to eliminating discrimination; promoting equality of opportunity; promoting good community relations?

Do you have evidence or reason to believe that some (racial, disability, gender, sexuality, age and religious belief) groups may be affected differently than others? (Think about your monitoring information, research, national data/reports etc.)

No (delete as appropriate)

Is there already public concern about potentially discriminatory practices/impact or could there be? Think about your complaints, consultation, and feedback.

No (delete as appropriate)

If the answer is **Yes** to any of the above, you need to do an Equality Impact Assessment.

If No you **MUST** complete this statement

An Equality Impact Assessment is not relevant because: The new proposal will positively affect SEND students and their families by providing more specialist spaces within Reading and reducing the need to SEND children out of borough.

Signed (completing officer	Date
Linda Church	28/1/21
Signed (Lead Officer)	Date

Appendix B

Total Cost of Pupils attending Independent or Non-maintained Special Schools



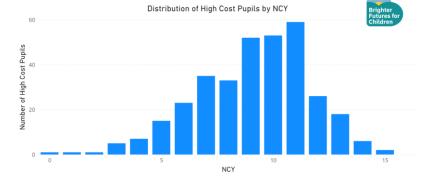
NCY	2021	2022	2023	2024	2025	2026
0	0	0	0	0	0	0
1	1	1	0	0	0	0
2	1	1	1	0	0	0
3	0	2	2	1	0	0
4	2	0	0	2	2	0
5	0	2	0	0	2	2
6	2	0	2	0	0	2
7	1	2	0	2	0	0
8	7	1	2	0	2	0
9	3	7	1	2	0	2
10	5	3	7	1	2	0
11	7	5	3	7	1	2
12	15	7	5	3	7	1
13	5	15	7	5	3	7
14	3	5	15	7	5	3
15	0	3	5	15	7	5
Total Cost	£ 2,587,878.28	£ 2,687,412.06	£ 2,488,344.50	£ 2,239,510.05	£ 1,542,773.59	£ 1,194,405.36

This assumes that the 60 places from the Avenue expansion come on line in 2022 and the 75 places from the new SEN Special school in Wokingham come on line in 2022.

Appendix C

Pupils with Education & Health Care Plans attending Independent or Non-maintained Special Schools

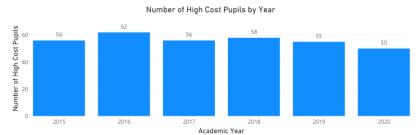




The table shows the distribution of Reading pupils, funded by Reading and attending independent or non-maintained special schools, with EHC plans over the past 5 years.

The top chart shows the distribution of pupils by national curriculum year group. The bottom chart shows the yearly total number of pupils funded by Reading with EHC plans attending independent or non-maintained special schools. The total number of pupils has remained relatively stable but has fallen by 13.8% in the last 3 years.

As demand is continuing to rise faster than the capacity it is likely that this number will rise until the new special school is opened (in 2022?)



Appendix D

Number of Children with EHC plans Funded by Reading Attend Avenue School



Academic Year	Number of Reading Pupils on Roll	Total Avenue NOR
2015	104	115
2016	105	120
2017	108	127
2018	126	142
2019	137	153
2020	159	172