

Decision Maker: EXECUTIVE

Date: For Pre-Decision Scrutiny by the Children, Education and Families PDS Committee on 15 June 2022

Decision Type: Non-Urgent Executive Non-Key

Title: FUTURE USE OF THE PHOENIX CENTRE

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Ward: All Wards

1. Reason for decision/report and options

To update members on the planned future use of the Phoenix Centre, Masons Hill, Bromley.

2. **RECOMMENDATION(S)**

2.1 **That the Executive:**

- **Agree the entering into negotiations for the future use of the Phoenix Centre including the relevant Heads of Terms (“HOTS”) for any proposed lease.**
- **Delegate authority to the Director for Housing, Planning and Regeneration in consultation with the Director of Education and the Children, Education and Families Portfolio Holder to finalise the HOTS for any proposed lease of the Phoenix Centre; and for the Director of Corporate Services and the Assistant Director of Legal Services to enter into any ancillary legal agreements relating thereto.**
- **Endorse the proposed short-term use of the site by Riverside Special School, a Community Special School, creating an additional 16 specialist school places from September 2022 with the option for further additional places from September 2023 subject to statutory consultation. Riverside school would share the ground floor with the SEN Advisory teams and existing community organisations.**

2.2 **That the Children, Education and Families PDS Committee:**

- **Note and comment on the recommendations to the Executive**

Impact on Vulnerable Adults and Children

1. Summary of Impact: Will create up to 32 special school places for children with complex SEN to enable them to be educated in their local community, as well as continuing training and information sessions for families and children with SEN across the borough
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Transformation Policy

1. Policy Status: Existing Policy
 2. Making Bromley Even Better Priority (delete as appropriate):
 - (1) For children and young People to grow up, thrive and have the best life chances in families who flourish and are happy to call Bromley home.
 - (5) To manage our resources well, providing value for money, and efficient and effective services for Bromley's residents.
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Financial

1. Cost of proposal: The initial 16 placements will cost c£500k, which is £320k less than placements in out of borough schools.
 2. Ongoing costs: Recurring Cost
 3. Budget head/performance centre: Impacts on various DSG cost centres across Education
 4. Total current budget for this head: £n/a
 5. Source of funding: DSG, High Needs Provision Capital
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Personnel

1. Number of staff (current and additional): N/A
 2. If from existing staff resources, number of staff hours: N/A
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Legal

1. Legal Requirement: Statutory Requirement
 2. Call-in: Applicable
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Procurement

1. Summary of Procurement Implications: N/A
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Property

1. Summary of Property Implications: See Part 2 report
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Carbon Reduction and Social Value

1. Summary of Carbon Reduction/Sustainability Implications:
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Customer Impact

1. Estimated number of users or customers (current and projected): Increase of up to 32 special school places in Bromley
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

Background

- 3.1 The Phoenix Centre is a multi-agency premises on Masons Hill, Bromley that currently houses staff from the Council, Oxleas NHS Foundation Trust and Bromley Healthcare. The premises are owned and maintained by NHS Property Services with Bromley Health Care holding devolved responsibility for facilities management.
- 3.2 The Phoenix Centre was first leased by the Council in September 1994 including services for pre-school assessment classrooms and offering specialist teaching. The lease was agreed for 21 years and ceased in July 2015. Negotiations have since been on-going with NHS Property Service to renew the lease.

Current Use

- 3.3 The site is currently used by the SEN Advisory Service that is made up of 3 teams, the Early Years SEN Advisory Team, Inclusion Support Advisory Team (ISAT) and the Complex Needs Team. The main use of the site is classrooms, a soft play area and storage space on the ground floor and office accommodation on the first floor.
- 3.4 The ground floor space is also used by local organisations (including Family Link, CASPA and short break providers) to deliver a range of services and support to families and children with SEN.
- 3.5 Externally there is a playground at the rear of the building including a sensory garden. Both have not been maintained since pre-Covid and are both are in need of significant repair and maintenance.
- 3.6 The proposal will not affect the range of services provided for children and young people by the Council or the existing organisations.

Proposed Use

- 3.7 There is a growing need for specialist school places due to the significant increase in the number of children in Bromley in receipt of an Education Health and Care Plan (see sections 4.1 and 4.2). The Council is currently carrying out a strategic review of its use of high needs funding (DSG) and SEN capital estate. This will identify options for creating new, expanding and improving SEN provision in the borough.
- 3.8 Whilst this review is ongoing and new proposals developed, the Council needs to expand its specialist provision to meet need and support children and young people in borough. The use of the Phoenix Centre ground floor for 3 years allows Riverside School, a Community Special School maintained by the Council, to temporarily create more places whilst permanent proposals at other sites are developed.
- 3.9 In order for Riverside to occupy the ground floor, some minor improvements to the internal and outside spaces are required. How these changes are delivered will need to be agreed with NHS Property Services.

Requirement of Opening a Satellite site for Riverside

- 3.10 In line with DfE guidance on making changes to a maintained school, as the Council is proposing to use the Phoenix Centre as a temporary school satellite of Riverside School it will need to inform the DfE of its proposals. However, the Council will not need to formally consult on the proposal as opening a satellite site is not a prescribed alteration under Schedule 2 of The

School Organisation (Prescribed Alterations to Maintained Schools) Regulations 2013 and the additional pupils proposed is below the threshold (under 20 pupils or 10% of the current school population) that would require statutory consultation on expansion.

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

- 4.1 Bromley continues to face significant increases in the number of children and young people requesting statutory assessment for Education, Health and Care Plans (EHCP), over and above the population increase. This is a national issue and has seen the number of requests in Bromley increase 52% in the last three years.¹ In the same period, the number of CYP with an EHCP increased by 37%, from 2,366 to 3,241.
- 4.2 The increase in number of EHCP's has had a corresponding increase in demand for special school places. In recent years, Riverside Special School has expanded its numbers of children on roll as well as opened a third site. Demand for places at Riverside continues to increase above its current capacity and this proposal will create 16 additional special school places for children with SEND with complex needs in September 2022, with the potential for further places over the 3-year term subject to future statutory consultation.
- 4.3 The proposed future use of the Phoenix Centre will enable the Council to in part meet the growth in need for placements whilst allowing continued support and guidance for children with SEND and their families and support local groups that deliver services from the centre.
- 4.4 The three SEN Advisory and Teaching Teams deliver regular training and advice sessions to colleagues across Bromley's schools and EYs settings to enable them to support children with SEND, including those with EHCP's. The majority of these sessions are delivered from the Phoenix Children's Centre.
- 4.5 The teams also deliver multi-agency group learning opportunities for families of children with SEND, helping them to better understand their children's needs and how to best support them. Delivering these sessions from the Phoenix Children's Centre gives families access to a large soft play area as well as a sensory room. These groups also enable families to develop knowledge and skills to better understand and support their child's needs, enabling early identification and intervention. These groups also facilitate friendships and support networks independent of council support. Evaluation from families is highly positive. The centre provides space for a substantial equipment and toy library which benefits children with SEND across the borough.
- 4.6 The teams also work with local mainstream settings in delivering SEND training and guidance to promote and support inclusion, as well as the facilitation of networks and forums, which they deliver from the Phoenix Children's Centre.

5. FINANCIAL IMPLICATIONS

- 5.1 See Part 2 report for details

Costs of placements at Riverside and saving against out of borough placements

- 5.2 Without the creation of these new school places in Bromley, the only alternative for these children is out of borough special schools (including independent schools). On average, a place at Riverside Special School is £20k less than a placement in an out of borough special school. By educating children within Bromley, the Council will also be mitigating its spend on SEN Transport.

¹ Number requests 2018 = 467, 2021 = 709. 242 difference. $242/467 = 52\%$

- 5.3 The proposal is to establish two new classrooms in September 2022, creating 16 new special school places. This will save the Council c£320k per annum in placement costs paid via the High Needs Block in the Dedicated Schools Grant.

Capital costs

- 5.4 On 30 March 2022 the Executive agreed that an allocation of £500k be set aside within the Capital Basic Need Programme to support the creation of additional specialist placements. A proportion of this allocation will be used to meet the Capital costs arising from the setting up of a new Riverside provision at the Phoenix Centre.

6. LEGAL IMPLICATIONS

- 6.1 Under Section 14 Education Act 1996 the Council has a statutory duty to ensure that there are enough primary and secondary school places available to meet the needs of pupils in its area. The Children and Families Act 2014 places statutory responsibilities on the Council for supporting children and young people with special educational needs (SEN) and disabilities to ensure there are sufficient good school places for all pupils, including those with SEN and disabilities. The distribution and application of monies received from Central Government is subject to guidance and advice from the Department for Education.
- 6.2 The requirements for making changes to maintained schools are set out within DfE statutory guidance *Making significant changes ('prescribed alterations') to maintained schools (October 2018)* and Schedule 2 of *The School Organisation (Prescribed Alterations to Maintained Schools) Regulations 2013*.
- 6.3 Opening a satellite site is not a 'prescribed alteration' within Schedule 2 of *The School Organisation (Prescribed Alterations to Maintained Schools) Regulations 2013*.
- 6.4 The proposed expansion of Riverside School is below the threshold set out within the DfE statutory guidance *Making significant changes ('prescribed alterations') to maintained schools (October 2018)* where a statutory consultation is required to be undertaken before the proposals can be enacted.

Local Authority Powers

- 6.5 Under s.111 of the Local Government Act 1972 the Council has the power to do anything calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions

7. PROPERTY IMPLICATIONS

- 7.1 See Part 2 report for implications of property negotiations

Repairs

- 7.2 It has been noted that repairs are required to the outdoor soft surface playground, and sensory garden. The Friends of Phoenix House will be covering the cost of the works which have not been maintained since pre-Covid. The cost of repair is not known until a survey has been undertaken.

8. CUSTOMER IMPACT

See section 4

Non-Applicable Headings:	Personnel, Carbon Reduction/Social Value and Procurement Implications; Ward Councillor Views.
Background Documents: (Access via Contact Officer)	[Title of document and date]