

**Decision Maker:** **PORTFOLIO HOLDER FOR CHILDREN, EDUCATION AND FAMILIES**

**Date:** **For Pre-Decision Scrutiny by the Children, Education and Families PDS Committee on 14 March 2023**

**Decision Type:** Non-Urgent                      Executive                      Non-Key

**Title:** **SUPPORT FOR WOODLodge LIVING SKILLS CENTRE, BICKLEY**

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**Chief Officer:** Director of Education

**Ward:** Bickley & Sundridge;

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1. Reason for decision/report and options

1.1 This report proposes the allocation of Dedicated Schools Grant to Marjorie McClure School to support the operation of the Wood Lodge Living Skills Centre in the Bickley and Sundridge ward

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**2. RECOMMENDATION(S)**

2.1 That the Committee notes the independent living skills Woodlodge provides to children and young people in Bromley with Special Educational Needs and Disabilities (SEND).

2.2 That the Committee notes the proposal that Marjorie McClure, now a foundation school, enters into the new lease for the facility with Sanctuary Housing Association.

2.3 That the Children, Education and Family Portfolio Holder agrees to allocate Dedicated Schools Grant (DSG) funding of £70k per annum for a period of 5 years to Marjorie McClure to support the operation of Woodlodge.

### Impact on Vulnerable Adults and Children

1. Summary of Impact: Woodlodge supports approximately 680 children at Bromley Special Schools to gain independence and life skills.
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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.
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### Financial

1. Cost of proposal: £70k
  2. Ongoing costs: £70k
  3. Budget head/performance centre: Schools budget
  4. Total current budget for this head: £70k
  5. Source of funding: Dedicated Schools Grant (DSG)
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### Personnel

1. Number of staff (current and additional):
  2. If from existing staff resources, number of staff hours:
- 

### Legal

1. Legal Requirement: Statutory Requirement
  2. Call-in: Applicable: Portfolio Holder decision.
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### Procurement

1. Summary of Procurement Implications:
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### Property

1. Summary of Property Implications:
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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): Approximately 680 children and young people.
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### Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes
2. Summary of Ward Councillors comments:

Cllr Gabbert provided comments: "I am fully supportive of continuing this invaluable provision for our Borough's children, both as the Ward Councillor and as a member of Woodlodge Committee."

### **3. COMMENTARY**

- 3.1 Woodlodge is an independent living skills centre based in Bickley and Sundridge Ward that supports the development of independence and social skills for children and young people with special educational needs and disabilities (SEND). The centre supports both daytime and overnight stays.
- 3.2 The facilities are utilised by three Bromley special schools; Marjorie McClure, Glebe, and Riverside, along with Bromley College and Nash College. For the past year Woodlodge has also been used at weekends by CASPA (Children on the Autistic Spectrum Parent's Association). Usage is high with the Glebe reporting recently that 75% of its pupils accessed Woodlodge in the previous year.
- 3.3 Preparing for adulthood and independence are key aims within many children and young people's Education, Health and Care Plans (EHCPs). Woodlodge plays a key role in supporting Bromley special schools to achieve these targets. For many children and young people Woodlodge provides a first opportunity to stay independently away from home in a safe environment with familiar adults. It also provides respite for parents and carers.
- 3.4 Woodlodge is managed by Marjorie McClure School on behalf of all users. The management of the centre is overseen by a management committee, including representatives from Marjorie McClure, Glebe and Riverside schools, a Council officer and a ward councillor operating on rotation. The committee meets three times a year with oversight of the strategic use of Woodlodge, including its resources and finances.
- 3.5 The Council has been providing Marjorie McClure a grant of £70,000 per annum to support the operation and management. It is proposed that this funding be extended on a fixed basis for a five-year period.

#### **Current Lease Arrangements**

- 3.6 The Woodlodge property is owned by Sanctuary Housing Association and has historically been leased to the Council and operated by Marjorie McClure on behalf of the other special schools.
- 3.7 The lease of Woodlodge is currently due for renewal and discussions have taken place between the Council, Marjorie McClure and the management committee about which organisation should act as lessee.
- 3.8 Since the current lease was granted Marjorie McClure has acquired foundation status. This means that whilst remaining a maintained school, the school owns its property and employs its staff. On this basis the school is able to enter into the lease directly with Sanctuary Housing Association.

#### **Proposed Future Arrangements**

- 3.9 Marjorie McClure has agreed in principle to taking on the role of lessee with Sanctuary Housing Association, but to do so is seeking a commitment from the Council to continuation of current funding levels.
- 3.10 The Council is seeking to reduce its property interests and Marjorie McClure taking on the new lease would support the Council in achieving these aims.
- 3.11 The Council has considered whether the services delivered by Woodlodge could be delivered elsewhere, for instance on a school site, as part of its specialist estates review. However, following officer visits to Woodlodge it is evident that it would be extremely difficult to achieve the preparing for adulthood and independence outcomes at a school-based site.

3.12 It is therefore proposed that the Council supports Marjorie McClure to enter into a new lease for Woodlodge with Sanctuary Housing Association and to enable this, the Council provides certainty of funding through agreeing to continue the current grant to the school at £70,000 per annum for a period of five years.

#### **4. IMPACT ON VULNERABLE ADULTS AND CHILDREN**

4.1 Approximately 680 children and young people at Glebe, Marjorie McClure and Riverside special schools have the opportunity to benefit from services offered by Woodlodge. The continuation of this agreement will provide a positive benefit to the protected characteristics groups of age and disability.

#### **5. TRANSFORMATION IMPLICATIONS**

5.1 This proposal aligns to Ambition one: 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 and ambition two: For adults and older people to enjoy fulfilled and successful lives in Bromley, ageing well, retaining independence and making choices.

#### **6. FINANCIAL IMPLICATIONS**

6.1 The Council agrees to provide £70k per year with an estimated 5 year total expenditure of £350k.

6.2 The Council's grant to Woodlodge is funded through the Dedicated Schools Grant (DSG).

#### **7. LEGAL IMPLICATIONS**

##### Equality Duty

7.1 The 'protected characteristics' defined in the Equality Act 2010 include both Age and Disability. The intended outcomes of this report are considered to have a positive impact upon these protected characteristics.

7.2 The Equality Duty is a duty on public bodies and others carrying out public functions. It ensures that public bodies consider the needs of all individuals in their day-to-day work; in shaping policy and in delivering services. The recommendations will contribute not only to a more inclusive environment but also assist the Council in meeting the objectives of the Public Service Equality Duty.

7.3 Further, the support for children and young people with SEND is regulated under the Children and Families Act 2014 and SEN Code of Practice.

7.4 The Bromley Children and Young People's Plan 2021-2024 reflects the Council's ambitions for all children and young people in its administrative boundaries including children and young people with SEND. Officer recommendations in this Report align with the Council's priorities and objectives.

##### Council Powers

7.5 The Council has the power to provide grants for that purpose through section 111 of the Local Government Act 1972, which allows the Council to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions, or through its general power of competence under section 1 of the Localism Act 2011 to do anything that individuals generally may do.

7.6 There are limitations on the general power of competence, but the limitations do not apply to this decision.

### Grant Conditions

7.7 The grant agreement will need to stipulate that the grant award is conditional on Marjorie McClure (Grantee) entering a lease arrangement with Sanctuary Housing Association in relation to Wood Lodge Living Skills Centre. It will also need to include requirements for the Grantee to use the grant money only for the purposes for which it is awarded, and to repay the grant money to the Council if it is not used for the purposes for which it is awarded.

7.8 The proposed grant is not subject to the Public Contract Regulations regime or the Council's Contract Procedure Rules but may be subject to the State Subsidy Rules (Rules) (Subsidy Control Act 2022) and appropriate provisions will need to be included within the agreement to mitigate any potential Council liability for breach of the Rules.

7.9 The Director of Education has the authority under the Constitution to approve Officer recommendations as outlined in section 2.

### **PROPERTY IMPLICATIONS**

8.1 The Council previously held a lease with Sanctuary Housing, the freehold owner of the property, to enable its use as an independent living skills facility which was run by Marjorie McClure school as detailed within this report.

8.2 At the time the original agreement was made between Sanctuary Housing and the Council, Marjorie McClure school, was a managed community school which formed part of the Council's directly delivered education service. It would therefore not have been possible for Marjorie McClure school to hold a lease directly with Sanctuary as it was not at that time an independent entity.

8.3 However, as detailed within this report, since then many of the Council's schools (including Marjorie McClure) have acquired Foundation School status enabling them to enter into lease agreements directly.

8.4 The Council's Estates Team have been briefed on this proposal and support the recommendation that Marjorie McClure are best placed to take over the lease on its renewal with Sanctuary Housing directly, rather than the Council acting as a 'middle person', due to this change in status. This will provide Marjorie McClure with a direct contractual relationship with Sanctuary Housing which is a more pragmatic arrangement given the school directly facilitates the independent living programme that is run from the property and removes the risks associated with a complex ownership structure that could otherwise occur.

### **9 WARD COUNCILLOR VIEWS**

9.1 Cllr Gabbert provided comments: "I am fully supportive of continuing this invaluable provision for our Borough's children, both as the Ward Councillor and as a member of Woodlodge Committee."

<b>Non-Applicable Headings:</b>	Personnel/Procurement/Carbon Reduction and Social Value Implications; Customer Impact.
Background Documents: (Access via Contact Officer)	[Title of document and date]