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**Decision Maker:** EXECUTIVE

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

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

**Title:** BASIC NEED UPDATE REPORT

**Contact Officer:** Robert Bollen, Head of Strategic Place Planning  
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**Chief Officer:** Director of Education

**Ward:** All Wards

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1. Reason for decision/report and options

- 1.1 This report provides an update on funding and the capital schemes included within the Council's Basic Need Programme.
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2. **RECOMMENDATIONS**

- 2.1 That the Executive agrees the updated Basic Need Programme as set out in Appendix 3 subject to Full Council approval.
- 2.2 That the Executive agrees that new projects at Burnt Ash Primary School, Oaklands Primary School, The Highway Primary School and Trinity CE Primary be added to the Basic Need Programme as detailed in the scheme appraisals in Appendix 1.
- 2.3 That the Executive agrees the allocation of an additional £43k of additional S106 allocations to projects within the Basic Need Capital Programme as outline in Appendix 2.
- 2.4 That Members note the additional High Needs Provision Capital Funding allocation of £8,478k received for 2022/23 and 2023/24 for improving and expanding SEN and Alternative provision.

### Impact on Vulnerable Adults and Children

1. Summary of Impact: This programme is currently benefitting local children and young people through providing an additional 1,680 temporary and 3,715 permanent schools places in both mainstream and specialist settings.
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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: n/a
  2. Ongoing costs: n/a
  3. Budget head/performance centre: Educational Capital Programme
  4. Total current budget for this head: £105,124k
  5. Source of funding: DfE Basic Need Capital Grant, DfE SEND Provision Capital funding, DfE School Condition Allocations (SCA), S106 contributions
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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: Executive decision.
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### Procurement

1. Summary of Procurement Implications: There are no procurement implications arising from this report. The procurement strategy for the Basic Need Capital Programme has been set out in previous reports.
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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):
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### Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments:

### **3. COMMENTARY**

- 3.1 This report provides a progress update on the delivery of the Council's Basic Need Capital Programme over the past year, additional capital funds received, and new schemes being added to the programme.
- 3.2 The focus of the Basic Needs Programme has now shifted from the delivery of mainstream to specialist places. The programme incorporates High Needs Provision Capital funding received from central government to increase places and improve the suitability of specialist provision.
- 3.3 Starting in Autumn Term 2022 the Council has been undertaking a strategic review of high needs funding and the specialist estate in Bromley. The estates review will be ongoing throughout 2023 and will enable the development of a programme to increase specialist places in Bromley schools.
- 3.4 The Council intends to broadly utilise its High Needs Provision Capital Allocation as follows:
- Provision of additional specialist capacity through (i) the creation of new, or expansion of existing Additionally Resourced Provisions (ARPs) and (ii) the expansion of maintained special schools (75%)
  - Improvements to existing ARPs and maintained special schools (15%)
  - Support to mainstream schools to enhance the inclusion of children with special education needs (SEN) (10%).
- 3.5 During 2022 the Council procured new consultants to support it with delivery of its education capital programme.
- 3.6 The first schemes from the specialist estates review are being added to the programme. There is not currently sufficient funding to deliver all schemes. Unfunded schemes will be brought forward into the Projects in Delivery (Funded) programme once funds are available.

#### **Funding**

- 3.7 The Council receives Basic Need Capital Grant from the DfE to support the delivery of sufficient school places, with over £80m allocated to Bromley since 2011-2022. The Council has received no additional mainstream allocation since 2021-22. The formula for allocation is based principally on projected population growth for children and young people aged 2-18.
- 3.8 In addition, the Council has now received an additional £8,478k SEN Provision Capital Funding allocation for 2022-24.
- 3.9 These allocations are provided in addition to the Basic Need Capital Grant to support local authorities to provide new specialist placements and improve SEN facilities.

<b>Basic Need Allocation</b>	
2011-12 allocation	£4,496,771
Autumn 2011 exceptional in-year allocation	£1,277,936
2012-13 allocation	£2,404,519
Spring 2012 exceptional in-year allocation	£1,590,436
2013-15 allocation	£9,968,079
2015-16 allocation	£20,635,153
2016-17 allocation	£21,666,911
2017-18 allocation	£8,837,573
2018-19 allocation	£6,895,846
2021-22 allocation	£2,237,466
	<b>£80,010,690</b>
<b>SEND/High Needs Provision Capital Funding</b>	
2018-19 allocation	£865,510
2019-20 allocation	£865,510
2020-21 allocation	£865,510
Additional allocation 2018-21 (May '18)	£603,844
Additional allocation 2018-21 (Dec '18)	£1,207,688
2021-22 allocation	£2,450,780
2022-23 allocation	£4,169,618
2023-24 allocation	£4,308,004
	<b>£15,336,464</b>
<b>Total DfE allocation</b>	<b>£95,347,154</b>
<b>Section 106 Funding</b>	
April 2014 draw down	£705,653
July 2017 draw down	£2,889,855
March 2021 draw down	£4,127,637
March 2022 draw down	£980,680
March 2023 draw down	£42,965
	<b>£8,746,789</b>

3.10 The table above provides details of all the Basic Need Capital Grant and SEND Provision Capital Funding received by the Council, along with Section 106 funds drawn down since 2011.

3.11 In addition, the Basic Need capital programme also includes capital contributions from a range of other capital funding programmes including DfE School Condition Allocations (SCA) and Section 106 contributions. These are detailed in Section 6 of this report.

3.12 Appendix 1 provides an appraisal of new schemes being added to the Basic Need Programme.

3.13 Appendix 2 provides details of new Section 106 funding being drawn down against schemes within the programme. All S106 funds currently available for education has been allocated to projects in the Basic Need Programme. This funding has either been spent or supports projects currently in delivery.

3.14 Appendix 3 provides details of the Basic Need Programme and the funding allocated for individual project. Projects are categorised as follows:

- A Completed projects, including projects that are in defects and yet to reach Final Account.
  - B Projects in Delivery (Funded) – schemes that are in the delivery phase, including projects under construction and in procurement, and have available funding allocated to them to allow delivery
  - C Projects in Development (Unfunded) – schemes that are not an immediate priority and are therefore not fully funded, but are being delivered to a ‘shovel ready’ status
- 3.15 Design development of schemes not in the delivery phase (funded or unfunded) of the programme will continue, but schemes will not be brought forward until there is sufficient need and funding is available.

### **Recently Completed Schemes**

- 3.16 Since the last Basic Need Update Report to the Executive in March 2022, the following schemes have been completed

Bishop Justus	Works to enhance hygiene facilities and accessibility to support a child placed at the school.
Chislehurst School for Girls	Works to provide hygiene facilities and accessibility to support child placed at school.
Marian Vian Primary School (Phase 1)	This scheme provided a new drop off zone for the school and converts the former children and family centre into a nursery. The scheme is funded entirely by S106 contributions.
Stewart Fleming	Phase 2 final account discussions complete including following COVID delays.

### **Projects In Delivery (Funded)**

- 3.17 Two new schemes proposing to open additional resources provisions (ARPs) for children with SEN at Oaklands Primary School and The Highway Primary School have been added to the Projects in Delivery (Funded) Programme. A financial appraisal for both these schemes has been included within Appendix 1. The appraisal costs are early estimates and subject to revision through the development of each project.

3.18 The following schemes are currently being delivered or progressed to the Projects in Delivery (Funded) stage:

B1	Darrick Wood School	A small access scheme improving the acoustic performance of the Secondary Deaf Base at Darrick Wood School.
B2	Farnborough Primary School	Council contribution of S106 monies towards school led scheme focussing on enhancements and re-providing specialist spaces rather than expansion.
B3	Marian Vian Primary School (Phase 2)	S106 scheme to replace dilapidated year 6 accommodation block. S106 funded. Scheme delivery reliant on further expected S106 contributions.
B4	Nightingale (PRU)	New mental health alternative provision accommodation for Council's Home Hospital Tuition Service (HHTS) and Bromley Trust Academy Blenheim (BTAB).
B5	Oaklands Primary School	Expansion of the school premises to create a new 3 class additionally resource provision (ARP).
B6	Red Hill Primary Schools	This scheme involves carrying out remodelling and limited new build construction at the school to ensure that there is sufficient accommodation to admit 4FE in KS2, creating a guaranteed place KS2 for all pupils leaving Mead Road Infant School. The scheme is currently being reviewed to reduce costs.
B7	St John's CE Primary School	S106 funded scheme. Design works and discussions ongoing with Aquinas Trust. Potential need for more school places in area in future years. Delivery of full scheme reliant on further expected S106 or trust contributions.
B8	The Highway Primary School	New additionally resourced provision (ARP) at school. Two options are being considered for either a 2 or 3 class provision.
B9	Secondary bulge classes	Allocation to support the Council meet its statutory duty for ensuring sufficient school places. Pressure is currently in NW Bromley and will continue until Harris Kent House opens.
B10	Specialist placements	Allocation to support the Council to ensure it has sufficient placements for children and young people with an EHCP through capital works
B11	Redwood Academy	Allocation/contingency to cover Council's contribution to the DfE delivered special free school including site clearance and abnormal costs.

### Projects in Development (Unfunded)

3.19 During 2022/23 works has continued on the Elmstead Wood Primary School with consultation on the disposal of Dorset Road having been undertaken. A Section 77 application will shortly be distributed to the Secretary of State for Education to agree disposal. New schemes have been added to the Projects in Development (Unfunded) programme including at Burnt Ash Primary School and Trinity CE Primary School. A financial appraisal of both schemes has been included within Appendix 1. The appraisal costs are early estimates and subject to revision through the development of each project.

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

- 4.1 The Basic Need Capital Programme has added 1,680 temporary and 3,715 permanent school places in mainstream and specialist settings.

#### 5. TRANSFORMATION/POLICY IMPLICATIONS

- 5.1 Bromley Council has an established policy for the review and strategic planning of school places and related school organisation. The need to ensure sufficient school places, the quality of those places and their efficient organisation is a priority within the Council's strategy Making Bromley Even Better 2021-31; '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.' In seeking best value in the delivery of school places this proposal will be the priority; 'To manage our resources well, providing value for money, and efficient and effective services for Bromley's residents.' The proposals contained within this report also contribute to key targets within the Children, Education and Families Portfolio Plan.

#### 6. FINANCIAL IMPLICATIONS

- 6.1 The Council has been granted £95.3m in 100% Basic Need Capital Grant and High Needs Provision Capital Funding for the financial years 2011-24 to meet the need for mainstream, specialist and alternative provision school places. The programme includes various transfers from other schemes to support the delivery of the Council's Basic Need Programme. Allocations have also been made to Basic Need to support other education capital schemes, resulting in a total current budget of £105.1m as shown in the table below.

<b>External DfE Funding</b>	£'000s
Basic Need Allocation	80,011
High Needs Provision Capital allocation	15,336
	<b>95,347</b>
<b>Other funding streams</b>	
Approved S106 allocations	8,747
Transfers from DfE Capital Maintenance Grant (SCA)	1,294
Transfer from Reconfiguration of Special Schools Scheme	113
DfE payment towards Trinity CE Primary School MUGA	301
	<b>10,455</b>
<b>Total Basic Need Budget</b>	<b>105,802</b>
Transfer to The Highway Capital Project	-650
Transfer to Beacon House Capital Project	-577
Transfer back from The Highway Capital Project	113
Transfer back from Beacon House Capital Project	391
Transfer from Langley Park BSF Capital Project to Basic Need	3
Transfer from Early Education for Two Year Olds Funding	42
<b>New Basic Need Capital Programme</b>	<b>105,124</b>

- 6.2 The table above sets out the Council's updated Basic Need Capital Programme including the High Needs Provision Capital Funding and the addition of £46k additional S106 funding detailed in Appendix 2.

- 6.3 For the purposes of monitoring total Basic Need related expenditure, and to ensure that any underspends are returned to Basic Need, the £650k and £577k transfers to the Highway Primary Rebuild and Beacon House Refurbishment Schemes respectively have been added back into the list of projects, and the Section 106 funding removed and shown as other funding. £113k, £391k, £3k and £42k have been passed to Basic Need from the Highway, Beacon House, Langley Park School for Boys Capital Project and Early Education for Two Year Olds respectively now that these schemes are closed.
- 6.4 To date, a total of £114,488k expenditure has been committed (completed schemes plus schemes in delivery). Funding of this is broken down as follows:-

	<b>£'000s</b>
Expenditure Committed	114,988
Funded by:	
Basic Need Grant	-79,906
High Needs Provision Capital	-12,710
Other (including S106 and School contributions)	-22,372
Funding in balance	0

## 7. LEGAL IMPLICATIONS

- 7.1 Under Section 14 Education Act 1996 the Council has a statutory duty to ensure that there are sufficient quality primary and secondary school places available to meet the need of pupils aged 5 years to 16 years. This need to ensure sufficient school places, the quality of those places and their efficient organisation is included as a priority within the Council's strategy Making Bromley Even Better 2021-31 which outlines the Council's aspirations relation to education of its children and young persons and how the Council will ensure compliance with legislative requirements and the discharge the Council's legal and statutory obligations.
- 7.2 Officers have provided this Report as an annual update on the Basic Need Programme which relates to the steps the Council is taking in line with its strategic goals. The report outlines the progress of the Programme including source and allocation of funds.
- 7.3 The Executive is asked to note the contents of the Report and the recommendations of Officers.
- 7.4 Legal are available to assist Officers and the Executive, in relation to any queries on the contents of the Report and/or the implementation of the Programme generally, as and when required.

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