

Decision Maker: EXECUTIVE

Date: For Pre-Decision Scrutiny by the Children, Education and Families Policy Development and Scrutiny Committee on Wednesday 20 March 2024

Decision Type: Non-Urgent Executive Key

Title: BASIC NEED UPDATE REPORT

Contact Officer: Robert Bollen, Head of Sufficiency
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Chief Officer: Director of Education

Ward: All Wards

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. RECOMMENDATION(S)

- 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 Bromley Beacon Academy (Orpington), Hawes Down Primary School, The Glebe, the former Marjorie McClure school site, and Midfield Primary School, be added to the Basic Need Programme as detailed in the scheme appraisals in Appendix 1;
- 2.3 That the Executive agrees that schemes to deliver additional primary places at Scotts Park Primary School and St Marys Cray Primary be removed from the Basic Need Programme as these schemes have been on hold for several years and there is currently no projected need for additional places at either of these schools;
- 2.4 That the Executive agrees the allocation of an additional £177,726 of additional S106 allocations to projects within the Basic Need Capital Programme as outlined in Appendix 2;
- 2.5 That Members note that a further High Needs Capital Provision allocation for 2024/25 is expected in March 2024. An estimation of its value has been included within this report. The programme as outlined in Appendix 3 will be amended when the amount of allocation is known' and,

2.6 That schemes within the Basic Need Programme will be delivered in line with the previously agreed procurement strategy. Awards of contract for schemes within the programme will be delivered in line with the Council's Contract Procedure Rules. In instances grant will be allocated to schools for school led delivery.

Impact on Vulnerable Adults and Children

1. Summary of Impact: This programme has already benefitted 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: Not Applicable
 2. Ongoing costs: Not Applicable
 3. Budget head/performance centre: Education Capital Programme
 4. Total current budget for this head: £109,824k
 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*): 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: 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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Impact on the Local Economy

1. Summary of Local Economy Implications:
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Impact on Health and Wellbeing

1. Summary of Health and Wellbeing 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 is ongoing and is enabling the development of a multi-year capital programme to increase specialist places in Bromley schools. This is the second year in which new schemes are being added through this process to the Basic Need Programme.
- 3.4 The Council intends to broadly allocate its High Needs Provision Capital funding over the next 4 years 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 However, annual funding allocations will be targeted based on need. The Council is allocating £500k in 2024/25 to support mainstream, schools to enhance the inclusion of children with SEN. This will be allocated via a bidding round for schools delivered projects. Schools will be expected to demonstrate how the funding provided would support the inclusion of children with SEN and applicants would need to make a 20% contribution towards scheme costs.
- 3.6 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 become 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 The Council is currently awaiting a new High Needs Capital Provision allocation for 2024-25. This is expected to be received in March 2024. An estimation of the value of the allocation has been made below based on recent allocations. It is hoped that the actual allocation can be updated before the Committee date.
- 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.
- 3.10 In addition, the Council has received £177,726 in new S106 allocations during 2023/24 to support new school places that is now being drawn down into the Basic Need Programme.

Basic Need Allocation

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
	<u>£80,010,690</u>

High Needs Capital Provision

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
	<u>£15,336,464</u>

Estimated 2024-25 allocation (Expected March '24)	£4,450,000
Estimated High Needs Provision Funding	<u>£19,786,464</u>

Section 106 Funding

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
March 2024 draw down	£177,726
	<u>£8,924,516</u>

- 3.11 The table above provides details of all the Basic Need Capital Grant and High Needs Provision Capital Funding received by the Council, along with Section 106 funds drawn down since 2011.
- 3.12 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.
- 3.13 Appendix 1 provides an appraisal of new schemes being added to the Basic Need Programme.
- 3.14 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.

3.15 Appendix 3 provides details of the Basic Need Programme and the funding allocated for individual projects. 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

3.16 Design development of schemes not in the delivery phase (funded or unfunded) of the programme will continue and funding is allocated to support feasibility and design work, but schemes will not be brought forward for delivery until there is sufficient need and funding is available.

Recently Completed Schemes

3.17 Since the last Basic Need Update Report to the Executive in March 2023, the following schemes have been completed:

Darrick Wood School	A small access scheme improving the acoustic performance of the Secondary Deaf Base at Darrick Wood School.
Farnborough Primary School	Council contribution of S106 monies towards school led scheme focussing on enhancements and re-providing specialist spaces rather than expansion.
Riverside (Phoenix)	Works associated with the opening of a temporary satellite site for Riverside School

Projects In Delivery (Funded)

3.17 The Council has now completed the first wave of feasibilities arising from the High Needs Funding and Estates Review. Schemes have been prioritised based on their deliverability and the number of additional school places that they will deliver.

3.18 As a result new schemes at at Bromley Beacon Academy (Orpington), the former Marjorie McClure site, and Midfield Primary School are being brought forward as Projects in Delivery (Funded).

3.19 The schemes at Burnt Ash Primary School and Trinity CE Primary School are being moved forward from the Projects in Development (Unfunded) to become a Projects in Delivery (Funded) scheme.

3.20 Due to the current status of the scheme the proposal for the new ARP at The Highway Primary School the scheme is being moved from being Projects in Delivery (Funded) to Projects in Development (Unfunded).

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

B1	Beacon Academy Orpington	Expansion of school to admit more pupils with Social Emotional and Mental Health Needs, now the second largest primary need of children with an EHCP in Bromley.
B2	Burnt Ash Primary School	Scheme to add either 1 or 2 additional classes to the existing SEN additional Resourced Provision at the School
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	Former Marjorie McClure School	Scheme to provide temporary accommodation for Redwood Academy at the former Marjorie McClure site until such point as the new school accommodation is ready. The long-term proposal is that the site becomes a new site for Riverside replacing the current provision at Phoenix and West Wickham
B5	Midfield Primary School	Scheme to add 2 additional classes to the existing SEN additional Resourced Provision at the School
B6	Mental Health AP Scheme	New mental health alternative provision accommodation for Council's Home Hospital Tuition Service (HHTS) and Bromley Trust Academy Blenheim (BTAB). It is proposed the provision will be based at the site of the former Duke Youth Centre behind St Marys Cray School
B7	Oaklands Primary School	Expansion of the school premises to create a new 3 class additionally resource provision (ARP). A contractor has been appointed and works due to start Spring 2024.
B8	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.
B9	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 and/or SEN provision. Delivery of full scheme reliant on further expected S106 or trust contributions.
B10	St Marys Cray Primary School	Works to enhance hygiene facilities and accessibility to support a child placed at the school.
B11	Trinity Primary School	Minor works to address suitability and health and safety at the school site
B10	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.

B11	Specialist placements	Allocation to support the Council to ensure it has sufficient placements for children and young people with an EHCP through capital works
B14	Redwood Academy	Allocation to cover Council's contribution to abnormal works to enable the DfE delivered special free school including eradication of Japanese Knotweed present on the site

Projects in Development (Unfunded)

- 3.22 Following the completion of the first phase of feasibility schemes at the Glebe and Hawes Down Primary are being added to the Projects in Development (Unfunded) tranche of projects. 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.
- 3.23 In line with 3.20 above the Council has been unable to date to reach an agreed revenue funding position with SOLA multi academy trust on the proposed new ARP at The Highway Primary School. Preparation work on this scheme will pause at the end of feasibility work until an agreement is reached.
- 3.24 During 2022/23 works has continued on the Elmstead Wood Primary School with S77 approval from the Secretary of State for Education for the disposal achieved and marketing of the site now underway.
- 3.25 Further development of the schemes at St John's CE Primary and Marian Vian are subject to the receipt of sufficient S106 funding being received by the Council.

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. A new allocation is due in Spring 2024 for a single year. This is estimated to be in the region of £4.45m based on previous allocations. 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 £109.8m as shown in the table below.

External DfE Funding

Basic Need Allocation	80,011
High Needs Provision Capital Allocation	15,336
Estimated 2024-25 High Needs Provision Capital	4,450
	99,797

Other funding streams

Approved S106 allocations	8,997
Transfers from DfE Capital Maintenance (SCA)	1,294
Transfer from Reconfiguration of Special Schools Scheme	113
DfE payment Towards Trinity CE Primary School MUGA	301
	10,705

Total Basic Need Budget**110,502**

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 the 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

New Basic Need Programme**109,824**

- 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 £178k 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 £123,636k expenditure has been committed (completed schemes plus schemes in delivery). Funding of this is broken down as follows:-

	£'000s
Expenditure Committed	123,636
Funded by:	
Basic Need Capital Grant	79,958
High Needs Provision Capital*	19,771
Other (Including S106 and school contributions)	23,907
Funding in balance	<u>0</u>

- 6.5 The High Needs Provision Capital* figure above includes an estimation of the 2024/25 allocation. The DfE have confirmed that an allocation for 2024/25 will be received in Spring 2024. The figure included in 2024/25 is an estimate based on recent allocation. These funds will only be committed once received and the overall budget will be adjusted to reflect the grant received.

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 in relation to education of its children and young persons and how the Council will ensure compliance with legislative requirements and the discharge of 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 Services 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.

8 PROPERTY IMPLICATIONS

- 8.1 The programme set out within this report includes proposed works at single corporate property, the former Duke Youth Centre, St Mary Cray which is planned to be repurposed as a new Mental Health Alternative Provision site for Council services and Bromley Trust Academy (Blenheim). This project will be subject to future reports with regards planning consent and contract award.

9. IMPACT ON THE LOCAL ECONOMY

- 9.1 The specific impact on the local economy of the Basic Need Programme will be set out within individual reports on delivery of schemes within the programme. The Council in the delivery of its programme has contracted a range of business including local consultancy and construction businesses and continues to encourage local business to tender for contracts.

10. CARBON REDUCTION/SOCIAL VALUE IMPLICATIONS

- 10.1 Schemes being delivered as part of the Basic Need Programme are designed in line with current Building Regulations and need to comply with planning requirements around sustainability.
- 10.2 The Council has bid to SALIX for Public Sector Decarbonisation Scheme (PSDS) grant for the Former Marjorie McClure School project within the Basic Need Programme. The outcome of the application is expected by the end of March 2024. If the application is successful, the additional funding will enable the replacement of the existing boilers at the site with low carbon air source heat pumps.

Non-Applicable Headings:	Personnel/Procurement Implications; Impact On Health and Wellbeing; Customer Impact; Ward Councillor Views
Background Documents: (Access via Contact Officer)	[List any documents used in preparation of this report - Title of document and date]