

Report of: Executive Member for Children, Young People and Families

Meeting of:	Date	Ward(s)
Executive	23 March 2017	

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SUBJECT: The Bridge Satellite School

1. Synopsis

- 1.1 This report outlines innovative proposals to create additional specialist education provision for children with Autistic Spectrum Condition in response to increased local need.
- 1.2 The proposals involve remodelling of existing spaces that are under-utilised during the school day. All capital costs would be funded by central government through the Education Funding Agency, representing a cost effective way forward for the Council, that will also bring wider benefits to Islington through improvements to facilities on the sites involved.

2. Recommendations

- 2.1 To agree the proposal for the new Bridge Free School to establish satellite classes for pupils with moderate autistic spectrum condition in Robert Blair and Vittoria primary school, the Cape Adventure Play Building, Crouch Hill and the Rose Bowl, St Paul's Park.
- 2.2 To delegate to the Corporate Director of Finance and Resources, in consultation with the Executive Member for Children, Young People and Families, the Corporate Director of Children's Services and the Director of Law and Governance, authority to negotiate and agree terms with the Bridge Satellite School for the grant of leases of part of the Robert Blair Primary School and Vittoria Primary School and licences for use of parts of the Cape Youth Building, Crouch Hill and the Rose Bowl, St Paul's Park.
- 2.3 To authorise the Director of Law and Governance to apply to the Secretary of State for consent to the grant of leases of part of the Robert Blair Primary School Site and the

Vittoria Primary School site under Paragraph 4 of Schedule 1 to the Academies Act 2010.

3. Background

- 3.1 As well as becoming an Academy in April 2017, the Bridge Special School (providing for children with Autistic Spectrum Condition [ASC]) have applied to the Department for Education to open a Free School in September 2017. The new school will provide for children at the more moderate end of the Autistic spectrum.
- 3.2 Our Joint Strategic Needs Assessment has accurately projected growth in this area of need, and the need for additional provision, as reported to both the High Needs sub-group of the School's Forum and the Disability Board. The application for the new school was therefore supported by the Council as the local education authority, recognising that it will provide much needed additional local capacity.
- 3.3 Going forward, The Bridge London Multi-Academy Trust will therefore include:
- The Bridge School (co-located primary (with Hungerford School) and secondary (with Holloway School) sites - catering for 193 children with complex ASC who need specialist provision and a specially adapted environment);
 - The Bridge Integrated Learning Space (ILS) - a Free School, currently located at Elthorne Road, but moving into a new build school in Dowrey Street [shared with New River College Primary] in May 2017. The ILS caters for children and young people with ASC with the most severe and complex needs and extreme presentations - the new ILS building will provide some residential capacity for pupils;
 - The new Free School - The Bridge Satellite School (see below);
 - The Bridge continues to hold Teaching School status and runs a regional Training Centre from the Hungerford site;
 - The Bridge are also commissioned by our schools to provide a much valued Outreach Service to support mainstream schools in meeting the needs of children with ASC; the Service is led by a Specialist Leader of Education;
 - The Headteacher (Dr Penny Barratt) is a National Leader of Education, regularly advising the DfE on SEND policy matters; most recently she has been involved in the production of a DfE sponsored SEND self-evaluation tool for mainstream schools, badged through London Leadership Strategy and NASEN, which we are currently piloting through one of our primary schools.
- 3.4 Health and Social Care partners support children and families well across the above continuum of provision, meaning that we have a robust local offer for children ASC, with potential for expansion in line with future projected national trends / local population growth.
- 3.5 Public Health/CCG recently commissioned the National Autistic Society to undertake a comprehensive review of our local ASC diagnostic pathways. The Review has confirmed that our local rate of identification is in line with national trends, which are rising. Currently we have a diagnostic rate of 1% and might expect this to level off at 1.1%, in the context of a rising overall child population

4. The Bridge Satellite School

- 4.1 The Bridge Satellite School will provide for children and young people who might struggle with aspects of mainstream school, but for whom a full time special school placement might also be unsuitable.

- 4.2 The concept is that the Free School will operate through a number of 'satellite' classes, adjacent or close to mainstream schools, to give us maximum flexibility both now and in the future. The proposals involve making use of existing space in schools, and in local play and youth facilities to provide bases during week-day daytime hours, accessed through licence, and making good use of existing resources during 'down time'. This arrangement currently works well at The Cape, adjacent to Ashmount School - where a group of seven primary-age children with ASC currently follow personalised plans that involve time spent in both mainstream and special class.
- 4.3 The model means that the child's provision is planned and supported by specialists recruited and managed through The Bridge, the children will be on the roll of The Bridge Satellite School (so that the mainstream school's results are not affected) and inclusion is paced at a rate and level that everyone is confident in. It is also cost effective, making best use of existing facilities.
- 4.4 Through consultation, this model was strongly supported by parents as their preferred option for increasing capacity. The Education Funding Agency (EFA) also have considerable interest in the model, which could be replicated to provide a solution in other urban areas with increased need. The DfE are also in agreement with the proposal.
- 4.5 The model also has cost benefits to Islington. All capital works will be funded by the EFA. Also, under current arrangements, revenue costs will also be funded partly by the EFA, and partly by the Local Authority (LA) commissioning places from the Free School. All places for pupils with Education Health and Care plans / statements of SEN in a special free school attract per-place funding paid at a per-place rate of £10,000 in 2016/17. The school will also receive top-up funding for each pupil placed in the free school from the commissioning LA, based on the pupil's assessed needs and the cost of meeting those needs in the school. The average top-up rate for children attending this Free School is likely to be £8K per pupil. A number of the children who will benefit from this provision already receive top-up funding in early years provision or schools, so that funding will simply transfer. For newly identified and assessed children with high need, without the additional capacity of the Free School it would be necessary to commission places from independent or out-borough special schools at an average cost of £24-£30K per place. As well as meeting needs more locally, we will also save on individual transport costs.

5. Sites targeted

- 5.1 Current preferred site options for the first Satellite classes (to provide 50 places) are as follows:
- Robert Blair – remodelling of the 'annexe' area currently part occupied by the school kitchen and a specialist language unit which The Bridge have been commissioned by the school run on their behalf for the last year. The Governing Body are in agreement; the EFA would fund extensive remodelling works, including a new entrance to the school and some adaptations to the main school to support inclusion. The EFA would prefer a 125yr lease as the standard arrangement for Free Schools. The estimated 'claw back' (i.e. break-even in terms of outlay) point for this project is 25 years. It is therefore recommended that we seek to negotiate a 25 year lease, with a 10 year mutual break option with 1 year notice to allow for any unforeseen future demand / change in policy.
 - Vittoria School - on-site designated area, which will shortly be vacated, and the school would like to use the facility to offer opportunities for further inclusion of children with SEND. As above, the Governing Body are in agreement; the EFA would fund extensive remodelling works. It is recommended that we also seek a 25 year

lease and 10 year mutual break clause for this project.

- The above two sites would provide fixed bases for the school, with the Robert Blair site as the main site, also housing the administrative centre for the The Bridge Satellite School.

- 5.2 It is proposed that other sites targeted for further capacity would be suitable existing play and youth facilities that could be accessed under license on a more flexible basis (i.e. as and where needed). Islington currently has 16 such sites. As the EFA would be making capital investment to improve the sites, they would require a license for longer period than the current three year leases held by Awesome CIC / Isledon. It is therefore proposed that The Council offer an initial licence, supported by a consent letter from each of the current occupants, underwritten by an undertaking from the LA that any subsequent leases of the preferred sites would be subject to the license conditions. The Council would also guarantee to provide a suitable alternative sites, if plans / arrangements for to the present locations change longer term – this would be for a fixed period of 25 yrs.
- 5.3 The Contract with the Free School will therefore require the Council to grant them two licences for designated areas at the Cape and the Rose Bowl. Key terms of the licences should include the term (25 years), Licence fee – as per a service level contract, property i.e. part of the site/building only and non-exclusive use, right to break – by the licensee at any time for any reason by giving a written notice to the Council, or by the Council in certain events e.g. redevelopment, and subject to clawback (of capital costs spent) and any relocation costs to an alternative site; or the Council finding an alternative property suitable to the free school (as determined by the school acting reasonably) on the terms no less commercially advantageous to the free school.
- 5.4 The Cape would continue to be a preferred site. The Bridge currently have a class base there and are working co-operatively with Ashmount School, also located in Crouch Hill Park, to the benefit of both schools. The Rose Bowl would also be desirable in terms of location and design, but would require EFA-funded remodelling work (so significant capital investment). Developments to this site would be beneficial for all site users.
- 5.5 In summary, the arrangement will be that the free school will enter into an agreement with the Council (“the Contract”). The Contract will deal with all four sites. The Contract would require the Council to grant the free school two leases to the specified areas of the two existing LA schools sites, and two licenses for designated areas at the Cape and Rose Bowl. The EFAs starting and preferred position was for a 125 yr lease on all four sites; they have moved a considerable way, therefore, to accommodate this project.
- 5.6 Letters of support from the Primary Schools involved in these proposals are attached as Appendix A. The current leasees of Cape (Awesome CIC) and Rose Bowl (Isledon Arts CIC) are also supportive of the proposals.

6. Implications

6.1 Financial implications:

The EFA will fund capital works but will require a lease in return, the terms of which are under negotiation. In terms of revenue funding, under current arrangements, once the school is open, it will be funded partly through the Dedicated Schools Grant by the Education Funding Agency (EFA), and partly by the LA commissioning places from the free school.

The school is being established in response to local demand. All places pupils with EHC plans/statements of SEN in a special free school attract per-place funding. The fixed per-place funding will be paid by the EFA at a per-place rate (currently £10,000). The school

will also receive top-up funding for each pupil placed in the free school, based on the pupil's assessed needs and the cost of meeting those needs in the school – the average top-up rate for children attending the Free School is likely to be £8K per pupil. That top-up funding comes from the local authority that commissions the place.

Top-up funding will be paid in or close to the real-time movement of the pupil, and will flow directly between the local authority and the special free school. A number of the children who will benefit from the provision already receive top-up funding in early years or schools, so that this funding will simply transfer. Without the additional capacity of the Free School, it would be necessary to commission places for newly assessed children with high need from independent or out-borough special schools at an average cost of £24-£30K per place, so this model has cost benefits, as well as meeting needs more locally, which will also save on transport costs.

Current regulations may be subject to change in subsequent years. The detailed funding methodology may also vary over time as changes are made to the school and high-needs funding systems as a National Funding Formula for Schools and High Needs is implemented by the DfE.

6.2 Legal Implications:

The council has a duty to provide and maintain sufficient schools for the provision of education in its area and may assist any school that is not maintained by them (Sections 14 and 16 of the Education Act 1996). The support of the Bridge Satellite School project will enable the Council to secure places for children with a moderate autistic spectrum condition. Accordingly the council has power to provide accommodation for the Bridge Free School.

Four sites for the Bridge Free School have been identified namely part of Robert Blair and Vittoria primary school, Cape Building, Crouch Hill and the Rose Bowl, St Paul's Park. The Council's titles to the four sites are currently being investigated to confirm that there are no restrictions preventing their use by the Bridge Satellite School.

Robert Blair and Vittoria Primary schools

The grant of leases of part of the Robert Blair and Vittoria primary school buildings will require the consent of the Secretary of State under paragraph 4 of Schedule 1 to the Academies Act 2010. Section 123(2) of the Local Government Act 1972 requires the Council to obtain the Secretary of State's consent to the grant of a lease of more than 7 years. However that provision is disapplied in the case of a lease to a person for the purposes of an academy / free school.

However, any decision by the Council to dispose of an interest in land must be taken:

- (i) Reasonably;
- (ii) In the light of the market value of the land/building and the amount of the proposed undervalue;
- (iii) With due regard to the Council's fiduciary duty.

Accordingly in deciding whether or not to agree to the grant leases of parts of the two primary school buildings to the Bridge Satellite School at a peppercorn rent the Council must:

- (i) Be satisfied that the proposed demised areas are surplus to the Council's own requirements;
- (ii) The benefits of doing so as set out in this report and weigh up and balance those benefits against the foregoing of a monetary capital receipt, albeit that the Council will benefit from the works proposed to be carried out by and at the expense of the Education Funding Agency.

Cape Building

The Council has entered into a contract with Awesome CIC for the management and operation of six of its adventure playgrounds including the Cape Adventure Play site. The contract term is 3 years ending on 30 September 2019.

Awesome CIC have a lease of the Cape Building and site which is co-terminus with service contract and are permitted to licence part(s) of the building by way of sessional hires. Currently the Bridge School hires rooms at the Cape Building from Awesome CIC. Under the proposed arrangements, hire for The Bridge Satellite Free School will be through a 25 year license with the Council, with the consent of the leaseholder.

Rose Bowl

The Council has entered into a contract with Isledon Arts CIC for the management and operation of the Rose Bowl. Similarly, under the proposed arrangements, hire for The Bridge Satellite Free School will be through a 25 year license with the Council, with the consent of the leaseholder.

6.3 Environmental Implications:

One of the key principles of our current Special Educational Needs and Disability Strategy is 'Keeping it local: Services developed with children and young people with SEND and their families and delivered local to their homes'. This proposal not only accords with the wishes of parents, but will enable us to reduce the need for transport expenditure and energy use, by making better use of existing spaces.

All building works associated with this project will comply with Council policy in terms of sustainable design, energy efficiency, drainage and water infrastructure, effects of development on transport capacity. Local character and safety and security.

6.4 Resident Impact Assessment:

The council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The council must have due regard to the need to tackle prejudice and promote understanding."

A Resident Impact Assessment was completed on 3 February 2016 and is appended as Appendix B. It identifies that there will be positive impacts and no identifiable negative impacts.

7. Conclusion and reasons for recommendations

- 7.1 This is an innovative project that will meet the needs of children with Autistic Spectrum Condition, is in line with the wishes of parents for their preferred delivery model, represents the most efficient use of Council resources as well as sustainable capacity for the future.

Appendices:

Appendix A: Letters of support from schools involved

Appendix B: Resident Impact Assessment

Background papers: None

Final report clearance:

Signed by:



15 March 2017

Executive Member for Children, Young
People and Families

Date

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