

Slough Borough Council

Report To:	Cabinet
Date	18 November 2024
Subject:	High Needs Capital Programme – Haybrook College
Lead Member:	Cllr. Puja Bedi – Lead Member for Education and Children’s Services
Chief Officer:	Sue Butcher – Executive Director for People: Children
Contact Officer:	Neil Hoskinson – Associate Director of Education
Ward(s):	<u>All</u>
Key Decision:	YES
Exempt:	NO
Decision Subject To Call In:	YES
Appendices:	Appendix 1 – Haybrook College expansion plans Appendix 2 - Plan showing the area of land for disposal to Haybrook College

1. Summary and Recommendations

1.1 Following the approval in June 2024 to fund an expansion project at Arbour Vale School, this report seeks approval for the expansion of Haybrook College. Cabinet first considered and approved an expansion of the school in 2017, however that decision was never implemented and was for a different purpose. Following a redesign to meet current needs the project has obtained planning approval and Haybrook College has procured contractors. Cabinet is asked to approve the disposal of land by way of lease at nil value and the provision of capital grant to fund the works.

Recommendations:

- 1.2 Cabinet is recommended to:
- Agree that a conditional capital grant of up to £3.2m (plus £0.3m that has already been committed/spent under officer delegation) be awarded to Haybrook College Trust to deliver the expansion project they have tendered and as shown in Appendix 1,
 - Approve the disposal of 3,700m² of land as shown in Appendix 2 and being land adjacent to Haybrook College at nil value to the Haybrook College Trust via a standard academy lease (of the combined area consisting of the College site and expansion land),

- c) Delegate authority to the Executive Director of Children's Services in consultation with the Executive Director of Corporate Resources and Lead Member for Education and Children's Services, to agree the final legal documentation to dispose of the land and the final budget for the Haybrook College expansion project subject to it being no higher than £3.75m in total.

Reason:

- 1.3 Slough Borough Council (SBC) as the Local Authority has a duty to ensure every resident pupil including those with SEND are offered a suitable school place to meet their needs. Where pupils are unable to attend school, local authorities under Section 19 of the Education Act 1996, have a duty to arrange suitable full time education for children of compulsory school age, who because of exclusion, illness or other reasons, would not receive suitable education without such provision. This provision is known as Alternative Provision (AP) and can be provided directly by a local authority or by an alternative provision academy. SBC's role is to commission places to meet local needs within the range of providers that are available and willing to increase SEND provision. SBC is working towards the 5-year delivery programme required for a new special school, in the meantime it will be necessary to expand provision within existing schools and AP to ensure that most if not all local pupils with Education Health and Care Plans (EHCPs) will continue to be offered a local school place over the coming years.
- 1.4 Haybrook Academy is an AP academy which provides SBC's only specialist support for secondary age children with Social, Emotional and Mental Health needs (SEMH) including children with SEND in receipt of an Education, Health and Care Plan (EHCP). Where SBC cannot educate pupils in Slough establishments, they will have to be placed in facilities outside the Borough. A small number of pupils will always require very specialist support and may need to be placed out of borough.

Commissioner Review

- 1.5 Commissioners have reviewed this report and there are no specific comments to add.

2. Report

Strategic Priorities

- 2.1 SBC Corporate Plan 2023-27

Priority 1 - A borough for children and young people to thrive – the expansion of SEND provision within Haybrook College will support some of Slough's most vulnerable young residents to secure a local school place able to meet their needs.

School Places Strategy 2023-27

- 2.2 The SEND section of the latest published strategy approved by the Cabinet on 17th April 2023 is out of date and was based on poor underlying data, it doesn't show the need for any significant growth in AP or SEND provision. This is incorrect, the Council's SEND team are working to update their forecasts and ensure that going forward a new SEND Strategy and School Places Strategy set out the future demand for places and a capital programme to deliver the required places.
- 2.3 The current published strategy refers to growth of 45 pupils in secondary provision between 2021 and 2026 and for pupils with SEMH, growth of 11 over the same period. There is no stated need to increase Alternative Provision, instead the expectation was a reduction in provision over the next 3 years. In line with these projections the strategy has £2m allocated for Haybrook College to increase provision for pupils with EHCPs (that is, no growth in AP places but an expansion of SEND places).
- 2.4 SBC forecasts recently submitted to the Department for Education (DfE) show a projected growth in demand for specialist provision for pupils with EHCPs of over 450 places over the next 5 years compared to 2023-24, this represents an increase in specialist provision of 60%. More work is required to refine these forecasts, particularly to determine how many places are required at special schools and how many within resourced provision in mainstream schools. Once this work has concluded an updated School Places Strategy will be brought back to a future meeting of Cabinet, the target date is early 2025.
- 2.5 Changes to the Haybrook College project over time:
- 2017, a budget of £3m was approved by Cabinet to create a hospitality and catering facility to increase capacity for 40 AP places and 10 SEND places. This project was not implemented.
 - 2021, planning permission obtained to build a new standalone block to increase AP and SEND provision.
 - 2022/23, a local review of policy and strategy for AP provision concluded that AP provision should be reduced over time. £300K was approved at officer level to undertake the redesign of the scheme for Haybrook College focusing on increased SEND provision and improvements to specialist facilities.
 - 2023, the published School Places Strategy included the following action: *Up to £2m will be invested in Haybrook College to increase provision for pupils with EHCPs.*
 - 2024, recent grant allocations from the DfE have allowed the project to be designed to meet school requirements rather than be designed to a budget set by the income received by SBC from the DfE as was

previously the case. The budget required by the project has increased to £3.5m as a result.

- 2.6 Haybrook College is rated by Ofsted as a 'Good' alternative provision academy. The College and Trust are keen to continue working in partnership with SBC to ensure the best outcomes for Slough High Needs pupils.

Options

- 2.7 SEND place planning indicates that a new school is required to meet projected demand for special school provision. New schools can only be delivered through the government's Special Free School programme as and when bids are invited via a new application 'wave'. Should a new wave open later this year it might still be 5 years before any new school would open. It will be necessary to add capacity to existing schools in the meantime.
- 2.8 Slough is talking to a number of schools and establishments in preparation of a programme of expansion projects to meet the projected demand for places over the next 5 years.
- 2.9 Haybrook College is Slough's only secondary provision that caters for pupils with Social, Emotional and Mental Health (SEMH) difficulties. Haybrook College is not categorised as a special school and it should be rare to place pupils with an EHCP permanently in an alternative provision academy. However, when the school was established as an academy in 2013 the DfE entered into a Funding Agreement that acknowledged the school catered for both AP and SEND pupils.
- 2.10 In anticipation of the new classrooms being delivered through this project and at the request of the LA, Haybrook College has over time been slowly increasing the number of pupils with EHCPs within Millside – a separate specialist facility on the site for pupils with SEMH needs. Not delivering the classrooms would mean the school continues to operate with inadequate specialist facilities and under cramped conditions, a particular issue given that all the pupils have SEMH difficulties. A condition of the capital grant funding allocated to SBC by the DfE is to consult on investment projects, SBC has consulted on a programme that includes this project and submitted it to the DfE. SBC consults regularly on the High Needs capital programme with headteacher groups and groups that include headteacher and wider representation. Given the limited options for expansion within Slough schools the feedback is supportive of plans; any new projects that are proposed are always explored.
- 2.11 SBC has been committed to the expansion of Haybrook College since the Cabinet decision taken in 2017 and considerable capital grant has already been invested in planning the scheme. £0.451m was invested between 2017 and 2021 and a further £0.3m grant was awarded to Haybrook College in 2023.
- 2.12 For these reasons, alternative options to the expansion of Haybrook College have not been considered.

Background

- 2.13 The expansion of Haybrook College was first approved as part of a comprehensive expansion of SEND and PRU provision agreed by Cabinet in 2017. The new build project was stopped and restarted a number of times since then. Two other projects, agreed in 2017 that have since been delivered and added capacity for Haybrook College, were the conversion and leasing of the former Thomas Gray Centre and 323 High Street. The lease of 323 High St has recently ended and the school have handed back the keys to SBC.
- 2.14 Most recently planning approval was obtained in February 2021 for a large standalone block just before SBC issued a Section 114 notice and all capital projects were put on hold. The project didn't restart again until 2023 when SBC received new capital grant allocations for High Needs from the DfE and could fund the full cost of the project. It is a requirement of the Council's financial position that all school capital projects must be fully grant funded, however the Council can consider disposing of land at nil value subject to it falling within one of the Secretary of State's general consents.
- 2.15 On the Haymill site Haybrook College (although only registered as an AP academy) operates as two separate settings within the one school, one for AP pupils and one for SEND pupils, called Millside. This project will expand the Millside building which was built for 70 pupils and increase its capacity to 105. Each facility has a head of school and pupils are kept separate as far as possible given their differing status and needs. This means that any spare capacity in the AP facility doesn't free up capacity for SEND pupils.
- 2.16 Haybrook College has always had a responsive and innovative delivery model to meet the needs of the Slough population, for instance it has a catering facility located within a unit leased from SEGRO (Kitchen Craft) and a car maintenance workshop (Pitstop) among other offsite facilities. In 2017, SBC asked Haybrook College to increase AP places and create a small number of extra SEND places, more recently this has changed and SBC is now seeking primarily SEND growth at the school.
- 2.17 The Funding Agreement for Haybrook College, dated 2014, states the capacity as 92 AP places for 11-16s and 55 EHCP places for 11-16s. This is out of date and the College needs to seek approval from the DfE to update this. The table below shows the places commissioned by SBC and reported to and funded by the DfE.

	11-16		Post-16	
	AP Places	SEND Places	AP Places	SEND Places
Funding Agreement	92	55	0	0
Commissioned Places				
2023-24	70	85	0	11
2024-25	85	85	0	20

Land transfer

- 2.18 In March 2017 Cabinet agreed to allocate and transfer approximately a third of the vacant Haymill site to Haybrook College. This project would have increased both alternative provision places plus SEND via a new standalone block, the current project will only increase SEND places via an extension, therefore it is for a different purpose and requires different levels of funding. The exact line of the new boundary between the school and the vacant Haymill site wasn't finalised until later when the architects appointed by SBC designed the new annex for the school. A red line was agreed that maximised the housing potential on the vacant Haymill site while providing Haybrook College with the land that they required for their development.
- 2.19 The land will be leased to the Haybrook College Trust and will become part of the school site, with the school becoming responsible for its maintenance. The land is currently held in the General Fund and is not classified as education land. It is proposed to dispose of the land for nil value, this is deemed appropriate where it is considered that disposal will contribute to the promotion or improvement of the economic, social or environmental well-being of the area and the undervalue is £2m or less. The disposal via an academy lease will support social value by increasing SEND provision and the under-value is significantly less than £2m.
- 2.20 A Net Book Valuation of the land has been commissioned through SBC's Valuers (Wilks Head and Eve, WHE); its value is £0.132m. Discussions have been held with the Local Planning Authority to understand whether a housing development would be possible on the land to be leased to the Trust. Their response was: "it is unlikely to gain planning permission [for housing] on highway capacity and safety issues due to the number of vehicle movements turning left within the site to go north and the conflict with the school traffic." Consequently, the valuation of the land is relatively low.

Programme

- 2.21 Below is the programme that the school are working to:

Date	Item
18/01/2024	Architect appointment by school
22/02/2024	Planning pre-application meeting
07/08/2024	RIBA stage 3 design stage
03/06/2024	Submission of planning application by Haybrook College Trust
Sep-24	Planning approval
Sep-24	Start contractor tender process
Nov-24	Cabinet to approve budget and land transfer
Late Nov-24	Haybrook College to award contract
Jan-24	Start on site
Nov-25	Building handover – based on 10 month construction programme

3. Implications of the Recommendations

3.1 Financial implications

3.1.1 Haybrook College has been an important element of the council's approach to increasing in-borough provision of SEND places, specifically for SEMH. The college has been increasing its SEND provision over the years and this project ensures that the College has the accommodation and facilities necessary for the numbers on roll.

SBC has been awarded capital grant funding by the DfE over the last 3 years to fund the expected increase in SEND provision requirements. A further £3.65m was allocated earlier this year. In total £12.27m has been awarded for 2021/22 to 2024/25, of this £6.997m has either been committed or earmarked for other SEND projects. Of the funding received £5.27m is unallocated and £3.5m is available for investment in Haybrook College.

3.1.2 The budget on the capital programme for SEND expenditure in 2024/25 and 2025/26 was increased earlier this year and includes sufficient budget for this project. The tables below show the total required budget for agreed and provisional SEND projects plus the proposed Haybrook College project compared to the Council's approved budgets on the capital programme. There are 2 lines on the Council's capital programme funded through the High Needs Capital allocation, these are added together in the first table below, a budget of £12,267,000 is available (note that of this budget £372,000 was spent last year).

Project/Programme	000s	2023-24	2024-25	2025-28
Budget on approved Capital Programme (P101 plus P153)		£372	£7,345	£4,550
Total budget available		£12,267		

Project/Programme	000s	2023-24	2024-25	2025-28
High Needs Capital Improvement Programme		£193	£777	
Arbour Vale car park*		£68	£1,859	
Arbour Vale 4-classroom block*			£2,200	
Blue Willow nursery			£250	
Funding earmarked - projects under discussion or agreed in principle			£500	£1,000
Total funding required		£6,997		
Haybrook College		£111	£1,300	£2,089
Total funding required		£3,500		

* split of funding between the 2 Arbour Vale projects different from that agreed by Cabinet June 2024

3.1.3 If places are unable to be found in Out of Area Special Schools, the average cost at an Independent Special School is £48,000 per pupil per annum as opposed to an average £28,000 per pupil per annum in Slough Special Schools. This would be for a period of 5 years or more. As Haybrook College has admitted an extra 35 SEND pupils this year the cost avoidance to SBC SEND is

estimated at £0.7m . In addition, the transport provision for Out of Area Special Schools and Independent Special Schools will be higher and the cost falls to the General Fund

- 3.1.4 The growth in capacity of Haybrook College has been anticipated and 105 SEND places have been commissioned by SBC for 2024/25. This ensures that the long-term place funding for Haybrook College required for the higher numbers on roll is correctly planned for. New places are funded through the High Needs Block of the Dedicated Schools Grant and whilst adding to the pressures in that area still represents a more cost-effective provision than the alternatives.

Value for Money

- 3.1.5 The National School Delivery Benchmarking Report Nov 2023, based on recent projects, shows an average build cost per new special school place of £0.097m. There are no comparables for building AP places, although in this instance as the pupils would otherwise attend a special school it is reasonable to use a special school comparison. This project will deliver 35 new places at a cost of £0.100m per place, in line with the benchmark rate for special schools.
- 3.1.6 The project cost is relatively high for the number of places it is creating, partly due to the need to address existing shortages of specialist teaching facilities at the school. In addition, this value measure would be improved should the school admit further SEND pupils at Slough's request in the future, something that is likely given that the secondary cohort size is still rising and will be for some years yet.
- 3.1.7 The project not only adds capacity for 35 pupils but also addresses a number of issues caused by the increasing number of pupils on roll at the Millside facility, it has a single small science lab and single small design and tech space, these will both be replaced and enlarged.
- 3.1.8 The alternative to using Haybrook College for SEND pupils would be the construction of a new SEND school for 105 pupils with SEMH needs. The area guidelines published by the DfE in Building Bulletin 104 for special schools recommends a net area, for a school for 105 ambulant secondary age pupils, of between 2,573m² and 2,983m². Millside is currently 1,100m² and this project will add 730m² of new accommodation, increasing the footprint to 1,830m². An expanded Millside is more efficient than a new special school for 2 main reasons, i) it is built closer to AP area guidelines rather than those for a special school and ii) it benefits from being collocated with the main AP Haybrook College facility and shares some staff areas and the sports school.

3.2 Legal implications

- 3.2.1 The Council has a duty (s13-14 of the Education Act 1996) to promote high standards of education, provide fair access to education and a general duty to secure the sufficiency of school places. Specifically, it must consider the need to secure provision for children with SEND, including the duty to respond to parents' representations about school provision.

- 3.2.2 SBC is currently allocated capital on an annual basis for increasing SEND provision based on its projected 'basic need' to meet demand. The funds are allocated for investment in all types of SEND provision (i.e. is not limited to maintained schools) and the key condition attached to the funding is that local consultation is required and that the consultation steps and allocations are reported back annually to the DfE. SBC consults regularly on this programme with headteacher groups and groups that include headteacher and wider representation.
- 3.2.3 Under s.19 of the Education Act 1996 local authorities are responsible for arranging suitable education for permanently excluded pupils and for other pupils of compulsory school age who because of illness or other reasons would not receive suitable education without such arrangements being made. Schools can also access alternative provision to assist with supporting pupils to improve their behaviour. Haybrook College is a registered Alternative Provision Academy. Its admission criteria refer to it working hard not to have pupils with an EHCP within the College, but that it has specialist provision for pupils with SEMH difficulties and these places will be allocated in accordance with the SEND Code of Practice. As an academy, the College is funded directly by the Department for Education in accordance with a funding agreement, however as these are very often out of date in practice it is funded based on an annual return showing commissioned places and submitted by SBC.
- 3.2.4 The Council has specific powers and duties in relation to disposal of land. S.123 of the Local Government Act 1972 provides a general power of disposal where the Council can demonstrate it is achieving the best consideration that can reasonably be obtained. A long lease is a disposal for these purposes. Secretary of State consent is required to dispose of land at an under-value, however the Secretary of State has issued general consents for disposals of land at less than best consideration if it can be shown that the disposal will contribute to the promotion or improvement of the economic, social or environmental well-being of the local area and the under-value is no more than £2m. Also, the Council would ordinarily be expected to comply with normal and prudent commercial practice in terms of obtaining a valuation report regarding unrestricted and restricted use values of the property in order to justify the nil value/rent ascribed to the lease of the General Fund (formerly educational) land to the Trust. It is proposed to dispose of the land on a standard academy lease which is to contain tenant covenants including user restrictions and obligations relating to the repair, maintenance and insurance of buildings to the Trust to allow it to be used for educational purposes.
- 3.2.5 The Haybrook College trust has obtained approval from the DfE to enter into a 114-year academy lease for the land to match the remaining time left on their original lease for the main school site (this is land included in the original lease when the College acquired academy status in 2013 although never registered with the Land Registry). It is proposed that this be granted simultaneously with the lease of the adjoining land which is the main subject of this report. Completing the lease before construction begins would avoid the need for SBC

to grant an access licence to Haybrook College for their appointed contractor to carry out their works.

3.3 Risk management implications

3.3.1

	Risks	Potential Impact	Mitigating Actions
1	Financial	If Haybrook College reduces its capacity back to 70 then over time 35 High Needs pupils would need to be placed in facilities outside the borough at a higher cost than Haybrook College and with increased transport costs.	Adding 8 new teaching spaces using capital grant at Haybrook College will reduce placements in high cost out of the borough independent non maintained specialist providers.
2	Financial	Tender price higher than anticipated and the project cost rises above £3.5m.	Sufficient uncommitted capital grant has already been received from the DfE.
3	Financial	Haybrook College has insufficient funds in their account to pay large construction invoices.	SBC to pay invoices from the school in a timely manner to avoid credit issues.
4	Financial	Abortive fees – altogether since 2017, £751K has been spent or committed on fees and pre-construction costs. If a capital project doesn't go ahead this may need to be converted to revenue.	Proceed with an expansion project.
5	Planning	Planning approval for the classroom block refused or delayed	Planning approval already obtained for a much larger project on the same site. Liaise with planning to ensure the project complies with planning requirements. Fully consider implications of new Biodiversity Net Gain (BNG) requirements.

3.4 Environmental implications

3.4.1 There are no known environmental implications arising from this report. However, construction of the classrooms will affect green space, this issue is addressed via conditions attached to the planning approval including the new Biodiversity Net Gain (BNG) regulations.

3.5 Equality implications

3.5.1 This proposal will positively impact on children aged 11 to 19 who have SEND and will allow those students to receive specialist support in support of the Council's duty to have due regard to equality of opportunity. .

3.6 Procurement implications

- 3.6.1 As Haybrook College will be the party entering into the contract with the contractor (rather than SBC) they will need to comply with the DfE's academy procurement guidelines.

3.7 Property implications

- 3.7.1 The entirety of the Haymill site is held in the General Fund. The vacant land was optioned to the Slough Urban Renewal (SUR) at the formation of the Slough's Local Asset Backed Vehicle (LABV), however as the site was constrained as school land, the option could not be exercised before April 2024. The school land constraint has now expired and sale to the SUR and subsequent disposal for housing is progressing.
- 3.7.2 This project does not interfere with the sale of the adjacent site or subsequent development of the site.

4. Background Papers

None

Appendix 1

Haybrook College expansion plans including adjacency to the approved housing development



Appendix 2

Plan showing the Haymill site and area of land for disposal to Haybrook College

