

Cabinet Member for Transport & Assets – Cllr Tamara Reay

Assets Service / Education Service

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Property transactions to increase the provision of special school placements

Purpose of Report

1. This report seeks approval to the freehold transfer of Royal Wootton Bassett School Centred Initial Teacher Training (SCITT) building in return for the surrender of part of the Wellington Academy lease to facilitate the provision of 120 - 150 new special school education placements (Exeter House II).

Relevance to the Council's Business Plan

2. The proposal will contribute towards the Council's mission to *get the best start in life* and the guiding theme of *prevention and early intervention* and *improving social mobility and tackling inequalities*. The provision in SEND is key to ensure that all young people have access to the right education and support for their development as individuals.

Background

3. Under the Safety Valve programme, Wiltshire Council is committed to delivering 500 additional High Needs school places, to meet the growing demand for Special School and Resource Base places. The delivery of a second campus for Exeter House Special School will deliver the highest priority SEND scheme for Wiltshire Council.
4. Wiltshire Council is investing heavily in increasing SEND provision in the county, with the addition of multiple sites for a range of settings. Whilst this is in progress the need for such placements continues to grow and further provision is needed to mitigate this growth.
5. Local Authorities are not permitted to buy build or create new maintained special schools but need to bid for "free special school" funding (which has been done with success for SAIL, the new SEMH and AP school provision in recent years) or, expand existing provision which can be done with satellite or additional sites for existing special schools.
6. The service needs analysis shows that additional SEMH provision is required in the south of the county to ensure learners with SEND can access statutory education.

Main Considerations for the Council

7. The Council own the freehold of both Wellington Academy School in Tidworth ("Tidworth") and Royal Wootton Bassett ("RWB") SCITT building, both being let as follows:

- a. Tidworth – to Ascend Learning Trust on a 125-year Academy lease (the “Academy lease”).
 - b. RWB – to Ascend Learning Trust on a lease expiring in August 2025 at a rent of £22,600 per annum.
8. The Academy Lease partially comprised a boarding house for up to 140 pupils. In July 2024 Ascend closed the site to boarding due to a lack of demand for residential placements and cost inefficiency of running the site at low capacity. By mid-September, it is anticipated that the boarding house staff will have relocated from the site. The building has been identified by the Council as having the opportunity to be brought into special school placement use for up to 150 pupils, for children and young people aged 5-19 with severe needs.
 9. There is no provision in the Academy lease for the Council to take back part of the site, and as such, negotiation with Ascend has been necessary to agree the principle of the boarding house returning to the Council by way of a partial surrender of the Academy lease.
 10. In return for the surrender of the boarding house, Ascend initially sought significant financial consideration. Subsequently, it has been provisionally agreed that a- land swap would take place.
 11. Ascend own RWB Academy School on a freehold basis and immediately adjacent to it is the SCITT building, owned by Wiltshire Council. SCITT is currently let to Ascend on a short lease and Ascend have requested that the freehold of RWB is transferred to it in consideration for the partial surrender of the Academy lease.
 12. The SCITT building is immediately adjacent to the RWB Lime Kiln Leisure Centre, although is not used as part of that facility. The leisure assets across the county will be subject to review in the near future and works are needed at Lime Kiln to both modernise and refurbish parts of the site. It is not considered essential for the SCITT building to be retained to enable refurbishment or any larger, more aspirational changes that may be determined.
 13. On the surrender of part of the Academy lease the Council will grant a new lease of such premises to Brunel Academy / Education Trust (“Brunel”) as an extension to Exeter House (where Brunel Education operate the site) to create an extension to their special school provision.
 14. There are synergies between the activities of Exeter House special school and Wellington Academy. Ascend and Brunel have already entered discussions on how they might share specialist teaching and recreational facilities, such as sports fields and science classrooms. In addition, the academies will work together to improving the teaching skills for managing children with additional needs. However, it is envisaged that Exeter House II will operate as a standalone school within the boundaries of the Wellington Academy campus.
 15. The resolution is to authorise the Director of Assets to enter into all necessary legal documentation to enable the above to be implemented.

Overview and Scrutiny Engagement

16. Due to the urgency of securing the negotiation with Ascend, there has not been the opportunity to brief the relevant scrutiny bodies. However, the negotiations have been subject to appropriate scrutiny – and approval – by the Corporate Leadership Team.

Relevant Councillors have also been aware of the discussions taking place to secure this important asset.

Safeguarding Implications

17. The creation of a new special school campus will ensure vulnerable pupils are educated in a provision specifically tailored to their needs, with all the appropriate safeguarding measures in place. Brunel will apply their own safeguarding policies in the operation of the new school.

Public Health Implications

18. The creation of a new special school campus will ensure vulnerable pupils are educated in a provision specifically tailored to their needs. The building will be designed to meet their educational and health needs. The proposed site is adjacent to the sporting and recreational facilities at Wellington Academy, and it is anticipated that Exeter House students will benefit from access to these facilities.
19. The plans for the new building include appropriate therapy space, to enable students to benefit from the therapeutic support set out in their individual Education and Health Care Plans. Also, discussions have already taken place with 'Help for Heroes', to enable students to access the hydrotherapy pool within the locality.
20. Therefore, the proposed new school at Wellington Academy boarding house site will greatly enhance the health of Exeter House students.

Procurement Implications

21. There are no procurement implications associated with the proposal as they are land transactions. The procurement of professional advisors and building contractors is being managed through Brunel in accordance with the Academies Financial Handbook.

Equalities Impact of the Proposal

22. No specific impact, although the overall proposal will directly improve the outcomes of a disadvantaged group, specifically children and young people with special educational needs.

Environmental and Climate Change Considerations

23. Any works to the boarding house will reflect current environmental requirements for the intended use.

Workforce Implications

24. None

Risks that may arise if the proposed decision and related work is not taken

25. That the provision of SEND placements falls behind the current demand even further, resulting in increased costs of out-of-county placements or young people not having the ability to get a suitable education within Wiltshire.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

26. There may be a legal risk in respect of s123 Local Government Act, see Legal Implications section for mitigation.

Financial Implications

27. The RWB SCITT building generates revenue for the Council (£22,600 in 2023/24) and this would be forgone should the transaction proceed. The loss of revenue will be a pressure to Assets budgets and have a minor impact on the MTFs, although the overall impact on the Council more than compensates for this. The current asset value of SCITT is £180,000, as at February 2020.
28. If this proposal does not go ahead, circa 120 pupils will need to be educated elsewhere, most likely within the Independent Special School Sector. A conservative estimate of this cost is £9.6M, including transport. The rental income foregone is financially insignificant when compared with SEND place costs. The acquisition of an existing building and conversion is more financially beneficial, this approach having already been adopted for Melksham House and Thickwood Northwood Centre.
29. It is reasonable to assume that SEND and Inclusion will save at least £30,000 per place, per annum, through this proposal. In addition, there can reasonably be £10,000 transport savings per place. This totals £4.8M estimated saving per annum.
30. The funding for the procurement of the Feasibility studies and project management to RIBA Stage 4 has already been approved by the Director of Education and Skills. The funding is paid across to Brunel, who procure services in compliance with the Academies Financial Handbook and their own procurement policies. Subject to suitable Feasibility and affordability outcomes, Brunel will appoint building contractors and professional advisors to deliver the remodelling of the boarding house – funded by Wiltshire Council High Needs monies. An Exeter House II project steering group will resume in September 2024 as oversight of financial spend and project progress and continue throughout the life of the project.

Legal Implications

31. Disposal of land by local authorities is governed by s123 Local Government Act 1972 where *best consideration* is required. In most cases this represents the highest value achieved from disposal of an asset, whereas in this case the *consideration* is being received via the social benefits of providing additional placements and the reduction of costs for providing local placements.
32. Therefore in most cases a best consideration valuation will be undertaken, yet in this case a pragmatic approach is being taken through reflecting on the total costs in delivering the placements compared against new construction. Due consideration has been given to *Circular 06/03 para 17 of the Local Government Act 1972 general disposal consent (England) 2003 disposal of land for less than the best consideration that can be reasonably be obtained*
33. The loss of value from SCITT is less than the amount within the General Consent Order for disposals, which delegates decision to dispose of assets at less than best consideration to Local Authorities where the impact is lower than £2m. In this case the potential loss of value is below that level and this decision discharges the Council's liability.

Options Considered

34. There are two options available in this case. These are:
- Not enter into discussions with Ascend, resulting in their building remaining empty and the Council having to find alternate options. The delay associated with this has cost implications (out of county placements) and impacts on young people (lack of access to appropriate education).
 - Enter into the land transactions to enable delivery of new special school placements

Conclusions

35. The provision of special school placement through the use of an existing building, bring that building back into use and secure long term education provision at a cost lower than a new build is considered to be in the best interest of the Council. The potential loss of value for the SCITT building is justifiable in context of the financial and social benefits of providing suitable SEND provision.

Proposal

36. That the Cabinet Member resolve to authorise the Director of Assets to enter into any legal documentation which is required to enable the above to be implemented, including:
- a) Freehold transfer of the RWB SCITT building at nil consideration,
 - b) Surrender of part of the Welling Academy lease related to the Boarding House, and
 - c) The grant of a new lease to Brunel Academy/Education Trust for the future special school provision.

James Barrah - Director of Assets

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Appendices

Appendix 1 - Plan of RWB SCITT building
Appendix 2 - Surrender plan for Wellington Academy

Background Papers

None