

## RECORD OF EXECUTIVE DECISION TAKEN BY AN EXECUTIVE MEMBER

This form **MUST** be used to record any decision taken by the Elected Mayor or an individual Executive Member (Portfolio Holder).

The form must be completed and passed to the Chief Officer responsible for Legal and Democratic Services no later than NOON on the second working day after the day on which the decision is taken. No action may be taken to implement the decision(s) recorded on this form until 7 working days have passed and the Chief Officer responsible for Legal and Democratic Services has confirmed the decision has not been called in.

**1. Description of decision**

- (1) That the Council commit to the purchase of the former St. Josephs Lower School for use as a SEMH (Social Emotional Mental Health) Special School in line with the terms agreed, the capital costs outlined in the attached report and the detailed business case at confidential Appendix A that have been prepared to accompany this decision.**
- (2) That the Head of Regeneration, Property and Local Economy be authorised to negotiate detailed terms for the purchase of the Property.**
- (3) That Officers be instructed to carry out the necessary due diligence to ensure that any risks relating to the purchase and ownership of the Property can be appropriately managed.**
- (4) That Full Council be recommended to add this scheme to the Capital Programme, acknowledging that the implementation of (1) to (3) above will be subject to Full Council's approval in relation to the Capital Programme.**

**2. Date of decision**

15 December 2025

**3. Reasons for decision**

- (i) Bedford Borough does not currently have an SEMH Special School. Children who require this provision are having to attend SEMH Special Schools outside of Bedford Borough, including independent Special Schools which are often 2 or 3 times more expensive than state funded Special Schools.
- (ii) Even with a phased opening, the anticipated cumulative saving to the Council's High Needs budget would be £6,686,836 over 3 years and over £1,000,000 against home to school transport costs over that same period. This would provide a 'pay back' period of less than 2 years for any capital expenditure.
- (iii) The capital expenditure is fully funded by the High Needs Capital Allocation that Bedford Borough Council has already received. There would be no borrowing required for this project.
- (iv) A local SEMH Special School would ensure local children were able to attend provisions closer to home, reduce home to school transport expenditure and also lead to reductions in exclusions across Bedford Borough.

#### 4. Alternatives considered and rejected

- Given the ongoing need for a SEMH Special School, the team are constantly assessing additional properties. It is rare that school buildings become available to purchase such as this property. Other options would be to build a new Special School, however, the Council neither has the capital funds or a suitable plot of land to enable this to happen.
- The Council could decide to 'do nothing', however, this would lead to continued overspending against the high needs grant, especially if the property were to become an independent special school. This would also result in local children continuing to have to access education provision out of Borough.

#### 5. How decision is to be funded

High Needs Capital Allocation. This is a ringfenced capital grant for use in the creation of new specialist education places.

#### 6. Conflicts of interest

Name of all Executive members who were consulted AND declared a conflict of interest.	Nature of interest	Did Standards Committee give a dispensation for that conflict of interest? (If yes, give details and date of dispensation)	Did the Chief Executive give a dispensation for that conflict of interest? (If yes, give details and the date of the dispensation).

The Mayor has been consulted on this decision

Not Applicable

Signed: 

Date: 15 December 2025

Name of Decision Taker: Mayor Tom Wootton

This is a public document. A copy of it must be given to the Chief Officer responsible for Legal and Democratic Services as soon as it is completed.

Date decision published: ....15 December 2025.....

Date decision can be implemented if not called in: ...24December2025.....

(Decision to be made exempt from call in.....NO.....)

**Bedford Borough Council – Report to the Mayor**

**Date of Decision: 15 December 2025**

**Report by: Service Director for Education, SEND and School Infrastructure/Head of Regeneration, Property Services & Local Economy**

**Subject: ACQUISITION OF THE OLD ST JOSEPHS LOWER SCHOOL BUILDING FOR USE AS A SEMH SPECIAL SCHOOL**

**1. EXECUTIVE SUMMARY**

- 1.1 To seek the Mayor's approval to commit to the purchase of a recently vacated school building, formerly St Josephs Lower School (the "Property"). Once purchased, this property will be repurposed to provide 80 specialist places for children with Social Emotional Mental Health (SEMH) needs.
- 1.2 Subject to Mayoral approval, terms have been agreed in principle to purchase the property. The details are outlined in the confidential business case at **Appendix A**.

**2. RECOMMENDATIONS**

**The Mayor is asked to consider and, if satisfied, to:**

- (1) Commit to the purchase of the former St. Josephs Lower School in line with the terms agreed, the capital costs outlined in the report and the detailed confidential business case at **Appendix A**.**
- (2) Authorise the Head of Regeneration, Property & Local Economy to negotiate detailed terms for the purchase of the Property.**
- (3) Instruct officers to carry out the necessary due diligence to ensure that any risks relating to the purchase and ownership of the Property can be appropriately managed.**
- (4) Recommend to Full Council that this scheme be added to the Capital Programme, acknowledging that the implementation of (1) to (3) above will be subject to Full Council's approval in relation to the Capital Programme.**

### **3. REASONS FOR RECOMMENDATIONS**

- (i) Bedford Borough does not currently have an SEMH Special School. Children who require this provision are having to attend SEMH Special Schools outside of Bedford Borough, including independent Special Schools which are often 2 or 3 times more expensive than state funded Special Schools.
- (ii) Even with a phased opening the anticipated cumulative saving to the council's High Needs budget would be £6,686,836 over 3 years and over £1,000,000 against home to school transport costs over that same period. This would provide a 'pay back' period of less than 2 years for any capital expenditure.
- (iii) The capital expenditure is fully funded by the High Needs Capital Allocation that Bedford Borough has already received. There would be no borrowing required for this project.
- (iv) A local SEMH Special School would ensure local children were able to attend provisions closer to home, reduce home to school transport expenditure and also lead to reductions in exclusions across Bedford Borough.

### **4. THE CURRENT POSITION**

- 4.1 The property has only recently been vacated by Our Lady Immaculate Catholic Academies Trust (OLICAT) following the consolidation of the previous St Josephs and St Gregory's Primary School into the newly formed St Francis of Assisi Primary School on the Biddenham Turn site (formerly St Gregory's Middle School).
- 4.2 OLICAT have accepted the bid from Bedford Borough Council, the details of which are outlined in the confidential business case at **Appendix A**.

### **5. DETAILS**

- 5.1 The property was recently operating as a Primary School with a nursery to Year 6 and approximately 309 children on roll as of July 2025.

- 5.2 The Property comprises a single building of mostly brick elevations with some PVC cladding, PVC panel and double glazing. The entrance to the school comprises a domed roof conservatory construction and the remainder of the building has a flat felt lined roof. There are some later mono-pitch steel framed canopy additions to the edges of the buildings providing shaded play areas. The building benefits from uPVC double glazed windows and PVC rainwater goods.



- 5.3 A full feasibility assessment has been undertaken on the property which has confirmed that the existing building could be converted into an 80 place SEMH provision without the need for new buildings to be constructed.
- 5.4 The feasibility assessment has been reviewed by SEMH specialists both within the Council and externally who have identified that the works required to convert the school into an 80 place SEMH provision could be achieved for £2,000,000. Currently, the Council has approximately £5,100,000 of High Needs Capital Allocation that can be used on this project and so the purchase cost and estimated renovation costs are comfortably within the budget envelope of available funds.

## Financial Business Case

### Capital Costs

- 5.5 The detailed business case includes the confidential terms of acquisition that have been agreed, in principle and subject to contract, with the vendor. In addition, it is estimated that the renovations work will be contained within the £2 million cost envelope. The detailed Business Case is attached at confidential **Appendix A**.
- 5.6 Once purchased, the Council will undertake a free school presumption to seek a Multi Academy Trust (MAT) to run the new SEMH school. In partnership with the MAT, a capital scheme will be designed to fit within the £2 million capital budget allocated proposed to the scheme. The business case will be fully updated to reflect the capital works required at the school once the scope of these works have been agreed with the MAT. This will then form part of the capital programme allocation.

### Financing Cost

- 5.8 The cost of the acquisition is funded through the High Needs Capital Allocation. This is a ring-fenced grant provided by the Department for Education to support capital projects that create new places and improve facilities for children and young people with special educational needs and disabilities.

### Revenue Costs

- 5.9 Bedford has 2,100 EHCP's (Education, Health and Care Plan) increasing from 1486 in 2021 to 1941 by 2023, EHCP's have increased annually during the period from 2021-2024.
- 5.10 The cost of an independent Specialist Placement is currently three times the cost of state funded special school placement. As the Council has already acknowledged, there is a lack of SEMH specialist placements in the local area, the Local Authority would be forced to commission high-cost independent SEN places if, as an alternative, St Josephs becomes an independent SEMH School. Purchasing the building is considered to be a positive investment that would reduce the commitment to out of borough placements which would be even more expensive.

- 5.11 State funded special schools receive 'place funding' and then receive 'top up' funding for each pupil that attends. Independent schools do not receive 'place funding' and so that £10,000 is simply added to the 'top up' and that is what the LA is charged. The Local Authority completes a place return to the DfE which outlines how many 'places' the Council will have in the local specialist settings and the High Needs allocation is then adjusted depending on these returns (although there is a lag). When the Council is comparing the cost of state funded special schools to independent special schools, it includes the 'place' + 'top up' amount and it is still 2 - 3 times more expensive for an independent school
- 5.12 Of the current EHCP's, SEMH is identified as the primary need in 347, 88 of these are primary, 148 secondary and 111 who are post 16 (26% of primary and secondary children are accessing a specialist provision). This need continues to increase each year from 247 in 2022.
- 5.13 Bedford currently has 28 children and young people who are aged 16 and under accessing 'Educated Other Than At School' (EOTAS) packages 12 of which have a primary need of SEMH.
- 5.14 Current provisions in Bedford Borough designed to meet SEMH needs are: an 8 place Primary provision, a 16 place Primary Provision and a 20 place Secondary provision. These provisions are attached to mainstream schools and are not Special School provisions but are deemed as Allocated Resource Provisions (ARPs). The most cost effective SEMH provision used by Bedford is now full leading to allocations at higher cost placements. There is no Special School for SEMH in Bedford Borough.
- 5.15 Bedford Borough is currently spending £881,920 annually in transporting children with an identified SEMH need to schools outside of Bedford Borough. This is an average cost of £12,081 per annum per learner. This is all funded through the Council's revenue budget. If the Council were to have a local SEMH provision, then it would be able to bring down the annual cost considerably.

- 5.16 The projected cost of sending young people to SEMH provisions outside of Bedford this coming year is just over £1.1million as shown below

<b>Placement/Provision Type:</b>	<b>Total Cost (£000):</b>
Primary Mainstream Top Ups	405
Secondary Mainstream Top Ups	463
BB SEMH Resourced Provision Top Ups	420
BB SEMH Resourced Provision Place Funding	376
<b>Total Bedford Borough Mainstream:</b>	<b>1,664</b>
Independent SEMH Specialist School	364
Alternative provision/tuition	206
<b>Total Independent and AP:</b>	<b>570</b>
Other Local Authority (OLA) SEMH Special School	415
OLA Primary School top up	24
OLA Secondary School top up	27
<b>Total OLA:</b>	<b>466</b>
Transport Costs out of Borough	143
<b>Total Transport:</b>	<b>143</b>
<b>Total Cost of SEMH in 2024/2025:</b>	<b>2,842</b>

- 5.17 In order to ensure that the purchase represents value for money, a full review of the property has been undertaken by an RICS Registered Valuer within the Property Services team. The Valuer has confirmed that the agreed purchase price is in line with the current market value of the completed property, and that the acquisition represents suitable investment value to the Council, taking into account the avoidance of costs against the High Needs budget.
- 5.18 The acquisition of the Property would reduce the pressure on the High Needs budget by up to £6.7million by the third year of being operational.
- 5.19 Additional costs are incurred in home to school transport to out of Borough places currently costing £881,920 at an average of approximately £12,000 per pupil. A new local provision would result in lower cost of home to school transport via cost avoidance.



- 5.20 It is anticipated that the cost for a Bedford Borough provision would be one-third of the cost of an out of Borough Provision – an average cost of £4,000 per annum. Therefore, for every young person that the Council is able to move back from an Out of Borough SEMH provision, or for every child that avoids a requirement to place in an Out of Borough SEMH provision, there would be a saving of approximately £8,000 against the home to school transport costs. This would be an annual saving of approximately £320,000 if the school were to open with 40 pupils, rising to £640,000 when fully open with 80 pupils.

## 6. **ALTERNATIVES CONSIDERED AND REJECTED**

- 6.1 Given the ongoing need for a SEMH Special School, the team are constantly assessing additional properties. It is rare that school buildings become available to purchase such as this property. Other options would be to build a new Special School, however, the Council neither has the capital funds or a suitable plot of land to enable this to happen.
- 6.2 The Council could decide to ‘do nothing’, however, this would lead to continued overspending against the high needs grant, especially if the property were to become an independent special school. This would also result in local children continuing to have to access education provision out of Borough.

## 7. **KEY IMPLICATIONS**

<b>7.1 Legal Issues – relevant legal powers</b>	<ul style="list-style-type: none"> <li>• The Children and Families Act 2014 outlines the statutory requirements for the Council and partners to implement reforms for children with SEND. The statutory SEND Code of Practice outlines the legal requirements that all partners must adhere to in line with the Children and Families Act 2014.</li> <li>• If a child of compulsory school age isn't able to attend school then the local authority (LA) must ensure that suitable, full-time alternative education is in place (section 19 Education Act 1996).</li> <li>• Local authorities in England have a legal duty to ensure that children and young people with Education, Health, and Care Plans (EHCPs) receive the educational provision specified in their plans. This duty is enshrined in the Children and Families Act 2014 and associated regulations. The key responsibilities of local authorities regarding securing educational provision for children with EHCPs include:</li> </ul>
---	--

	<ul style="list-style-type: none"> <li>○ Duty to Secure Provision: <i>Section 42 of the Children and Families Act 2014 mandates that local authorities must secure the special educational provision specified in an EHCP. This means the local authority is legally obligated to arrange and fund the support detailed in the plan.</i></li> <li>○ Choice of School or Institution: <i>Parents and young people have the right to request that a particular school or other institution (including mainstream schools, special schools, academies, and further education colleges) be named in the EHCP. The local authority must comply with this request unless it would be unsuitable for the child's age, ability, aptitude, or special educational needs, or incompatible with the efficient education of others or the efficient use of resources.</i></li> <li>○ Funding: <i>Local authorities are responsible for providing or arranging the necessary funding to meet the special educational needs of children and young people with EHCPs. This includes funding for support services, specialist equipment, and any additional resources required.</i></li> <li>○ Provision in Non-Maintained Settings: <i>If appropriate, local authorities can arrange for the child or young person to attend an independent or non-maintained special school or college, provided it meets their needs effectively and the costs are justified.</i></li> </ul> <ul style="list-style-type: none"> <li>● Failure by a local authority to meet these duties can be challenged by parents or young people, and they have the right to appeal to the Special Educational Needs and Disability (SEND) Tribunal if they are dissatisfied with decisions regarding the assessment, content, or implementation of an EHCP.</li> <li>● Overall, the legal framework ensures that local authorities are accountable for providing appropriate and effective educational provision to support the development and progress of children and young people with special educational needs and disabilities.</li> <li>● By virtue of S120 of the Local Government Act 1972, the Council has the power to purchase land, inside or outside its area, if doing so helps it carry out its legal functions or benefits or improves its area.</li> </ul>
--	---

<b>7.2 Policy Issues</b>	Increasing capacity across the SEND system, including increasing the numbers of specialist placements is a key priority within Bedford Borough's Joint SEND Strategy 2022 – 2027. This Strategy is itself linked to the Bedford Borough Council Children's Service Strategy 2022-2025, Education Strategy 2024 - 2034, the Bedford Borough Children, Young People and Their Families Plan, 2022 - 2027 and the Bedford Borough Corporate Plan.
<b>7.3 Resource Issues</b>	A financial business case setting out the costs and benefits to the Council is provided as <b><u>Appendix A</u></b> . The Council will use the High Needs Capital Allocation to fund both the purchase and refurbishment work.
<b>7.4 Risks</b>	<p>The main risks of purchase, with mitigation, are as follows:</p> <ul style="list-style-type: none"> <li>(i) Demand for Specialist SEMH provision reduces; thereby rendering the purpose underlying the acquisition unnecessary. This is, currently, considered extremely unlikely given that the current level of demand is increasing year on year. In the event this risk did materialise, other Local Authorities would likely request places at the school ensuring that it remained viable.</li> <li>(ii) The premises may fall into disrepair (beyond the level of disrepair anticipated as part of the property management and maintenance programme) or a design fault may be revealed during use. This is considered unlikely because the Trust has shared all of the surveys and reports as part of the valuation and these were also reviewed as part of the commissioned feasibility.</li> <li>(iii) The cost of the refurbishment is higher than the amount of High Needs Capital funding available. This risk will be mitigated through careful planning with the MAT who will be running the school and the contractors. All parties will be clear on the available funds, and this will form the basis of the design and school configuration. The council will continue to receive funding through SEND S106 contributions and further High Needs Capital Allocations which can be used on the property at a later date to complete any works deemed desirable but not essential to the opening and operating of the school (e.g specialist vocational classrooms such as motor mechanics or hair and beauty).</li> </ul>
<b>7.5 Environmental Implications</b>	The surveys have highlighted that the electrical works need replacing and the cost of this have been factored into the offer price. It is anticipated that through these works the overall efficiencies of the property will be improved from its current low energy rating.

<b>7.6 Equalities Impact</b>	Bedford Borough Council holds a public sector equality duty under the Equality Act 2010 to have due regard to the need to eliminate inequality, advance equality of opportunity and foster good relations for those with protected characteristics. The equality test determined that the activity has relevance to Bedford Borough Council's duty to promote equality of opportunity, promote good relations, promote positive attitudes, and eliminate unlawful discrimination. The duty of the Local Authority to secure all of the education provision, as set out in an EHCP remains, through having a local SEMH Special School we will increase the amount of specialist provision for those who need this.
<b>7.7 Impact on Families</b>	This proposed property acquisition will provide local specialist provision, reducing the travel time for children requiring specialist provision from their current OOB provision. This will improve opportunities for families to access local provision and ensure children are able to spend more time at home than having to travel long distances to access education.
<b>7.8 Community Safety and Resilience</b>	The activities contained within this report have not highlighted any implications for community safety or resilience. This approach supports the wider goals of community safety corporately and the community safety team have been consulted on the development of the proposals.
<b>7.9 Impact on Health and Wellbeing</b>	An increase in specialist Social Emotional Mental Health provision within the local authority will have a positive impact on the children who require this support. Children will also be able to access more local provision, reducing travel times and improving health and wellbeing.

## **8. SUMMARY OF CONSULTATIONS AND OUTCOME**

8.1 The following Council units or Officers and/or other organisations have been consulted in preparing this report:

Portfolio Holder for Housing and Regulatory Services  
Manager for Asset and Development  
Specialist Housing Provision Manager  
Manager for Housing Options  
Finance business partner  
Legal Team  
Director for Environment  
Community Safety Team

8.2 No adverse comments have been received.

## 9. **WARD COUNCILLOR VIEWS**

9.1 Ward Councillors have been updated on the proposals.

## 10. **CONTACTS AND REFERENCES**

Report Contact Officer	Chris Morris, Service Director for Education, SEND and School Infrastructure
File Reference	N/A
Previous Relevant Minutes	N/A
Background Papers	None
Appendices	<p>Appendix A: Business Case – Confidential</p> <p><i>Appendix A includes the terms of the property transaction and is classified as “not for publication” under paragraph 3 of Schedule 12a to the Local Government Act 1972 as the information relates to the financial or business affairs of any particular person, including the authority holding that information.</i></p>