

<b>DECISION-MAKER:</b>	CABINET		
<b>SUBJECT:</b>	SPECIAL SCHOOL EXPANSION AND RECONFIGURATION NEEDS		
<b>DATE OF DECISION:</b>	18 OCTOBER 2021		
<b>REPORT OF:</b>	CABINET MEMBER FOR EDUCATION		
<b><u>CONTACT DETAILS</u></b>			
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<b>STATEMENT OF CONFIDENTIALITY</b>	
Not applicable	
<b>BRIEF SUMMARY</b>	
<p>There is an urgent need to increase the number of special school places due to an increase in need and demand. Following a strategic review of special educational needs and disability (SEND) in 2017-18, a recommendation was made to expand and reconfigure specialist provision within the City. Since then a significant amount of work has been undertaken by the SEND and Property Teams, initially on consulting with stakeholders on potential options for expansion and reconfiguration followed by the development of detailed plans and feasibility studies.</p> <p>A wholesale expansion and reconfiguration programme is currently in development, however there is an immediate need to develop accommodation for the secondary complex needs cohort that will require places in September 2022.</p> <p>This paper requests approval to purchase modular units to be temporarily placed on the Green Lane site to accommodate the additional places required at Great Oaks Academy (in accordance with an expansion proposal approved by the DfE) at a cost of £4.295M.</p> <p>Also, agreement is sought for spend of £0.3M from the allocated £4.4M within the capital programme, will proceed on consultants fees to keep the overall SEND scheme on track to deliver within the timescales set.</p>	

<b>RECOMMENDATIONS:</b>
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It is recommended that Cabinet:

	i)	Approve an addition to the capital programme of £4.295M, with approval to spend, for the purchase of modular units on the Green Lane site to accommodate the September 2022 intake of pupils at Great Oaks Academy. Details are set out in paragraph 15.
	ii)	Approve the spend of £0.30M in 2021/22 to employ consultants to progress the overall SEND project. This will come from the previously agreed capital allocation of £4.4M within the capital programme. If long term proposals for the SEND developments on Green Lane are not approved, this would be an abortive cost and a pressure on the revenue budget for the General Fund.

<b>REASONS FOR REPORT RECOMMENDATIONS</b>
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1.	Southampton City Council has a statutory duty to provide sufficient school places to meet need.
2.	Forecast numbers of secondary complex needs places suggests that up to 50 additional places may be required in September 2022
3.	The planned expansion of provision for the SEN expansion project generally expected to be delivered in September 2022 is no longer feasible due to the number of project delivery requirements and is now anticipated to be completed for partial occupation by September 2023. An interim solution is therefore required to accommodate the September 2022 cohort.
4.	Funding is required to commence the design phases to progress the development of proposals for the expansion of secondary complex needs places on the Green Lane site. Design services for RIBA Stage 2 are necessary to prepare for consultation and financial approval. This forms part of the overall proposals of the SEND programme. The Green Lane element of the programme is currently estimated at £10M, however, this is still subject to consultation and financial approval. It is important to note that if the long-term proposals for Green Lane are not approved this amount will become an abortive cost (impacting on revenue) and therefore Cabinet are asked to agree the spend, which would proceed at risk.

<b>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED</b>
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5.	A partial delivery of the whole SEND scheme using modular constructions was considered but this could not be completed in time for September 2022.
6.	Rental of modular buildings was considered and rejected due to the level of General Fund revenue required which considered not best value for money, especially as experience suggests a regular need for modular classrooms This option would incur revenue costs of £1.48M, £0.91M in 2022/23 and £0.57M in 2023/24, to allow for the temporary hiring of modular units on Green Lane site for 70 weeks.
7.	A do nothing option was considered. This is not a recommended option as the Council would fail to meet its statutory obligation to provide sufficient school places and would be forced to place children in high cost out of city independent

special schools. At an average cost of £70,000 per place this would equate to £3.50M for 50 children per year. Independent settings have geared themselves up to offer post 16 education provision which could result in some young people remaining in out of city provision until 25. We will be unable to bring these children back to maintained provision if and when this capacity is created, meaning that the likely cumulative cost of placing children in these settings from September 2022 could be in the region of £23M. This would be a pressure on the ring-fenced Dedicated Schools Grant - High Needs budget (the funding from Government that supports schools), rather than the General Fund.

There is an additional risk that it is highly unlikely that the independent sector would have enough spaces to house these children in the more local settings, which would mean increased charges for transport and residential costs, or a failure to place children in the type of setting that they have been assessed to need.

#### **DETAIL (Including consultation carried out)**

8. The numbers of children requiring special school provision has been increasing year on year due to the increase in prevalence of special educational needs and disability (SEND) and the increase in complexity of need. Despite increasing the capacity in all Southampton Special Schools, all 6 schools are now full.

The current Special School provision in Southampton, as at September 2020, is as follows:

School	Phase	Type	Published admission no	Number on roll
Springwell	Primary	Complex needs including autism	256	258
Great Oaks	Secondary	Complex needs including autism	230	244
Cedar	All through	Complex health, learning & physical disabilities	80	88
Rosewood	All through	Profound and multiple learning disabilities	66	70
Vermont	Primary	Social, emotional and mental health	40	41
Polygon	Secondary	Social, emotional and mental health	60	69
<b>TOTAL</b>			<b>732</b>	<b>770</b>

9. Following Springwell school's significant increase from 63 places in 2010 to 256 places in 2021, there is pressure on places at Great Oaks Academy which will continue as the year on year increase in cohorts work through.
10. Great Oaks Academy has been given approval through the Secretary of State to expand by a further 110 places over the next 2-3 years. To deliver the accommodation required for these places within the timeframe we are proposing temporary accommodation at Green Lane for 2022/23. SCC has a statutory duty under the Education Act 1996 to provide sufficient school places for primary and secondary age children attending education in its area with specific regard to pupils with SEN. The demand at this stage is for secondary complex needs for which the current setting is an Academy hence the decision to expand this school.

11.	<p>The recommendation to meet the additional accommodation need is to purchase four double modular units which will be owned by the Council and would be leased to Great Oaks Academy for 70 weeks starting September 2022.</p> <p>This will require approval of the addition of £4.295M to the Children and Learning portfolio capital programme, along with approval to spend as described in paragraph 15. This would require approval of an additional revenue financing budget of £0.28M from 2022/23 onwards.</p> <p>This would leave SCC with four double modular units within our education estate which will prevent further rental cost pressures and give flexibility for any delays that occur in this or other school capital projects. In the unlikely event they were not required there is a second-hand market so the units could be disposed of generating a capital receipt.</p>
12.	<p>Whilst Great Oaks school is an Academy, the LA would be purchasing the modular units which will be retained in stock once they are no longer required for the Great Oaks pupils. During their time on site they would be included in the lease that SCC will agree with Great Oaks school for the rest of the site which will cover off liability for insurance, repairs and maintenance.</p>
13.	<p>With the intention of placing the modular units on the school playing field, planning consent will need to be sought for a temporary period which will include consultation with Sport England and SCC Planning concerning the open space designation of part of the sports field. In addition, statutory playing field consent will be required from the Secretary of State for Education to change the use of the school playing fields to classroom use as the period in which the classrooms will remain in place will substantially exceed the time for temporary classrooms allowed for in the General Disposal Consent approved by the Secretary of State and in place for such matters.</p>
14.	<p>Early programming has identified the durations required to complete project delivery phases and indicates that funding is required to commence the design phases immediately. These consultants will enable works to be undertaken to progress the proposed expansion of secondary complex needs places on the Green Lane site. Design services for RIBA Stage 2 are necessary to prepare for consultation and financial approval. If approval is delayed to the February 2022 budget setting report cycle, construction will not be delivered to the project timescales. This will require input from external and internal design consultants.</p>

#### **RESOURCE IMPLICATIONS**

##### **Capital/Revenue Implications**

15.	<p>Capital funding of £4.295M is required to fund the purchase of the modular accommodation for 50 pupils from September 2022. The capital project will be phased over 2 years, £4.00M in 2022/23 and £0.295M in 2023/24. It is proposed that this is financed by borrowing and will result in additional revenue costs of £0.28M a year, based on an estimated useful life of 20 years. This will be included in the revised estimates of the Council's capital financing for 2022/23 onwards.</p>
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	Cabinet are asked to also approve capital spend of £0.30M to be used from the previously agreed £4.4M allocated within the capital programme to progress the design of the main works to complete RIBA Stage 2 and begin tender by the end of February. This forms part of the overall Green Lane element of the SEND programme currently estimated at £10M. It is important to note therefore that if the long-term proposals for Green Lane are not approved this amount will become an abortive cost impacting on revenue, and hence given that risk agreement is sought to progress this.
<b>Property/Other</b>	
16.	Included within cost estimate breakdown as in Appendix 1
<b>LEGAL IMPLICATIONS</b>	
<b>Statutory power to undertake proposals in the report</b>	
17.	s.14 Education Act 1996 places a statutory duty on the Council to provide sufficient school places for primary and secondary age children attending education in its area. The Academies Act 2010 set out the process for expanding Academy provision by increase in numbers and expansion onto satellite sites, which is further detailed in the DfE guidance 'Making significant changes to an open Academy and closure by mutual agreement' 2019. The guidance requires expansion proposals to meet a deficit in SEN places to be agreed between the Academy, LA and DfE and to be funded by the LA from additional funding to be provided by the DfE through basic need grant.
<b>Other Legal Implications:</b>	
18.	The proposals are wholly consistent with and take into account Part 3 of the Children and Families Act 2014, the SEND Regulations 2015 and SEND Code of Practice 2015.
19.	The proposals have been fully assessed in accordance with the Council's statutory duties under the Equality Act 2010, including the Public Sector Equality Duty.
20.	It is proposed that the temporary modular units will be the property of the LA and be leased to the Academy for the period required with all liabilities agreed within the lease, subject to first obtaining planning consent and consent under playing fields legislation prior to procuring any facilities in accordance with Contract Procedure Rules.
<b>RISK MANAGEMENT IMPLICATIONS</b>	
21.	There is a very tight timescale to procure the modular units for September 2022, so the risk is that if a decision is not made imminently the do nothing option will apply.
22.	If the full scheme does not get approval in February 2022 then the £0.30M spent on consultant fees would be abortive costs and be charged to revenue in year.
<b>POLICY FRAMEWORK IMPLICATIONS</b>	
23.	The recommendations in this paper support the delivery of the SEND Strategy and the Education Strategy in particular: -

	<i>Ensuring disadvantaged and vulnerable children get a good start in life, have greater achievement, attainment and equal opportunities in life, and develop greater autonomy, independence and resilience to prepare for adulthood</i>
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<b>KEY DECISION?</b>	Yes
<b>WARDS/COMMUNITIES AFFECTED:</b>	All
<u>SUPPORTING DOCUMENTATION</u>	
<b>Appendices</b>	
1.	Purchase costs of temporary accommodation
2.	Hire costs of temporary accommodation and RIBA Stage 2-4 design team fees
3.	Equality Impact Assessment

#### Documents In Members' Rooms

1.	
2.	

#### Equality Impact Assessment

Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.	Yes

#### Data Protection Impact Assessment

Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.	No

#### Other Background Documents

Other Background documents available for inspection at:

<b>Title of Background Paper)</b>	<b>Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)</b>