DECISION-MAKER:	CABINET
SUBJECT:	SEND Programme
DATE OF DECISION:	14 March 2023
REPORT OF:	COUNCILLOR PAFFEY
	CABINET MEMBER FOR CHILDERN AND LEARNING

CONTACT DETAILS					
Executive Director	Title	Executive Director Wellbeing (Children & Learning)			
	Name:	Robert Henderson	Tel:	023 80834899	
	E-mail:	robert.henderson@southampton.gov.uk			
Author:	Title	Service Manager - Special Educational Needs and Disability			
	Name:	Tammy Marks Tel: 023 80832139			
	E-mail:	tammy.marks@southampton.gov.uk			

STATEMENT OF CONFIDENTIALITY

Not Applicable

BRIEF SUMMARY

There is an urgent need to increase the number of special school places in Southampton, due to an increase in demand. Following a Strategic Review of Special Educational Needs and Disability (SEND) in 2017-18 (see Appendix F), a recommendation was made to expand and reconfigure specialist provision within the city. A significant amount of work has been undertaken by the SEND and Corporate Estate and Assets Teams, initially on consulting with stakeholders on potential options for expansion, followed by the development of detailed plans and feasibility studies.

An initial high-level appraisal presented costs outside the financial envelope available, so several reworked proposals were developed in consultation with the schools in scope. These have been progressed to feasibility studies to more closely identify the potential for reconfiguration and expansion.

The Council's six special schools reached capacity in September 2020. Temporary classrooms have been delivered on the Great Oaks School Sites, 20 spaces at Green Lane and 50 spaces on Vermont site, to meet increasing demand and to mitigate the high cost of out of city placements.

The Councils High Need Block of the Dedicated Schools Grant is currently £11m overspent, with projections to increase to a potentially £74m cumulative deficit position in 2027 (See appendix G) if significant mitigation activity is not in place. The DSG has had a 3 year extension applied to the ring fencing of this block but if the government remove this ringfence in the future, this will present a significant liability to the Council's general fund.

This paper seeks Cabinet support for the next stage of scheme development to create an additional 278 places within 3 existing School sites. Full public consultation on the proposals prior to any final decisions being taken in due course is planned to launch in May 2023.

The works proposed for the next phase of the Strategy (Appendix F) includes the progression of preparatory work on the three schemes, whilst not pre-judging the outcome of public consultation planned. The strategy includes a proposal to progress planning applications to convert temporary space provision at Green Lane and Vermont sites into permanent provision of accommodation. The development work will be performed prior to consultation closing and there is a risk of abortive costs, which will be paid from General Revenue Fund. This would need to be found by way of efficiencies and restructure of staffing resource.

RECC	OMMENDATIONS:				
	(i)	To approve the commencement of consultation, based on the option recommended in section 23. The option outlined is for the expansion and reconfiguration of Southampton Special Schools to create 278 additional spaces across 3 identified sites as per Table 1, section 23, subject to consultation and statutory school organisation decisions.			
	(ii)	To agree a further report to be brought back to Cabinet prior to the commencement of the strategy. This report will detail the outcome of the consultation including any required amendments to the programme.			
	(iii)	To approve spend of £0.67m in 2023/24 for the next phase for the SEND programme to proceed with preparatory work as outlined in the report from General Fund capital. Should any of the schemes not proceed following the outcome of the consultation these costs will be abortive costs which will be charged to the General Fund revenue account and funded for from efficiencies and restructure of staffing resources identified should it be required.			
REAS	ONS FOR F	REPORT RECOMMENDATIONS			
1.	various S and scho- recomme	There is a requirement to deliver a programme of improvements and expansions at various SEND Schools across the city. From this, a reconfiguration of existing sites and schools were identified to meet targets for additional pupil places. This recommendation aligns with the proposed approach for delivering SEND provision across the city.			
2.	in the cap The origin 246 place potential site, bring	The proposed strategy creates the maximum number (278 places) within the budget in the capital programme, based on the constraints within the sites as identified. The original number of extra spaces planned overall for these 3 sites was initially 246 places, with 63 places planned for the Great Oaks, Green Lane site. Increased potential accommodation for an additional 32 spaces have been identified for this site, bringing the total planned places to 95 spaces (63 +32) on the Great Oaks, Green Lane site.			
3.	provide a attend so This will p	The proposed strategy will enable the council to meet its statutory obligation to provide a sufficiency of special school places, allowing children and young people to attend schools within the city, maximising their inclusion in their local communities. This will prevent the need for the Council to provide out of city places at a premium. *Refer to Table 1 within Option 3 Proposed Solution para 23.			
4.	The deliv	The delivery of local school places prevents the need to rely on high cost			

independent placements, leading to savings and cost avoidance (reducing

	overspend) in the ring fenced * High Needs Designated Schools Grant (DSG) and the General Fund Home to School Transport costs budget.
	* Appendix G

- 5. Progressing a planning application to have the temporary modular builds converted into permanent provision significantly reduces the capital budget to achieve the number of places to meet the need in the city.
- 6. Note: Should any of the schemes not proceed following the outcome of the consultation these costs will be abortive costs which will be charged to the General Fund revenue account. Funded from efficiencies and restructure of staffing resource

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

7. Do Nothing: No funding required by the council.

This will not meet the required statutory requirement to deliver sufficient school places, with a specific regard for children with SEND.

**This will have a significant impact on the councils High Needs Funding and Home to School Transport budget, increasing the existing deficit.

*Refer to Table 1 within Option 3 Proposed Solution para 23.

**Appendix G

8. Option 1: Seek an increase in capital funding in line with outcome of feasibility studies for the four sites, namely; Great Oaks (Green Lane & Vermont Close), Vermont School, St Monica and Polygon School.

This option would provide an additional 338 places across the 4 sites and would help target the predicted pupil numbers for 2029. This is not recommended for the following reasons:

- Financial pressures of the Local Authority. This does not consider the
 opportunities for national funding, specifically relating to the
 expansion/refurbishment of The Polygon School.(The Council applied for a
 rebuild of Polygon funding through the DfE and this was rejected in January
 2023. The Council also applied for a secondary SEMH special school in the
 most recent free school round and were advised end of February 2023 this
 has been rejected.)
- Current Financial Situation of the Council,
- Costs estimated above the current budget and
- The refurbishment of Polygon school was included in original proposals however Polygon will not form part of the current phase of the SEND programme as it was not possible to achieve additional places on this site.
- Impact to existing service users on Green Lane Site as they would potentially need to offer up areas currently being used under existing arrangements, agreements and leases.
- 9. Option 2: Seek increase in capital funding to fund 3 of the projects (Green Lane, Vermont School & St Monica) within the feasibility study (excluding the expansion/refurbishment of Polygon). Feasibility studies explored the potential for the various sites to provide places at industry benchmarked costs.

This option removes the proposals for the Polygon school from the programme as, the site topography is challenging, and the school would not be able to offer any additional SEND places and Polygon has been omitted from this phase of the SEND Programme.

This is not the recommended option for the following reasons:

Current Financial Situation of the Council, Costs estimated above the current budget and Impact to existing service users on Green Lane Site as they would need to offer up areas currently being used under existing arrangements, agreements and leases. 10. Several iterations of expansion provision have been developed and explored through formal appraisal and feasibility studies to determine what options could be financially viable. **DETAIL (Including consultation carried out)** Children with SEND vary in the complexity and level of needs. Some require 11. minimal support and can be managed within the resources available to the mainstream school through funding known as the SEN notional budget. These children are those on SEN Support. 12. Other children and young people have more complex needs which require a multiagency assessment and, if required, a multi-agency plan of provision, known as an Education, Health and Care Plan (EHCP). 13. Over the last 10 years the numbers of children requiring SEN Support has been decreasing as schools become increasingly competent in managing the needs of a wider range of children. However, the numbers of children with an EHCP have been increasing at an average rate of 12% per annum. If this rate of increase continues there could be double the number of children with an EHCP by 2030. The reasons for this increase are multi-factorial and include an increase in the age 14. of statutory protection of children with SEND from 5-16 years to 0-25 years; increases in survival and longevity of babies born prematurely or with complex health or physical disabilities; increases in identification / prevalence of children with some conditions, most notably, autism and social, emotional and mental health needs (SEMH); changing perceptions of specialist provision as places of excellence; parental preference. 15. This increase is being seen nationally and is affecting all local authorities. 16. This increasing demand is contributing to an overspend in the High Needs Block. See Paragraph 23, Table 1 within Option 3 Proposed Solution *Appendix G 17. In response to this increasing demand the SEND Service plan to present the longterm Strategy as reflected in Appendix F, that includes: a. Address the High Needs Block overspend by providing permanent SEND places within the city, thus avoiding out of city placements and associated transport and care costs. b. Co-production and engagement with parents, carers and children and young people. c. Strategic planning, partnership working and joint commissioning across education, health and social care. d. Effective provision in the early years. e. Building inclusive capacity in mainstream schools and settings. f. Developing a range of mainstream+ options. g. Developing a range of resourced provisions including; Expanding special school provision. ii. Developing a robust Post-16 offer that effectively prepares young people for adulthood.

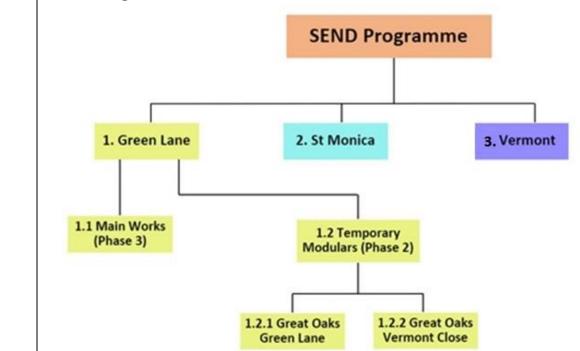
iii. Reducing the number of children and young people in 'Out of City' schools by increasing and improving the offer locally.

18. **Consultation (initial)**

In developing proposals to accommodate the increase in need, a series of workshops and stakeholder engagement events were held. Proposals were taken to the Corporate Estate and Assets team to develop a range of high-level options. Following the option appraisals, two options were agreed to be taken forward for high-level costing. Green Lane, Vermont School & St Monica School have been involved in three engagement sessions that included the Council's project delivery team, Head Teachers, school representatives and an external consultant team. All three schools involved in the proposed programme have advised that they are in support of the proposals.

All scheme activity in the proposed programme is currently governed by the SEND Capital Programme Board which convenes monthly and updates regularly into the Council's Capital Review Group. A formal change control process and robust governance process is in place.

20. **SEND Programme Structure**



21 Move to next stage of feasibility.

The total estimated cost for the recommendation to Cabinet to move forward with preparatory work relating to Vermont Close, St Monica Infant School site and the Green Lane site is estimated at £0.67m from an existing budget allocation for the SEND Programme of £45.2m. The cost includes consultancy fees to develop the planning application to change the temporary accommodation on both the Green Lane and Vermont Close sites to permanent, as detailed in paragraph 5, 23, 26 and 27.

22. **Solution**

Following the issue of the Stage reports, recommendations were presented to the Children Services to consider options to take the programme forwards. Various options were identified, and a summary is provided to align with the financial impact

to Council. This includes developing a higher level of scope definition for the Green Lane scheme which would translate into a higher level of financial certainty for the Council.

23. Option 3: Proposed Solution:

It is proposed to further develop the schemes at three sites, namely Green Lane, Vermont Close and the St Monica site to the end of feasibility and undertake the required Statutory Public consultation.

Green Lane

Feasibility work has been completed including preparation and briefing, using information gathered from the initial project brief which confirms the Project Objectives and clarifies the client's Business Case. An appraisal of the project cost is also outlined, along with forming a procurement strategy. These were informed by experience from previous similar projects.

The next stage proposed for this scheme starts the concept design, the stage at which the client receives the first visualisations or drawings of the design ideas developed from the project brief. Meetings, workshops or general correspondence to discuss iterations of the concept design will be undertaken during this stage.

Refurbishment and re-purposing / use of additional areas (to be agreed) in the existing buildings on the site to increase pupil numbers to 95.

See Appendix D for a graphic showing the site layout. The Great Oaks (Green Lane) site will potentially provide 102 new spaces.

Vermont Close

Feasibility work reflected a preferred option of the demolition of the existing school with the development of possible split levels (dependent on further detailed design and surveys). The phasing will be dependent on the Vermont School move to the St Monica site and how the risks and constraints are dealt with in managing a construction site within a school environment that would need to operate business / teaching as usual activities for the duration of the construction works. The school are supportive of the potential option. See *Appendix C for a graphic showing the site layout*. The Great Oaks (Vermont School site) will potentially provide 150 new spaces.

St Monica's Infant School Site

Feasibility work found three good options with mixes of refurbishments and new build in consultation with the head teacher and her staff representatives. The school are satisfied with the potential options subject to further design development. There is a risk register with regulatory risks e.g., planning and neighbour impact which will need to be addressed during the next stage.

See Appendix B for a graphic showing the site layout. The proposed Vermont School (on the St Monica's site) will potentially provide 26 new spaces.

This would provide a platform for the advancement of all three schemes based on their feasibilities to focus on the priority for places for secondary complex needs.

A total of 278 additional SEND places will be provided across the three sites within the city and reduce the number of pupils having to travel out of the city, as well as reducing cross-city transport with the proposed provision at St Monica.

Subject to gaining full planning approval, the 70 spaces provided at the Great Oaks Green Lane / Vermont Close sites in Summer 2022 will continue to provide places on a permanent basis. Costs forecast include fees to secure full planning permission for temporary modular buildings and are within existing budget. School/End User Existing Places Project Name Additional Spaces Spaces by 2027 Green Lane Great Oaks Great Oaks - Vermont Close 147 50 197 Great Oaks - Green Lane 20 20 Great Oaks 150 150 Vermont School site 50 St Monica Site Vermont School 26 76 260 278 **Table 1** (Existing and planned extra place provision) Note: The white arrow shows the pupil number provision moving from existing place provision at Great Oaks (Vermont school site), to the new site at St Monica. 24. For success, the Vermont School will move to the St Monica's site and Great Oaks expand onto the Vermont site once works are completed. Due to the size of the projects and time required to move into new schools, it is planned to align with summer breaks. 25. The specific development activities being proposed on the various schemes have been confirmed as preparatory work and therefore deemed not prejudge the outcome of the statutory school organisation consultation process and the impact of local elections and pre-election period. 26. It is recommended that Option 3 as set out above is taken forward which provides the best solution without the requirement for additional funding. This option allows the full development of two key sites, Vermont and St Monica's and a reduced scheme to provide additional accommodation and required infrastructure such as dining facilities at Green Lane. It will also ensure the temporary modular accommodation at the two Great Oaks sites are translated into permanent, longterm structures. 27. The temporary building units placed at Great Oaks in Summer 2022 are currently providing additional places and avoiding out of city placement costs. These savings will no longer be realised if the business case is not approved as it includes for seeking permanent planning permission for them and associated works to achieve this. If the business case is not approved, the units will need to be removed, hence the need for the additional out of city placements. Note: The original intention when purchasing the units was to use these on future capital schemes, which will no longer be possible, however this option offers greater value for money as the 70 permanent places will be created for £4.3m capital investment. 28. **Programme** Programmes for each of the sites have been produced by the external project and design team, at the next stage these need further analysis and review. 29. **Green Lane** development and submission of planning applications for permanent pupil place provision will happen concurrently. The timing of permanent provision will be scheduled to mitigate the potential impact of the budgetary constraints on the overall programme and delivery of the required places across the SEND Programme. DT Block (White Building) at Green Lane: Development of proposals to upgrade

windows are proceeding to ensure that existing pupil numbers on the site can be

	maintained going forward due to the poor condition of the premises. (This project is funded separately) St. Monica school site will become available in Easter 2023 and the feasibility study undertaken has demonstrated that with refurbishment of the existing Victorian structure and a new build block the required places can be achieved. Funds do not allow for a temporary school site so works are planned to allow for some concurrent activity on both sites where possible. This will maximise programme cost benefits of the new Vermont School (on the St Monica site), and the Great Oaks school (on vacated Vermont School site). Vermont Site: (in Vermont Close) is the most substantial of the schemes as it would enable a 150 pupil expansion of the Great Oaks School. Design development runs concurrently with all schemes and construction will be programmed to dovetail with concurrent activities anticipated as described above for the St Monica site.
	Appendix E for a SEND Programme Update and Scheme Development.
31.	 Should the recommendations in this report be approved, whilst some activities have been progressing, the following will happen: Commence public consultation. Commence the external appointment process for project and design consultants and identification of Council resource requirements. This is being prepared to ensure a minimum of delay once decision made. Agree governance and approval process and look at potential areas of accelerations around the critical path. This strategy is being prepared Carry out a cost vs design review to again test the current design recommendations. This is being undertaken at a high level. Progress and deliver RIBA stages and end user consultation Report back to Cabinet in Spring / Summer 2023 to consider the outcome of further consultation and other material considerations and, if appropriate, for approval to deliver the SEND programme depending on impact of purdah. Note: Approval to progress planning applications to convert temporary space provision delivered in 2022 at Green Lane and Vermont sites, into permanent provision of accommodation. The approval requested includes consultant team costs for developing and submitting the planning applications. (The current temporary spaces are included within overall additional spaces proposed). The
	permanent provision of accommodation on these sites is required for the overall programme and delivery of required places across the SEND Programme.
	RESOURCE IMPLICATIONS
	Capital/Revenue
32.	Whilst consultation is being undertaken feasibility works can proceed at all the proposed sites. This includes progression of the main design stages which includes Concept Design, and this is the stage at which the client receives the first visualisations or drawings of the design ideas developed from the project brief. To complete this work there will be a cost of £0.67M to be charged to General Fund capital.
33.	Approval to spend is requested of £0.67m, in 2023/24 to proceed as below to RIBA Stage 2 design and planning application. This will be funded by Government grant. Description / Activity
<u> </u>	1 55 K Ckago Z

Totals	0.67
Temp to permanent planning	0.08
Green Lane Stage 2	0.09
St Monica Stage 2	0.18

<u>Note</u>: Should any of the schemes not proceed following the outcome of the consultation these costs will be abortive costs which will be charge to the General Fund revenue account.

- 34. The current market is increasingly volatile due to political constraints within the UK Government, issues arising from the conflict in Ukraine and Brexit, leading to material scarcity, long lead-in times, labour shortages etc. With this volatility in mind, and to reduce the risk of overspend on the project, value engineering reviews will be undertaken throughout the project and costs will be developed as more detailed information is developed with inflation forecasts considered at each of the future project risk reviews.
- 35. Revenue Placement Costs

If the SEND programme expansion is not approved, the cost to provide out of city (OOC) placements for the additional 278 places needed would be £23.02M per annum compared to £6.17M in city charged to the ring fenced dedicated schools grant (DSG)

Placement	Average Cost £M	Total per Annum £M
Out of City	0.083	23.02
In City	0.022	6.17
DSG Cost Avoidance		16.85
Less GF Financing Costs		2.57
Total Council Cost		14.28

- In order to fund the SEND expansion programme, the Council will be incurring borrowing of over £32M, with financing costs of circa £2.57M per annum. This will be charged to the General Fund revenue account. It is hoped that this figure can be reduced if additional government grants become available.
- This forecast assumes that all the OOC placements would be non-residential. However, currently the demand for specialist places is so high that even the independent stock in the South East is diminished, meaning that the Council are having to search further afield which has a significant impact on the home to school travel budget. It is legislated that children should not travel for more than 45 minutes in transport if they are primary age, and 75 minutes for secondary age. If these limits are exceeded a court would automatically rule that the child is eligible for a residential placement if their needs cannot be met closer to home. The reality would therefore be that as well as additional transport fees, the Council would be looking to spend an additional £70k per annum for a 39-week residential placement for the 278 places. Even if the Council only did this for 139 (50%) of the numbers, this would equate to an additional £9.73M per annum.

Property/Other

38. The Council would continue to negotiate and arrange agreements/leases with the stakeholders involved on the Green Lane, Vermont Close and St Monica sites.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

- 39. The power to propose changes to the organisation and provision of school paces for pupils with SEN is set out in the School Standards & Frameworks Act 1998 as amended by the Education Act 2006 and Education & Inspections Act 2006 with detailed Regulations set out under the School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2013 and statutory guidance 'Making significant changes ('prescribed alterations') to Maintained Schools. The guidance requires that, before proposals progress to a formal statutory notice of intent to make changes (and representation period) a period of public consultation on the proposals and any alternative options that have been considered is undertaken. The law does not prescribe the length of formal consultation prior to statutory notice processes being commenced but recognises time also taken to engage with stakeholders, users, pupils and staff in formulating the proposals for the wider public to comment on.
- 40. Before a decision is made to progress proposals further consideration must be given to the outcome of consultation and the extent to which any proposals require formal statutory notices, playing field consents, planning permissions etc before a final decision to proceed is taken in due course.

Other Legal Implications:

The Council must act in accordance with the Children and Families Act 2014. In designing changes to SEND provision the Council must at all ties consider and develop proposals that are wholly in accordance with the provisions of the Human Rights Act 1998 and the Equalities Act 2010 and proposals taken forward will be full supported by EISA's.

RISK MANAGEMENT IMPLICATIONS

- A best practice approach will be taken to risk in terms of identifying, assessing and managing risks at all stages, continually throughout the programme. A robust approach to managing risks will be adopted and there will be a regular review of all risks and visibility thereof at Programme Board. An overall programme risk register has been developed and will be reviewed and maintained throughout the programme.
- 43. Each individual project will have its own risk register. The Programme Board will receive regular reports relating to the current position of risk registers and all actions and mitigations will be reviewed robustly to ensure control and governance is maintained.
- The Programme Board will receive regular finance updates on each of the projects within the programme. Contingent and dependent risks such as those linked to planning which include securing approval for the schemes required and any utility provision impact will be closely monitored and managed.
- There are several risks to the SEND programme's success with the top risks for the programme as reflected. Key risk at this stage relating to the approval for funding requested in this paper would be the potential for abortive costs. If the next stage works for Vermont and St Monica's commence prior to completion of consultation, there is a risk of that the planned capital costs could then be charged to the General Fund Revenue account. To mitigate this risk the SCC Education team have already

	carried out extensive engagement early, during the feasibility option and preliminary design stages with the Trusts and Schools.
46.	Objections could impact on the programme and cost with the statutory consultation required to be concluded before any formal approval to spend on construction is granted.
47.	If the application for school rebuilds and application for the new secondary SEMH free school isn't successful, the council will need to take steps to consider other expansion options within the city.
48.	With the economy in such a fragile state and inflation increases it is difficult to estimate accurate costs, therefore a robust contingency budget has been identified within the budget envelope.
POLIC	Y FRAMEWORK IMPLICATIONS
49.	The recommendations of this report are consistent with and not contrary to the Council's policy framework. The proposal in this report reflects the Council's Corporate Plan, the Green City Charter and the Core Strategy. This includes The School Standards & Frameworks Act 1998 as amended by the Education Act 2006 and Education & Inspections Act 2006 with detailed Regulations set out under the School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2013 and statutory guidance 'Making significant changes ('prescribed alterations') to Maintained Schools.

KEY D	ECISION?	Yes			
WARDS/COMMUNITIES AFFECTED:		All Wards. Pupils/families li from all over the city. School located in the following Wa Bargate Ward (councillor w Monica (Sholing), Vermont Green Lane (Redbridge)	ols are rds: ard), St		
	SI	IPPORTING I	DOCUMENTATION		
Appen		OI I OICIIIO	<u> </u>		
1	A – Graphic of Space provision / movement				
2	B – St Monica's Infant School Site showing indicative plan / layout				
3	C – Vermont Site showing indicative plan / layout				
4	D – Green Lane Site showing indicative plan / layout				
5	E – SEND Programme. Update and Scheme Development				
6	F – Southampton S	F – Southampton SEND Strategic Review June 2017-March 2018			
7	G – SEND High Needs Block – Cumulative Deficit Stats				
Docun	Documents In Members' Rooms				
1.	DBV Supporting Evidence – Southampton				
Equality Impact Assessment					
Do the	Do the implications/subject of the report require an Equality and Yes/No				

Safety Impact Assessment (ESIA) to	o be carried out.		
Data Protection Impact Assessmen	t	•	
Do the implications/subject of the report require a Data Protection Yes/No Impact Assessment (DPIA) to be carried out.			
Other Background Documents Other Background documents avail	lable for inspection at:		
Title of Background Paper(s) Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable			
None	-		