

DECISION-MAKER:	CABINET
SUBJECT:	SEND Programme - Statutory Notice Determination
DATE OF DECISION:	17 July 2024
REPORT OF:	COUNCILLOR WINNING CABINET MEMBER FOR CHILDREN & LEARNING

<u>CONTACT DETAILS</u>			
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STATEMENT OF CONFIDENTIALITY

Confidential Appendix 1 of this report is not for publication by virtue of category 5 (Legal Professional Privilege) of paragraph 10.4 of the Council's Access to Information Procedure Rules. It is not in the public interest to disclose the contents of the appendix as they relate to matters in respect of which the Council is entitled to receive confidential legal advice on in order to inform its decision on this matter.

BRIEF SUMMARY

As part of the Special Educational Needs and Disabilities (SEND) Expansion programme, a statutory notice describing the proposed scope of works was published in September 2023, this followed a public consultation in Summer 2023 on the plans to expand pupil numbers for Vermont School at the former St Monica Infant School (Bay Road) site and a new build school at Vermont Close for Great Oaks School.

This paper seeks a decision from Cabinet to determine the proposals set out in the statutory notice published in September 2023. This determination should have taken place in December 2023, however further design work with the schools in question has taken place which changes the scope (but not the statutory prescribed alterations) within the original proposals.

RECOMMENDATIONS:

	(i)	To determine the proposals set out in the Statutory Notice published in September 2023 (Appendix 2) with an implementation date of 20 th April 2026.
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REASONS FOR REPORT RECOMMENDATIONS

1.	The Cabinet report of 14th March 2023 (SEND Programme) outlined an urgent need to increase the number of special school places in Southampton due to increasing demand (Appendix 3). The Council's six special schools reached capacity in September 2020. The current SEND Programme and expansion of Great Oaks and Vermont Schools mitigates the need for high cost of out of city
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	placements and enables children's needs to be met locally. A full consultation took place, and a statutory notice was published in September 2023.
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED	
2.	When determining statutory proposals, Cabinet may approve them (without modification), approve with minor modifications (usually limited to implementation date) or approve them conditionally (conditions limited to obtaining the relevant planning and other regulatory conditions). Cabinet may also reject the proposals in their entirety.
DETAIL (Including consultation carried out)	
3.	<p>In September 2023, a statutory notice was published, following a public consultation in Summer 2023 for plans to expand pupil numbers for Vermont School at the former St Monica Infant School (Bay Road) site and expand Great Oaks School on the Vermont Close site. Proposals for each site are as follows:</p> <p>Vermont Close (Great Oaks planned expansion site)</p> <p>The existing school building will be demolished and replaced with a 2-storey new build. Soft and hard landscaping (with a habitat area) will be provided for school use.</p> <p>Works will include the design and construction of a staff and visitor car park with an enlarged drop off loop for pupil transport. A Multi Use Games Area (MUGA) will be incorporated for outside play.</p> <p>Current estimated cost at end of previous design report stage is approx. £28 million.</p> <p>Bay Road (Vermont School new site)</p> <p>The refurbishment and remodelling of the existing Victorian building (previous St Monica Infant School site).</p> <p>Works will include the design and construction of a staff and visitor car park with an enlarged drop off loop for pupil transport.</p> <p>Current estimated cost at end of previous design report stage is approx. £11 million.</p> <p>The local authority will remain the admission authority for both schools and student transport arrangements will be coordinated by the LA School Travel Service in collaboration with parents.</p>

4.	<p>The consultation proposals were well received by respondents, and the responses were generally positive with the exception of some concerns around traffic management. A summary of results of the consultation is below:</p> <p>Vermont School Proposals</p> <p>The majority of respondents (84%) agreed with the proposed expansion of Vermont School, and this goes up to 91% from parents and pupils from school sites affected. Almost 3 quarters of respondents (74%) agreed with the proposed relocation of Vermont School. This goes up to 86% from parents and pupils from school sites affected and goes down to 48% from local residents from sites affected.</p> <p>The most commented upon theme for this proposal was 'Concerns and suggestions new site location near busy road compared to Vermont School / will need traffic management' - the officer response to which was 'A detailed traffic management plan will be implemented to ensure good traffic flow especially at busy dropping off and picking up times'.</p> <p>Great Oaks School expansion on Vermont Close Proposals</p> <p>The majority of respondents (82%) agreed with the proposed expansion of Great Oaks School on Vermont Close. This goes up to 96% from employees from both school sites affected and other schools. This goes down to 51% from local residents from sites affected.</p> <p>The most commented upon theme for this proposal was 'Concerns around traffic / parking nearby' (27 comments). The officer response to which was 'A detailed traffic management plan will be implemented to ensure good traffic flow especially at busy dropping off and picking up times.</p> <p>A full response summary can be found in Appendix 4 & 5.</p>
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RESOURCE IMPLICATIONS

Capital/Revenue

5.	<p>Any delay to the determination of the previously issued statutory notice could impact construction completion dates. A delay to the construction completion dates would have, capital cost and time implications, as well as revenue implications as the pupil places would not be available as planned.</p> <p>Schools funding is based on expanded places in relation to these developments. A delay could then affect the Dedicated Schools Grant balances which in the event of a deficit may subsequently adversely affect the General Fund if deficits become the General Fund's responsibility.</p>
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Property/Other

6.	Vermont School on Vermont Close is part of a cooperative trust, which means when works are complete, the school will move to the vacant site on Bay Road and the Council will transfer the freehold of the buildings and the land to the trust.
7.	St Monica Infant site is currently a vacant site as the lease came to an end in August 2023.
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
8.	The power to propose changes to the organisation and provision of school spaces 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.
9.	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.
10.	The detailed legal implications of not having withdrawn / determined the original proposals by the statutory deadline of 4 th December 2023, the re-scoping exercise and the reversion to the proposals as published in the Statutory Notice are set out in the confidential appendix to this report.
<u>Other Legal Implications:</u>	
11.	The Council must act in accordance with the Children and Families Act 2014. In designing changes to SEND provision the Council must at all times 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 fully supported by EISA's.
RISK MANAGEMENT IMPLICATIONS	
12.	There is a risk that the statutory consultees (school and Governing bodies) could make an objection to the statutory notice during the two-month period following the Cabinet determination of the statutory notice. However, this risk is unlikely to come to fruition as the schools and their Governing bodies / Trustees have been fully briefed and are in agreement with the proposed designs and have been engaged through all project stages thus far in a collaborative approach. The project team hold regular Client Engagement meetings where the plans are discussed, and their feedback is considered and hold design sign-off meetings at each design stage.
POLICY FRAMEWORK IMPLICATIONS	

13.	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.
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KEY DECISION?	Yes	
WARDS/COMMUNITIES AFFECTED:	All Wards. Pupils/families likely to be from all over the city. Schools are located in the following Wards: St Monica (Sholing), Vermont (Bassett).	
<u>SUPPORTING DOCUMENTATION</u>		
Appendices		
1.	Confidential – Legal Advice	
2.	SEND Statutory Notice	
3.	Cabinet Report 14 th March 2023	
4.	Consultation Full Summary Results	
5.	Consultation Officer Response Document	
Documents In Members' Rooms		
1.	None.	
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:		
Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)	
1.		
2.		