

Decision Pathway



PURPOSE: Key decision

MEETING: Cabinet

DATE: 01 September 2020

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| TITLE | SEND Sufficiency & Capital Proposals | | |
| Ward(s) | Various | | |
| Author: James Anderson | Job title: Head of Major Projects | | |
| Cabinet lead: Cllr Keen | Executive Director lead: Jacqui Jenson | | |
| Proposal origin: BCC Staff | | | |
| Decision maker: Cabinet Member | | | |
| Decision forum: Cabinet | | | |
| Purpose of Report: | | | |
| Approval request to: | | | |
| <ul style="list-style-type: none"> Engage with families and staff to consult on these outline proposals. Develop proposals in full and active consultation with schools, parents, pupils, communities and all other stakeholders. Complete designs and enter into construction contracts for the developed proposals. | | | |
| Evidence Base: | | | |
| The outline proposals, summarised below, are to ensure sufficiency of SEND capacity in the city and include making essential improvements to existing school buildings (ref Appendix A1 - Schedule of Projects and Funding): | | | |
| <ol style="list-style-type: none"> Project Rainbow Phase 3 – £3.05m Redland Green refurbishment - £0.25m Elmfield School for Deaf Children – redevelopment of the BEC – £6.51m Claremont temporary accommodation (decant) - £2.26m Claremont School redevelopment (demolition, refurbishment, new build) – £13.02m Demolition of Elmfield School (to enable land sale) - £0.2m Sensory Support Services (relocation/ refurbishment TBA) - £TBC Tranche 1 minor works in various schools – £0.30m Tranche 2 minor works in various schools – £0.60m Tranche 3 minor works in various schools – £2.51m | | | |
| Total Capital works - £28.7m | | | |
| Sufficiency There are currently 190 young people with Education Health Care Plans (EHCP's) that entitle them to Specialist Provision arranged and funded by the Council through the High Needs Block. The council have not got spaces for these young people as the current SEND capacity is full. For the year 2019/20 the Authority needed to place 124 young person's with independent providers at a cost of £5.8m (ref Appendix A4). There are also an anticipated approx. 250 additional young people that will have EHCP's approved in the next 12 months. Without action these young people will either be sent out of county at a higher cost or the council will fail in its statutory obligation to provide them appropriate education provision. | | | |
| New schools can be opened through the Free Schools process. In the absence of opportunity for Trusts to make applications for new schools the only way for the council to secure additional capacity is working with current providers to identify expansion opportunities. The education sector and city education leaders have been consulted | | | |

and technical investigations to sites have been carried out to identify works that will allow expansion of provision that meets the immediate sufficiency needs – (ref **Appendix A3.3**) for the minor work tranches, Waves 1-3 which provide the context for development on a long term sustainable strategy dealing with SEND sufficiency.

The SEND minor works tranches will provide a phased response to the need, bringing forward quick wins and high priority projects that will allow the council to place young people with EHCP's in local provision over which the council has a high level of control and influence. This will facilitate a reduced call on the High Needs Block, the ability for the council to deliver on its statutory obligation to provide the places and to ensure that those places are of a high educational quality.

Project Rainbow Phases 1&2 successfully delivered 13-bed spaces for Independent Living, in collaboration with the City of Bristol College (CoBC), at the Brislington Centre. Phase 3 will deliver additional 14-bed spaces to support rising demand and provide an alternative offer at the Ashley Down Campus.

Deteriorating School buildings A number of special school buildings are at the end of their lifespan (ref **Appendix 6**). Elmfield School for Deaf Children and Claremont Special School both require significant capital investment to keep them operational and are costly to run. In addition to poor condition they are both unsuited to the specialist service they provide making teaching and learning challenging. There is an opportunity to rationalise the estate that both schools use through relocation and refurbishment.

Education Basic Need capital grant is available for a funding package. A permanent answer that delivers transformative betterment is more attractive than using capital on abortive costs and maintenance to keep the schools open. The opportunity to secure a capital receipt would mean that the value could be reinvested into the new facilities making the project more viable. The reduction in maintenance costs is around £3.6m over the next 10-years.

New and refurbished facilities would provide (1) high quality learning environments for vulnerable children; (2) the opportunity for school expansion to meet growing need; (3) the freeing up of a significant site for redevelopment (the existing Elmfield School site potentially as residential development), (4) a significantly reduced capital maintenance liability and (5) technologically advanced and sustainable economic buildings. (**A5 Strategic Feasibility Report**)

Cabinet Member / Officer Recommendations:

That Cabinet

1. To delegate to the Exec Director for People the authority to utilise the available funds of £15.6m identified in the Appendix A1 to begin phased commissioning/procurement of all contracts for services and works to deliver this programme of works, recognising that individual contracts may exceed the key decision threshold.
2. To work with the DfE and investigate funding options for the £13.1m remainder of the project cost.

Corporate Strategy alignment:

1. Fair & Inclusive - Improve educational outcomes and reduce educational inequality, whilst ensuring there are enough school places to meet demand and a transparent admissions process.
2. Make sure that 2,000 new homes – 800 affordable – are built in Bristol each year by 2020.

City Benefits:

1. New and refurbished buildings to provide high quality learning environments for vulnerable children and young adults. The buildings will be designed specifically to meet SEND teaching needs, with much improved facilities for mobility, environmental control, welfare, hydrotherapy etc.
2. Modern, energy efficient buildings designed to current standards in compliance with the BCC Core Strategy and Climate Change Practice notes, including the use of 20% renewables.
3. Schools designed to suit the local urban environments with enhanced place-making and well considered landscaping designs.
4. Increase in Social Value opportunities during the design and construction and buildings in use.

Consultation Details:

1. Sufficiency issues - City leaders and education sector – 9th March 2020.
2. Consultation with Elmfield & Claremont Schools and the City of Bristol College to ascertain the brief and develop

outline feasibility options (ref **Appendix A5**).

3. Full and active consultation will be carried out with all schools, the City of Bristol College, parents, pupils, communities and all other stakeholders prior to progressing any feasibility options - refer to **Appendix B**.

Background Documents:

Children’s and Families Act 2014

<http://www.legislation.gov.uk/ukpga/2014/6/contents/enacted>

SEND Code of Practice 2015 (Stat Guidance)

<https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>

Equalities Act

<https://www.legislation.gov.uk/ukpga/2010/15/contents>

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| Revenue Cost | £ | Source of Revenue Funding | Refer to Appendix A1 . |
| Capital Cost | £28.70m | Source of Capital Funding | Refer to Appendix A1 . |
| One off cost <input checked="" type="checkbox"/> | Ongoing cost <input type="checkbox"/> | Saving Proposal <input checked="" type="checkbox"/> | Income generation proposal <input type="checkbox"/> |

Required information to be completed by Financial/Legal/ICT/ HR partners:

1. Finance Advice: SEND sufficiency – Financial comments;

These 3 projects are important in delivering additional capacity for SEN pupils in the city. The overall financial implications are contained in the report and appendices and clearly laid out in appendix A1.

The total cost of delivering the projects is £28.7m and funding of £15.6m has already been identified (£11.8m Capital Grant funding and £3.7m in the capital programme already), this report is asking for approval to spend up to this identified amount. In order to secure the balance of funding we will need to work with the DfE to investigate funding options for the £13.1m remainder of the project cost. This could be utilisation of future capital grant funding or the ability to borrow against the Dedicated Schools Grant as an invest to save proposal.

The projects will enable pupils to be educated in local provision and avoid high cost external placements and this will help to control costs particularly in the High Needs Block of the Dedicated Schools Grant. For the Elmfield & Claremont Schools payback has been calculated as 12 years but this includes the capital costs that are grant funded, the costs avoided by not placing pupils in INM settings will help contain revenue as soon as the extra places are available. The Minor Tranche Works project could provide an additional 250 places and would again avoid the need for commissioning external, higher cost INM places, even taking into account the capital costs, which are again grant funded, payback is only just over 1 year.

Finance Business Partner: Graham Booth – Finance Manager, Children & Education 18 August 2020

2. Legal Advice: The commissioning/procurement of all goods, services and works to deliver the programme will need to comply with the Public Contracts Regulations and the Council’s own procurement rules. Legal support will be provided. Authority is sought for the Executive Director to procure all required contracts without further reference to Cabinet notwithstanding that it is likely that some will exceed the key decision threshold.

The Public Sector Equality duty requires Cabinet to consider the need to promote equality for persons with “protected characteristics” and to have due regard to the need to i) eliminate discrimination, harassment, and victimisation; ii) advance equality of opportunity; and iii) foster good relations between persons who share a relevant protected characteristic and those who do not share it. The Equalities Impact Checks (appended) are designed to help assess whether there are any barriers in place that may prevent people with a protected characteristic using a service or benefiting from a policy. The decision maker must take into consideration the information in the assessments when reaching its decision.

The consultation must take place when the proposal is still at a formative stage with adequate time given for consideration and response and include sufficient information to allow for informed consideration.

The outcomes of the consultation must be conscientiously taken into account. by the decision maker

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| Legal Team Leader: Eric Andrews; Team Leader, Legal Services | | |
| 3. Implications on IT: Preliminary comments from IT Services (27/07/2020) that there is no anticipated impact to IT Services. <i>Full comments to be confirmed.</i> | | |
| IT Team Leader: <i>IT Team Leaders to enter their name to confirm they have provided comments on the full and final report and the date.</i> | | |
| 4. HR Advice: <i>Section to be completed by the HR partner ONLY. If there are none, this must be stated by the HR partner. Additional information can be added in Appendix H or Appendix K.</i> | | |
| HR Partner: <i>HR Partner to enter their name to confirm they have provided comments on the full and final report and the date.</i> | | |
| 5. Procurement Advice: <i>Section to be completed by the Procurement Category Manager ONLY. If there are none, this must be stated by the Category Manager partner. Additional information can be added in Appendix L.</i> | | |
| Category Manager: <i>Category Manager to enter their name to confirm they have provided comments on the full and final report and the date.</i> | | |
| 6. Reputational narrative: <i>Please contact public.relations@bristol.gov.uk for their comments, and copy/paste the email text in this section.</i> | | |
| PR officer: <i>PR officer to enter their name to confirm they have provided comments on the full and final report and the date.</i> | | |
| EDM Sign-off | Jacqui Jensen | 22 July 2020 |
| Cabinet Member sign-off | Councillor Anna Keen | 27 July 2020 |
| For Key Decisions - Mayor's Office sign-off | | 30 July 2020 |

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| Appendix A – Further essential background / detail on the proposal A1 – Project Schedule and Financial Summary A2 – Project Business Cases A3 – Financial Business Cases A4 – SEND Sufficiency – INM Placements A5 – Feasibility options (Elmfield & Claremont) / Option Appraisal (Project Rainbow) A6 – Building Condition & PPM Reports and Cost Summary A7 – Preliminary Outline Programme | YES |
| Appendix B – Details of consultation carried out & proposed - internal and external | YES |
| Appendix C – Summary of any engagement with scrutiny Advice to be sought from EDM for any scrutiny requirements. | NO |
| Appendix D – Risk assessment | YES |
| Appendix E – Equalities screening / impact assessment of proposal EqIA Full Assessment plus appendices | YES |
| Appendix F – Eco-impact screening/ impact assessment of proposal Eco Impact Checklist | YES |
| Appendix G – Financial Advice Finance Team consulted 01/07/2020. Comments from Financial Officer TBC. | NO |
| Appendix H – Legal Advice Legal Team consulted 01/07/2020. Initial query raised by Legal Services regarding expiry of | NO |

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| Strategic Partnering Agreement. Any further comments from Legal Services TBC. | |
| Appendix I – Exempt Information To be discussed and assessed (<i>Legal Services must confirm that information is to be exempt in accordance with the constitution</i>) | NO |
| Appendix J – HR advice HR Team consulted 01/07/2020. HR advised that the proposals are very high level so no comments at this stage, although there are a few queries once options are approved. Any further comments from HR TBC. | NO |
| Appendix K – ICT ICT Team consulted 01/07/2020. Advised to complete the following checklists: <ul style="list-style-type: none"> • Mandate Information Governance Relevance check completed (Appendix K1). • PIA Screening questions / Outline Business Case options (Appendix K2). Information Management confirmed on 03/08/2020 that a PIA is not required. Any further comments from ICT TBC. | YES |
| Appendix L – Procurement Commissioning & Procurement Team consulted 01/07/2020. Any comments from Procurement Officer TBC. | NO |