

Decision Pathway – Report



PURPOSE: Key decision

MEETING: Cabinet

DATE: 6th September 2022

TITLE	Education Capital Update and Capital Investment Decision	
Ward(s)	Multiple Wards Across the City	
Principle Lead: James Anderson MRICS Authors: Jess Taylor Phil Lawrence MRICS	Job title: Head of Capital Projects Job title: Specialist Places Manager Job title: Senior Project Manager	
Cabinet lead: Councillor Asher Craig, Cabinet Member for Children’s Services, Education and Equalities	Executive Director lead: Hugh Evans, Executive Director: People	
Proposal origin: BCC Staff		
Decision maker: Cabinet Member Decision forum: Cabinet		
Purpose of Report: <ol style="list-style-type: none"> To approve the acceptance, the allocation to specific projects, and the spend of capital grant from the Department of Education (DFE). The grant will deliver additional school capacity in order for the council to continue to meet its statutory obligation and help ensure sufficient mainstream and Special Education Needs and Disabilities (SEND) school places are available in the city. 		
Evidence Base: <ol style="list-style-type: none"> In early 2020 the mayor pledged to create an additional 450 specialist provision places by 2024. In September 2020, Cabinet approved a programme of works to create additional capacity within the (SEND) estate to deliver sustainable sufficiency of places as much as possible within Bristol and dramatically improve parts of the existing estate to create a better accommodation for young people with special needs. Completion of a new post 16 building and expansion of year groups 7 to 11 at Knowle DGE has been achieved. The current phase of the SEND education capital programme authorised in January 2022 Cabinet Paper, is progressing with significant momentum: <ol style="list-style-type: none"> Construction works to relocate and expand Elmfield School for Deaf Children are underway. Project Rainbow is on site constructing a new facility at City of Bristol College to support young people with learning difficulties into independent living. The first SEND minor works tranche is on site delivering a programme of schemes working with existing schools to provide high quality SEND places located within local mainstream and special schools. Design proposals to refurbish and expand Claremont Special School will also soon be under consideration by planning committee. Works are progressing at various secondary schools to support a proportion of the bulge in mainstream places from September 2022. In addition to the delivery of these projects there remains an ongoing need to provide further SEND places. Full capital funding was not available to allocate to all the projects in the SEND programme in September 2020. New grant funding has been announced by the DfE for the council in Spring 2022. These proposals allow: <ol style="list-style-type: none"> Allocation of capital to projects that had been approved subject to funding being secured Allocation of capital to progress a 2nd phase of strategic SEND priority projects. 		

7. This paper identifies prioritisation of capital works projects, resource needed and associated forecasts for delivering the capital programmes (ref Appendix A1).
8. The Council receives Basic Need Grant funding (BNGF) and High Needs Grant Funding (HNGF) from the Department for Education. This capital is provided to allow the Council the ability to work with schools to create additional school places, including SEND provision where required and undertake essential buildings maintenance when needed.
9. The DfE have now announced High Needs Grant funding to the sum of £6,372,940 for 2022-2023 and £8,501,243 for 2023-2024. The DfE have also announced Basic Need grant funding of £14.599m for 2023/24 and £1.776m for 2024/25.
10. It is proposed that a second phase of SEND minor works (Appendix A4) is authorised to continue to provide a phased response to the need, bringing forward quick wins and high priority projects that will allow the council to place children and young people with Education Health Care Plans (EHCP's) in local provision over which the council has a high level of control and influence. More children and young people will be able to access appropriate education in their locality as opposed to travelling out of area. This will facilitate improved outcomes for children and young people, a reduced call on the High Needs Block, the ability for the council to deliver on its statutory obligation to provide appropriate provision and to ensure that the provision is of a high educational quality.
11. The first phase of the specialist provision project has created a total of 142 special school places. 82 of these have been delivered already and the remaining 60 will be delivered between September 2022 and January 2023. The second phase of the specialist provision project will deliver the full 450 special school places to meet the mayors pledge by 2024, improving outcomes and attainment as more children and young people with EHCPs will be able to access appropriate education in their locality.
12. Feasibility work to define the project in phase 2 for new specialist provision began in November 2021 and a range of SEND projects have been considered (Appendix A4). This cabinet paper considers allocation of new capital where needed or additional grant to existing partially funded projects and other strategic priorities as identified during phase 2 (reference Appendix I1).

Cabinet Member / Officer Recommendations:

That Cabinet:

1. Authorises the Executive Director, People in consultation with the Cabinet Member for Children's Services, Education and Equalities to accept, allocate and spend grant funding from the Department for Education and award the contract(s) (including any individual contracts over £500k) necessary for the implementation of the Education Capital Programme in accordance with Appendix A1 and Appendix I1 and within the maximum budget envelopes outlined in this report.

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. The decisions proposed in this paper will support the Councils ability to ensure sufficient school places are available both mainstream and specialist to meet demand in the city. The decision to invest will also support education providers and council officers in improving educational outcomes and reducing inequality through providing high quality education environments in areas of need and for young people starting from a disadvantaged position.

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 SEND facilities.
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. People Scrutiny Briefing October 21'.

2. Department for Education and Regional Schools Commissioner (RSC).
3. Sufficiency issues - City leaders and education sector – 9th March 2020.
4. Consultation with Elmfield & Claremont Schools and the City of Bristol College to ascertain the brief and develop outline feasibility.
5. Full and active consultation has been carried out regarding SEND projects with all schools, the City of Bristol College, parents, pupils, communities and all other stakeholders.
6. For the SEND phase 2, Head Teachers, Special Educational Needs Coordinators (SENCO's) have been cited on how many specialist provision places have been created. Fortnightly meetings have been held with the RSC. The BCC SEND team and Schools Partnership Team have also been kept updated. Refer to Appendix B.

Background Documents:

Education Act 1996

<https://www.legislation.gov.uk/ukpga/1996/56/contents>

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 2010

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

The Academies Act 2010

[Academies Act 2010 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2010/25/contents)

Revenue Cost	£0	Source of Revenue Funding	N/A
Capital Cost	£32.824m	Source of Capital Funding	Unallocated – £1.574m (prior years) Basic Need - £14.599m for 2023/24 Basic Need - £1.776m for 2024/25 High Needs - £6.373 for 2022/23 High Needs - £8.501m for 2023/24 Total - £32.824m
One off cost <input checked="" type="checkbox"/>	Ongoing cost <input type="checkbox"/>	Saving Proposal <input type="checkbox"/>	Income generation proposal <input type="checkbox"/>

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

1.Finance Advice: This report seeks approval to accept, allocate and spend grant funding from the Department for Education and award the contract(s) necessary for the implementation of the Education Capital Programme in-line with the recommendations set out in appendix I1 and the procurement routes and maximum budget envelopes outlined in this report.

The total estimated cost of the capital proposals in this report are c£32.8m as set out in Appendix A and Appendix I1. The spend will be funded from Basic and High Need capital grant funding from the Department of Education.

Current economic and construction market conditions suggest that construction costs are rising in a volatile market, which is being impacted by supply chain, labour market challenges, energy and materials price increases. This makes it difficult to predict potential inflationary impacts on the proposed Education Capital Programme. Any future risks in relation to cost pressures will need to be managed and mitigated within the programme resource envelope as far as reasonably possible. This may prove a significant challenge and appropriate contingencies will need to be made.

There may be revenue implications arising from capital expenditure and it is anticipated that these costs will be met

from the Dedicated Schools Grant, with money following the children based on the funding formula.		
Finance Business Partner: Denise Hunt 22 July 2022		
2. Legal Advice: The procurement process must be conducted in line with the 2015 Procurement Regulations and the Councils own procurement rules. Legal services will advise and assist officers with regard to the conduct of the procurement process and the resulting contractual arrangements.		
Legal Team Leader: Husinara Jones, Team Leader/Solicitor 25 July 2022		
3. Implications on IT: I can see no implications on IT in regards to this activity.		
IT Team Leader: Gavin Arbuckle – Head of Service Improvement and Performance, 15 th June 2022.		
4. HR Advice: The report is seeking approval for the acceptance, the allocation to specific projects, and the spend of capital grant from the Department of Education (DFE). There are no significant HR implications arising from this proposal.		
HR Partner: Lorna Laing, 30 th May 2022.		
EDM Sign-off	Hugh Evans	22 June 2022
Cabinet Member sign-off	Councillor Asher Craig	23 August 2022
For Key Decisions - Mayor's Office sign-off	Mayor's Office	15 August 2022

Appendix A – Further essential background / detail on the proposal A1 – Project Schedule and Financial Summary A2 – SEND Sufficiency INM Placements A3 – Specialist Provision Project One Page Business Case A4 – Specialist Provision Executive Summary	YES
Appendix B – Details of consultation carried out - internal and external	YES
Appendix C – Summary of any engagement with scrutiny	NO
Appendix D – Risk assessment	YES
Appendix E – Equalities screening / impact assessment of proposal E1 – EqIA Specialist Provision Project	YES
Appendix F – Eco Impact Checklist	YES
Appendix G – Financial Advice Ref Section 1 'Finance Advice' in table above – no additional information required.	NO
Appendix H – Legal Advice Ref Section 2 'Legal Advice' in table above – no additional information required.	NO
Appendix I – Exempt Information I1 – Financial Allocations	YES
Appendix J – HR advice Ref Section 4 'HR Advice' in table above – no additional information required.	NO
Appendix K – ICT Ref Section 3 'Implications on IT' in table above – no additional information required.	NO
Appendix L – Procurement Ref Section 5 'Procurement Advice' in table above – no additional information required.	NO