

# Decision Pathway – Report



**PURPOSE:** Key decision

**MEETING:** Cabinet

**DATE:** 5<sup>th</sup> September 2023

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| <b>TITLE</b>  | <b>Education Capital Update</b>  |  |  |
| <b>Ward(s)</b>  | <b>Multiple Wards Across the City</b>  |  |  |
| <b>Author:</b> James Anderson MRICS   | <b>Job title:</b> Head of Capital Projects   |  |  |
| <b>Cabinet lead:</b> Councillor Asher Craig, Cabinet Member for Children’s Services, Education and Equalities   | <b>Executive Director lead:</b> Abi Gbago, <b>Executive Director:</b> Children and Education |  |  |
| <b>Proposal origin:</b> BCC Staff   |  |  |  |
| <b>Decision maker:</b> Cabinet Member<br><b>Decision forum:</b> Cabinet   |  |  |  |
| <b>Purpose of Report:</b> <ol style="list-style-type: none"><li>To approve the acceptance, allocation, and reallocation of capital grant from the Department of Education (DfE) for specific Special Education Needs and Disabilities (SEND) projects. 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 (SEND) school places are available in the city.</li></ol>  |  |  |  |
| <b>Evidence Base:</b><br><b>Background</b> <ol style="list-style-type: none"><li>In early 2020 the mayor pledged to create an additional 450 specialist provision places by 2024.</li><li>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.</li><li>Full capital funding was not available to allocate to all the projects in the SEND programme in September 2020. The allocation of new grant funding announced by the DfE for the council in Spring 2022 allowed:<ol style="list-style-type: none"><li>Allocation of capital to projects that had been approved subject to funding being secured</li><li>Allocation of capital to progress a 2<sup>nd</sup> phase of strategic SEND priority projects.</li></ol></li><li>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.</li><li>In the Spring 2022, the DfE 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.</li></ol> |  |  |  |
| <b>SEND update</b> <ol style="list-style-type: none"><li>The first phase of the specialist provision project has created and delivered a total of 142 special school places.</li><li>The current phase of the SEND education capital programme, authorised in January 2022 Cabinet Paper, will deliver the completion of Elmfield School for Deaf Children (Primary) and the Independent Living Centre at the City of Bristol College (CoBC) for the start of Term 1 2023.</li><li>The second phase of the specialist provision project, Wave 2, aims to 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 Education Health Care Plans (EHCP’s) will be able to access appropriate education in their locality. More</li></ol>   |  |  |  |

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.

#### **Forward programme and requested authority**

This Cabinet paper considers allocation of unallocated BNG and SEND Wave2 'in-year response fund', within the September 2022 Cabinet paper, to the SEND Wave 2 projects and Elmfield School for Deaf Children.

9. In January 2022, Cabinet approved the allocation of £8.44m of HNGF funding to commence construction of the Elmfield School for Deaf Children. To seek approval to utilise unallocated grant from the Commissioning budget to facilitate full payment of the outturn project costs. The costs have increased due to structural defects and the protection of bats observed during the redevelopment works (ref Appendix I1).
10. In September 2022, Cabinet approved an allocation of funding to progress the SEND wave 2 capital programme, 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 (EHCP's) in local provision over which the council has a high level of control and influence. The projects within the SEND wave 2 programme have evolved since the feasibility stage, following further consultation, adjustment to the programme and design development. Approval is being sought to re-baseline the forecasts and progress the prioritisation of capital works projects for delivering the capital programmes (ref Appendix I1).
11. To accept and allocate DfE School Condition Allocation funding (£1.809m for 2023-24) to appropriate budget codes for planned maintenance, reasonable adjustment and small value/ unspecified responsive works.
12. To accept and allocate additional Basic Need Grant Funding (£804,350) for 22-23 to appropriate budget code for creation of additional school places.

#### **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 procure and award the contract(s) (including any individual contracts over £500k) necessary for the implementation of the Education Capital Programme in accordance with Appendix I1 and within the maximum budget envelopes outlined in this report including:
  1. DfE Schools Condition Allocation funding for 23-24.
  2. DfE Basic Need Grant Funding for 23-24.
  3. SEND Wave 2 in-year response funding to redistribute funding into the SEND Wave 2 programme.
  4. Capital grant from the Commissioning budget to support the SEND Wave 2 programme and outturn costs for Elmfield School for Deaf Children.

#### **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 though 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.
7. Consultation for the resource bases at Shirehampton Primary School and Glenfrome Primary school have been completed, with the statutory publication period ending on 12/06/2023.

**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  |
|---|---|---|--|
| <b>Capital Cost</b>                                     | <b>£32.824m *</b><br><br>*The figure above is for reference, remain unchanged and is as-per the September 2022 Cabinet. | <b>Source of Capital Funding</b>                | Unallocated – £1.574m (prior years)<br>Basic Need - £14.599m for 2023/24<br>Basic Need - £1.776m for 2024/25<br>High Needs - £6.373 for 2022/23<br>High Needs - £8.501m for 2023/24<br>School Condition Allocation - £1.809m for 2023/24<br>Total - £32.824m<br><br>Figures above are for reference, remain unchanged and are as-per the September 2022 Cabinet. |
| <b>One off cost</b> <input checked="" type="checkbox"/> | <b>Ongoing cost</b> <input type="checkbox"/>  | <b>Saving Proposal</b> <input type="checkbox"/> | <b>Income generation proposal</b> <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:** Andrew Osei, Finance Business Partner, 17 July 2023

**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 13 July 2023

**3. Implications on IT:** I can see no implications on IT regarding this activity.

**IT Team Leader:** Alex Simpson – Lead Enterprise Architect, 14<sup>th</sup> July 2023.

**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, 3<sup>rd</sup> July 2023.

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| <b>EDM Sign-off</b>                                | Abi Gbago, Exec Director Children & Education | 19 <sup>th</sup> July 2023  |
| <b>Cabinet Member sign-off</b>                     | Councillor Asher Craig                        | 24 <sup>th</sup> July 2023  |
| <b>For Key Decisions - Mayor's Office sign-off</b> | Mayor's Office                                | 7 <sup>th</sup> August 2023 |

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| <b>Appendix A – Further essential background / detail on the proposal</b><br>A1 – Financial Allocations – Education Capital<br>A2 – SEND Sufficiency & Capital - INM Placements | <b>YES</b> |
| <b>Appendix B – Details of consultation carried out - internal and external</b>   | <b>YES</b> |
| <b>Appendix C – Summary of any engagement with scrutiny</b>   | <b>NO</b>  |
| <b>Appendix D – Risk assessment</b>   | <b>NO</b>  |
| <b>Appendix E – Equalities screening / impact assessment of proposal</b><br>E1 – EqIA Specialist Provision Project  | <b>YES</b> |
| <b>Appendix F – Eco Impact Checklist</b>  | <b>NO</b>  |
| <b>Appendix G – Financial Advice</b><br>Ref Section 1 'Finance Advice' in table above – no additional information required.   | <b>NO</b>  |
| <b>Appendix H – Legal Advice</b><br>Ref Section 2 'Legal Advice' in table above – no additional information required.   | <b>NO</b>  |
| <b>Appendix I – Exempt Information</b><br>I1 – Exempt Information - Financial Allocations   | <b>Yes</b> |

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| <b>Appendix J – HR advice</b><br>Ref Section 4 ‘HR Advice’ in table above – no additional information required.            | <b>NO</b> |
| <b>Appendix K – ICT</b><br>Ref Section 3 ‘Implications on IT’ in table above – no additional information required.         | <b>NO</b> |
| <b>Appendix L – Procurement</b><br>Ref Section 5 ‘Procurement Advice’ in table above – no additional information required. | <b>NO</b> |