

Title of report: High Needs Capital Grant: Feasibility Studies

Decision maker: Corporate Director - Children & Young People

Decision date: 19 May 2022

Report by: Service Director - Education, Skills and Learning

Classification

Open

Decision type

Non-key

Wards affected

(All Wards);

Purpose

To approve expenditure from the 2021/22 high needs capital grant to enable feasibility studies and surveys at The Brookfield School, Blackmarston School and the Hereford Pupil Referral Service to be undertaken.

Recommendation(s)

That:

- a) **Feasibility studies and surveys for The Brookfield School, Blackmarston and the Hereford Pupil Referral Service are commissioned within an approved budget of £52K from the 2021/22 high needs capital grant; and**
- b) **The Service Director for Education, Development and Skills be authorised to take all operational decisions necessary to deliver the required schedule of feasibility studies within the approved budget of £57.2k including fees.**

Alternative options

1. Do nothing: this is not recommended as cabinet approved a [Herefordshire Capital Investment Strategy 2021-2030 For Specialist Settings Educating Children and Young People with Special Educational Needs and Disabilities \(SEND\)](#) on 22 April 2021. The strategy was developed to avoid unnecessary reactive spending on accommodation maintenance, and mitigate the risk of a reduction in the quality of education and a lack of pupil places for SEND children and young people with education health and care plans. Subject to feasibility studies, the high needs capital grant provides the opportunity to undertake work to improve the capacity and learning environment in the special educational needs specialist settings.

Key considerations

1. The Department for Education (DfE) has allocated a total of £648,122 for 2021/22 of high needs provision capital allocation (HNCP) grant funding to Herefordshire. The grant money is to be spent on delivering new places and/or improving existing provision for children and young people with SEND, particularly those with more complex needs
2. The council has a statutory responsibility to provide sufficient high quality accommodation for pupils with an education health and care plan (EHCP) for their Special Educational Needs and Disabilities.
3. On 22 April 2021, Cabinet approved the Herefordshire Capital Investment Strategy 2021-2030 For Specialist Settings Educating Children and Young People with Special Educational Needs and Disabilities (SEND). The strategy seeks to ensure that there is high quality sustainable specialist educational accommodation for children and young people (CYP) with an education, health and care plan (EHCP) for SEND in Herefordshire.
4. By adopting this above strategic approach and investment proposals over the lifecycle of the strategy, the council will be undertaking a planned and prioritised sequence of improvement works that continues to ensure that the statutory responsibility to provide sufficient high quality education places for children and young people with SEND in particular those with an EHCP relating to their SEN or Disability is met.
5. It is proposed that a proportion of the 2021/22 grant funding is used to fund feasibility work at the following education locations in order to develop a series of projects to improve or increase the capacity in the short to medium term.
6. Blackmarston School: there is a need to provide an increase in capacity for pupils with an EHCP for SEND between the ages of 2 and 11. Subject to a feasibility study, the work may entail modifications to both the interior of the building and also the outdoor learning environment enabling another class of pupils to be suitably accommodated at the school.
7. The Brookfield School: there is an urgent need to provide an increase in capacity at KS2 for pupils with Social, Emotional and Mental Health (SEMH) needs. The feasibility will look how the increase of capacity could be delivered at the current Brookfield site and/or other council owned assets.
8. Hereford pupil referral service:
 - a. St David's: subject to a feasibility study in the short term, there may be internal and external modification works at the St David's Centre (which accommodates pupils between 14 and 16 for whom mainstream school has proved too challenging) in order to allow for a full curriculum to be taught in expanded facilities. Currently the full curriculum offer is not available to pupils due to the restrictions brought about by inadequate and unsuitable accommodation.

- b. St David's, Aconbury and Hospital School: to explore the options which are open to the council with regard to a long term solution for the Hereford pupil referral service

- 9. Subject to the outcome of the feasibility work, projects will be brought forward in a priority order utilising the high needs grant allocations for 2021/22 to 2023/24 which totals £4,055,452.70.

Community impact

- 9. The feasibility studies will inform the identification of projects to support the SEND Strategy. These projects will help the council to achieve some of its stated intentions in the County Plan 2020-24. In particular that it will: invest in low carbon projects to achieve net zero carbon by 2030 in recognition of the current ecological emergency; it will ensure that all children are healthy, safe and inspired to achieve; it will protect the lives of vulnerable people; and invest in education and skills.

Environmental Impact

- 10. There are no environmental impacts in undertaking feasibility works. The environmental impact of any projects / priorities which may come forward will be considered and expectations articulated to contractors and delivery partners that would minimise waste, reduce energy use and carbon emissions to achieve biodiversity net gain . This will be ensured through appropriate procurement mechanisms and managed and reported through the usual contract management routines.

Equality duty

- 11. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to –

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 12. The Equality Act 2010 established a positive obligation on local authorities to promote equality and to reduce discrimination in relation to any of the nine 'protected characteristics' (age; disability; gender reassignment; pregnancy and maternity; marriage and civil partnership; race; religion or belief; sex; and sexual orientation). In particular, the council must have 'due regard' to the public sector equality duty when taking any decisions on service changes. As this report is specifically about feasibility for high need support for disabled children by increasing places and accessibility it supports the council in discharging its duty in line with the Act.

Resource implications

- 13 The work will be funded from the 2021/22 High Needs Provision Grant of £648,121.72. There is no match funding from the council.
- 14 Once feasibility studies have been completed, funding will be allocated to each identified priority area and these will be subject to separate governance decisions.
- 15 There are no revenue cost implications from these works.

Capital cost of project)	2020/21	2021/22	2022/23	Future Years	Total
	£000	£000	£000	£000	£000
Feasibility studies, including surveys			£52.0		
PMO and internal charges			£5.2		
TOTAL			57.2		

Funding streams (grant)	2020/21	2021/22	2022/23	Future Years	Total
	£000	£000	£000	£000	£000
<i>2021/22 High Needs Capital Grant</i>			648		648
TOTAL			648		648

Legal implications

- 16 High Needs Provision Capital Grant funding is provided to local authorities through the high needs block of the dedicated schools grant (DSG). Local authorities must spend that funding in line with the associated conditions of grant, and School and Early Years Finance Regulations. The high needs funding system supports provision for children and young people with special educational needs and disabilities (SEND) from their early years to age 25, enabling both local authorities and institutions to meet their statutory duties under the Children and Families Act 2014.
- 17 Section 13 & 14 of the Education Act 1996 places a general duty on the Council to secure that efficient primary and secondary education is available to meet the needs of the population in its area and a duty on the Council to secure that sufficient schools for providing primary and secondary education are available in its area, respectively
- 18 Part 3 of the Children and Families Act 2014 places a duty on the Local Authority to support children and young people in England with special educational needs or disabilities and to keep under review the educational provision in its area for those children and young people.

- 19 Section 19 of the Education Act 1996 - When children of compulsory school age are not receiving suitable education, the local authority has a duty to arrange it.
- 20 Schedule 2 to the School and Early Years Finance Regulations local authorities can also use high needs funding to provide additional or targeted support for children and young people with special educational needs and disabilities (SEND).
- 21 The procurement of the studies will be in accordance with the council's contract procedure rules and supported by Commercial Services and Legal Services.

Risk management

<p>Risk</p> <p>If the feasibility studies are not carried out, then the high needs grant cannot be spent in line with the priorities identified in the approved strategy.</p>	<p>Mitigation</p> <p>This risk will be mitigated by carrying out the work to identify improvement works to settings or to increase capacity within settings.</p>
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Consultees

- 22 There was no consultation on this report. Consultation was carried out in respect of the [Herefordshire Capital Investment Strategy 2021-2030 For Specialist Settings Educating Children and Young People with Special Educational Needs and Disabilities \(SEND\)](#).

Appendices

None

Background papers

None identified

Report Reviewers Used for appraising this report:

Please note this section must be completed before the report can be published		
Governance	John Coleman	Date 06/05/2022
Finance	Karen Morris	Date 06/05/2022
Legal	Ruth Whittingham	Date 03/05/2022

Communications	Luenne Featherstone	Date 27/04/2022
Equality Duty	Carol Trachonitis	Date 10/05/2022
Procurement	Mark Cage	Date 29/04/2022
Risk	Liz Freedland	Date 12/05/2022

Approved by	Darryl Freeman	Date 17/05/2022
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