

Title of report: High Needs Provision Capital Allocation Grant: Hampton Dene Primary School Feasibility Study and Outline Design

Decision maker: Corporate Director - Children & Young People

Decision date:

Report by: Project manager, 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 provision capital allocation grant to enable a feasibility study and RIBA Stage 3 Spatial Co-ordination (formerly developed design) work to be undertaken at Hampton Dene Primary School to increase capacity at the school for specialist education provision.

Recommendation(s)

That:

- a) A feasibility study and RIBA Stage 3 Spatial Co-ordination for Hampton Dene Primary School are commissioned within an approved budget of £81,815 from the 2021/22 high needs provision capital allocation grant; and**

- b) The Service Director for Education, Development and Skills be authorised to take all operational decisions necessary to deliver the feasibility studies and spatial design within the approved budget of £81,815 including fees.**

Alternative options

1. Do nothing: this is not recommended as cabinet approved an [Herefordshire Capital Investment Strategy 2021-2030 For Specialist Settings Educating Children and Young People with Special Educational Needs and Disabilities \(SEND\)](#) (SEN strategy) 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 provision capital allocation 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) allocated a total of £648k in 2021/22 of high needs provision capital allocation (HNPCA) 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 [SEN strategy](#). The strategy seeks to ensure that there is high quality sustainable specialist educational accommodation for children and young people (CYP) with an EHCP for SEND in Herefordshire.
4. By adopting the 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. The Language and Communication Centre (LCC) within Hampton Dene Primary School offers the opportunity for children who have a diagnosis of autism or severe speech, language and communication difficulties, to achieve the very best that they can, in an environment suited to their individual needs. To attend a class in the LCC a child needs to have both an EHCP and fit the criteria of entry. The school currently has 4 classes within the centre, 2 for severe speech, language and communication difficulties and 2 for children who have a diagnosis of autism.
6. These available classes are currently full and over capacity. The feasibility study will look to provide an additional 2 classrooms and associated support spaces for children with a diagnosis of autism, increasing the autism provision from 2 classes to 4 classes. This additional capacity will allow the school to better accommodate the current numbers of children they have with autism on roll and allow for some increase in capacity in autism provision to cater for the predicted increase in pupil numbers in future years.
7. The design will take full account of any relevant planning policies and legislation and the Equalities Act 2010. The school is a mainstream primary school, however it is expected that the design will take account of the current and future needs of pupils with special educational

needs and disabilities, and the needs of disabled staff, parents and community members, by considering how the building will be fully accessible.

8. Approval for variations that can be covered within the available budget will follow the council's governance processes. Where there is insufficient budget to cover the work required consideration will be given to reduce the scope of works or apply for additional funding by way of a further officer report.
9. All capital work will be procured in accordance with the council's contract procedure rules.

Community impact

10. Schools are a key part of communities and as such it is important that they are well maintained, fit for purpose and large enough to accommodate the children in the area.
11. The schools capital investment strategy sets out the council's approach to delivering the legal duty to ensure there are enough school places for the children in its area. In Herefordshire this will be done in a way that supports the delivery of high quality education and contributes to the attractiveness of the county as a place to live and work.
12. The SEN strategy seeks to ensure that there is high quality sustainable specialist educational accommodation for children and young people (CYP) with an EHCP for SEND in Herefordshire.
13. These activities support the council's County Plan 2020 – 2024 Ambition to strengthen communities to ensure that everyone lives well and safely together and the Children & Young People's Plan Pledge of helping all children and young people succeed – be amazing.
14. The grant will be used to invest in establishments around the county to improve or expand their facilities, bring the buildings in line with the specifications included in the DfE's building bulletins, include mitigation of potential health and safety and safeguarding risks, and aim to provide well maintained buildings which are more cost effective to run and therefore benefit all pupils, including looked after and children in care.
15. Environmental measures will be considered as part of the scheme to support the council's Carbon Management Plan's target and areas of work for projects and schools and academies.
16. The scheme fits within the corporate property strategy whose aims are to support and help deliver public integrated services across the county with the vision to support the efficient integrated delivery of public services across the county by providing modern, fit for purpose buildings, shared by public agencies.

Environmental Impact

17. This decision / proposal seeks to deliver the council's environmental policy commitments and aligns to the following success measures in the County Plan.
 - Reduce the council's carbon emissions
 - Work in partnership with others to reduce county carbon emissions
 - Improve the air quality within Herefordshire
18. The council provides and purchases a wide range of services for the people of Herefordshire. Together with partner organisations in the private, public and voluntary sectors we share a

strong commitment to improving our environmental sustainability, achieving carbon neutrality and to protect and enhance Herefordshire's outstanding natural environment.

19. The environmental impact of this proposal has been considered through the service specification and includes appropriate requirements on the contractor/delivery partner to minimise waste, reduce energy and carbon emissions and to consider opportunities to enhance biodiversity. This will be managed and reported through the ongoing contract management.
20. Replacement of assets provides a means of improving building service installations, for instance using more efficient light fittings and controls to better manage heating systems. These proposals will contribute towards the delivery of the aims in the council's corporate plan to 'support improvement in the quality of the natural and built environment' and 'to make best use of the resources available to meet the council's priorities' as well as improve the council's energy efficiency, reduce its carbon footprint and provide cost savings.
21. The environmental measures to be incorporated within the build will support the council's Carbon Management Plan's target and areas of work for projects and Schools & Academies.
22. The development of this scheme will seek to minimise any adverse environmental impact and will actively seek opportunities to improve and enhance environmental performance.

Equality duty

23. 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.
24. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. This scheme if accepted will support the council in fulfilling this specific duty by demonstrating that it will be using the grant funding in line with the specific duties. Providers will be made aware of their contractual requirements in regards to equality legislation. Any building works carried out within schools will be compliant with the Equality Act 2010 and support improved accessibility.

Resource implications

25. The work will be funded from the 2021/22 High Needs Provision Capital Allocation Grant of £648,121.72. There is no match funding from the council.

26. Once feasibility studies and outline design has been completed, a separate governance decision will be taken with regard to the detailed design and build.

Capital cost of project	2020/21	2021/22	2022/23	Future Years	Total
Feasibility study and outline design, including surveys			£80,000		£80,000
PMO and internal charges			£1,815		£1,815
TOTAL			£81,815		£81,815

Funding streams (grant)	2020/21	2021/22	2022/23	Future Years	Total
2021/22 High Needs Capital Grant			£81,815		£81,815
TOTAL			£81,815		£81,815

27. The figures shown are not final costs however they are based on a detailed analysis of the proposed schemes and current professional advice on the costs for similar types of schemes. Any revenue implications will be funded by the school who will be involved throughout the feasibility process.

Legal implications

28. 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.
29. 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.
30. 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.
31. 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.

32. 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).
33. 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

Risk

The grant allocation may be insufficient to cover the capital investment requirements identified by the feasibility study. Other funding sources, including council prudential borrowing, may need to be requested through full council.

Timescales may slip, if for example, governance, procurement and pandemic related issues occur.

The project could expand to include works not originally intended.

The work of the school could be disrupted by any resulting building works.

Mitigation

The recommended decision is intended to give greater cost certainty before the main project is procured.

Timescales within our gift will be closely monitored. Should any unexpected delays happen, these will be escalated by exception to mitigate any impact.

The recommendations specify as precisely as possible what the project is intended to achieve.

This possibility is anticipated and the feasibility study is asked to address and suggest mitigation strategies for such potential disruptions.

Consultees

34. In accordance with the principles in the schools capital investment strategy and the SEN strategy, the council will work with schools to consult on options for where, when and how any additional capacity is created or other improvements are made. Schools and academies will be invited to make their own proposals for how improvements can be made, as well as discussing any existing problems with their sites and buildings.
35. The school has been fully engaged in the proposals to expand this provision.

Appendices

None

Background papers

None identified

Report Reviewers Used for appraising this report:

Governance	Sarah Buffrey, Democratic Services Officer	Date 13/09/2022
Finance	Karen Morris	Date 21/09/2022
Legal	Sioned Williams	Date 14/09/2022
Communications	Luenne featherstone	Date 31/08/2022
Equality Duty	Carol Trachonitis	Date 31/08/2022
Procurement	Mark Cage	Date 31/08/2022
Risk	Elizabeth Freedland	Date 06/09/2022

Approved by	Darryl Freeman	Date 22/09/2022
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Glossary of terms, abbreviations and acronyms used in this report.

DfE – Department for Education

SEND – Special Educational Needs and Disabilities

HNCPA – High Needs Capital Provision Allocation

EHCP – Education Health & Care Plan

CYP – Children & Young People

SEN – Special Educational Need

LCC – Language & Communication Centre