

Title of report: High Needs Capital Grant: Hampton Dene Primary School, Extension of the Language and Communication Centre

Meeting:	Full Cabinet
Meeting date:	Thursday 28 September 2023
Cabinet member:	Harry Bramer, Community Services and Assets, Ivan Powell, Children and Young People
Report by:	Corporate Director Childrens and Young People
Report author:	Quentin Mee, Head of Educational Development, Children and Young People

Classification

Open

Decision type

Key

Wards affected

(All Wards);

Purpose

To approve spend from the High Needs Provision Capital Grant to extend Hampton Dene Primary School's Language and Communication Centre.

Recommendation(s)

That:

- a) **Subject to planning consent, up to £2.4m of capital spend from the high needs provision capital grant be allocated to extend Hampton Dene Primary School's Language and Communication Centre, and**
- b) **The Service Director for Education, Development and Skills will be authorised to take all operational decisions necessary to deliver the works.**

Alternative options

1. Not to extend the Language and Communication Centre (LCC). This is not recommended as the LCC is currently over-capacity and there is an increasing need for spaces at the centre. The extension will resolve the current over-capacity and provide new additional spaces.

Key considerations

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 (SEND).
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. 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 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 SEND is met.
5. The number of EHCPs for which the council are responsible for has been increasing over the past 5 years and this increase is expected to continue into the future. The highest primary need in Herefordshire has been identified as Autistic Spectrum Disorder (ASD).
6. The LCC at Hampton Dene caters for children with Speech, Language and Communication Needs (SLCN) and ASD with 16 places currently available for each specialism. This unit has been full since 2018 based on its intended capacity however the school have continued to admit children taking their numbers to 50% above capacity.
7. The need to offer more places to meet demand has resulted in the creation of additional autism hubs in four mainstream schools as well as the proposed expansion at Hampton Dene. The aim behind the opening of these units is to limit the number of pupils having to attend schools either out of county and/or in the independent sector which comes at a significant cost to the council.
8. A feasibility study conducted in April confirmed that an expansion could be accommodated on the existing site.
9. The expansion will include two additional classrooms with the appropriate support space, toilets and outdoor space as set out in Department for Education (DfE) guidance Building Bulletin 104 – Area Guidelines for SEND and Alternative Provision. This will be a flexible learning environment that will accommodate 16 learners. The school have requested that the

expansion includes a community / meeting room which will assist the integration of children into the centre. The school will make a substantial contribution towards the cost of this space.

10. The Council has received ad hoc High Needs Provision Capital (HNPC) grants from the DfE. The balance remaining to spend at the start of 23/24 is £3.978m. This grant funding is provided in order to create additional places and/or improving existing provision for children and young people with SEND, particularly those with needs that are more complex. The extension of the LCC at Hampton Dene Primary School will be one of a number of projects that will come forward in order to fully utilise the grant funding.

Community impact

11. The project 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 climate and 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.
12. The project will improve the educational outcomes for those pupils with EHCPs as outlined in Herefordshire Council's delivery plan which highlights the key activity planned for 2022-23.
13. The children and young people's directorate schools capital investment strategy itemises 11 principles. The extension of the school would align with principles 1, 2, 7, 8, 10 and 11.
 1. High quality learning environments are more likely to deliver the best outcomes for all children and young people.
 2. A high quality learning environment is one where:
 - a) The building is in good condition with an affordable and planned programme of maintenance;
 - b) The building has the right number of suitable places;
 - c) The building supports the delivery of a suitable curriculum and learning;
 - d) There is sufficient suitable outdoor space including playing fields and all weather surfaces;
 - e) Children are not taught in temporary classrooms;
 - f) The building is energy efficient;
 - g) The school has full disabled access;
 - h) The school meets all health and safety requirements.
 7. As a whole across Herefordshire, there should be no more than 10% surplus school places. This margin is designed to reflect population variations and trends over time.
 8. The council will be increasingly responsible for taking steps towards protecting the environment and will expect all schools to work towards achieving and displaying energy certificate rating of C or above and a silver eco schools rating along with reducing energy consumption located near community assets.
 10. Any financial investment must represent best value for investors and could come from a variety of sources, including:

- a) Specific grants and one off government schemes;
- b) The planned release of sites to sell and reinvest;
- c) External funding such as from The Education Funding Agency, the Diocese and section 106 agreements with housing developers.

11. The council will carry out detailed consultation on any changes or investment proposals.

- 14. As with all school provision, improvements to the quality of education is vitally important in improving the life chances of children and young people in the care system. The expansion of the LCC will improve the quality of education, and the educational experiences for pupils on roll, including those who are in care and therefore the responsibility of the corporate parenting board.
- 15. The detailed design will address how the safety of pupils, parents, staff and the community can be assured throughout the construction period. This will include separation of school and contractor spaces, management of vehicle movements, and control of machinery and materials which may pose any health and safety risk.

Environmental impact

- 16. 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.
- 17. The main purpose of this project is to increase capacity in the LCC. There is no plan to retro fit the main part of the building in order to reduce its carbon footprint at this time. However, elements of the project will reduce the overall consumption of energy at the site thus there will be a carbon saving to be had by the measures detailed below.
- 18. The council have made a commitment to pursue energy performance over and above the minimum requirements of the building regulations, by targeting more stringent industry standards and will achieve a high standard of operational performance.
- 19. The council's brief for the new extension will require that the building must have a consistent good level of thermal comfort with very little energy consumption.
- 20. Most occupied spaces within the new school building will be provided with a good level of natural daylight to create a bright and enjoyable environment.
- 21. The project will seek to achieve a Biodiversity net gain in a way that will help create an environment that supports the children with their mental and physical health and wellbeing.

Equality duty

- 22. 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.
23. 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 increasing the capacity at a school which provides 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

24. The work will be funded from the 2019/20, 2022/23 and 2023/24 High Needs Provision Capital Grant remaining to be spent of £3.978m and is in the council approved capital programme. There is no match funding required from the council.
25. The Hampton Dene project will have a budget of £2.4m to deliver the extension of the LCC.
26. The procurement process will be carried out in line with the council's contract procedure rules. The costs shown are estimates only and may vary once tenders are received.
27. There are no revenue cost implications from these works as the school fund any ongoing running costs.
28. Hampton Dene have indicated that they are willing to contribute up to £150k towards the final costs of the community / meeting room which has been included in the feasibility study.

Capital cost of project	2023/24	2024/25	2025/26	Future Years	Total
	£000	£000	£000	£000	£000
Construction		1,166			1,166
Construction Contingency		151			151
Design development	50	67			117
Construction Preliminaries		152			152
Construction Overheads		72			72
Inflation		83			83
Professional fees and survey	50	211			261
Equipment and Furniture		36			36
IT		43			43
Sub total	100	1981			2,081
HC Risk Contingency	10	204			214
Internal costs	50	55			105
TOTAL	160	2,240			2,400

Funding streams (indicate whether base budget / external / grant / capital borrowing)	2023/24	2024/25	2025/26	Future Years	Total
	£000	£000	£000	£000	£000
High Needs Provision Capital Grant	160	2,090			2,250
Hampton Dene Primary School DFC		150			150
TOTAL	160	2,240			2,400

Revenue budget implications	2020/21	2021/22	2022/23	Future Years	Total
	£000	£000	£000	£000	£000
No impact on LA revenue budgets, all revenue costs will be incurred and met by the school					
TOTAL					

Legal implications

29. 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.

30. 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
31. 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.
32. 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.
33. 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).
34. The procurement of the works will be in accordance with the council's contract procedure rules and supported by Commercial Services and Legal Services.

Risk management

Risk

If the remodelling works at the LCC are not carried out as stated in order to expand the capacity of Hampton Dene Primary School LCC to take on more primary children with ASD, the future increased numbers of children will not be able to be placed locally. This will result in the risk of having to commission up to eight places this year (and more in subsequent years) at settings outside Herefordshire at significantly increased cost and therefore an increased Dedicated Schools Grant (DSG) deficit. In addition this will cause considerable distress and anxiety for the children and young people for whom local placement is the expectation, and their parents and carers.

The project could cost more than the provision in the capital programme.

The project could expand to include works not originally intended.

There could be planning or similar regulatory requirements that add to costs.

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

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

Mitigation

Numbers of primary children requiring places at special schools and in SEN units are increasing nationally, regionally and locally. This has resulted in a Government green paper response, and SEND ring fenced government grants to all Local Authorities to mitigate these pressures in the short and medium term, and support strategic long term solutions. The HNPC grant is for this particular purpose and if spent as suggested in this report, will allow more children to be placed locally in a school providing high quality education and outcomes. It will also reduce the risk of increased cost to revenue budgets and reduce transport costs and as a result support council sustainability aims.

The feasibility has given high level costs and included regular reviews of the market and inflation. More cost certainty will be identified at design stage with a clearly defined budget. In addition, a suitable retained contingency, with delegated authority gives better decision making ability and scrutiny.

The recommendations specify as precisely as possible what the project is intended to achieve. This will be in consultation with the school. Any additional extras to the design could be achieved at the school's cost.

Early involvement of planners will take place at RIBA stage 3, with amendments to the design being made where appropriate.

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

Timescales within the control of the council will be closely monitored. Should any unexpected delays happen, these will be escalated by exception to mitigate any impact.

Consultees

35. 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 \(SEND\)](#)
36. The Cabinet members for Community Services and Assets and Children and Young People have been consulted and are both supportive of the project.
37. An online political group consultation took place on 4 September 2023. Councillor representing the conservative party, Independents for Herefordshire, Liberal Democrats and The Green Party attended. The session was recorded and circulated to all councillors to provide their views. The Liberal Democrats wanted assurance that the project would seek net zero in operation.

Appendices

None.

Background papers

None identified

Report Reviewers Used for appraising this report:

Governance	Ben Baugh	Date 29/08/2023
Finance	Karen Morris	Date 23/08/2023
Legal	Sean O'Connor	Date 23/08/2023
Communications	Michala Lee	Date 31/10/2023
Equality Duty	Harriet Yellin	Date 11/09/2023
Procurement	Carrie Deeley	Date 04/09/2023
Risk	Elizabeth Freedland	Date 23/08/2023

Approved by	Darryl Freeman	Date 14/09/2023
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Glossary of terms, abbreviations and acronyms used in this report.

ASD	Autism Spectrum Disorder
CYP	Children & Young People
DfE	Department for Education
DSG	Dedicated Schools Grant
EHCP	Education Health & Care Plan
HNPC	High Needs Provision Capital
LCC	Language and Communications Centre

SEND	Special Educational Needs and Disability
SEN	Special Educational Needs
SLCN	Speech, Language & Communication Needs