

Title of report: High Needs Capital Grant: Barrs Court School (Phase 2)

Decision maker: Corporate Director - Children & Young People

Decision date:

Report by: Sufficiency Planning and Capital Investment Manager, Project manager, Head of Educational Development, Programme Coordinator

Classification

Open

Decision type

Non-key

Wards affected

(All Wards);

Purpose

To approve spend from the High Needs Provision Capital Grant to undertake further improvement works at Barrs Court School.

Recommendation(s)

That:

- a) **Subject to planning consent and the £50,000 contribution from Barr Court School, that up to, £344,600 from the High Needs Provision Capital grant is allocated to undertake improvement work at Barrs Court School (total budget £394,600);**
- 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 undertake improvement works at Barrs Court School. This is not recommended as Barrs Court School caters for some of Herefordshire's most vulnerable children. The works to the building will improve safeguarding and enable the full curriculum to be delivered on site.

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 children and young people in Herefordshire with an Education, Health and Care Plan (EHCP) 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. Nationally, there has also been increase in EHCPs and this is also forecast to continue to rise.
6. The works which will be carried out at Barrs Court School will be to:
 - a. Further separate the school and Aspire.
 - b. Undertake work on the dropped kerb at the entrance to the premises to make the building more easily accessible.
 - c. Widen a number of doors so that pupils can more easily access the outdoor areas.
7. The Council has received ad hoc High Needs Provision Capital (HNPC) grants from the Department for Education (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 improvements to Barrs Court School will be one of a number of projects that will come forward in order to fully utilise the grant funding.

Community impact

8. 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.
9. 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 2023-24.
10. 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.

11. 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 improvements to Barrs Court School 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.

12. The design has addressed 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

13. 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.

14. 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.
15. 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.
16. The council's brief for the improvements will require that the building must have a consistent good level of thermal comfort with very little energy consumption.
17. Most occupied spaces within the improved school building will be provided with a good level of natural daylight to create a bright and enjoyable environment.
18. 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

19. 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.
20. 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 improving facilities at a school which provides high need support for disabled children by improving accessibility it supports the council in discharging its duty in line with the Act.

Resource implications

20. The work will be funded from the 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.
21. The Barrs Court project will have a budget of £394,600 to deliver the improvement works at the school.
22. 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.

23. There are no revenue cost implications from these works as the school fund any ongoing running costs.
24. The school have indicated that they will match fund the cost of the refurbishment of the kitchen and will pay for the cost of the new staff window. The school will pay up to £50k for these items.

Capital cost of project	2023/24	2024/25	2025/26	Future Years	Total
Construction Cost		296,750			296,750
Contingency		59,350			59,350
Statutory Consents	2,000	1,500			3,500
Internal Staffing Costs	7,000	28,000			35,000 5,000
TOTAL	9,000	385,600			394,600

Funding streams (indicate whether base budget / external / grant / capital borrowing)	2023/24	2024/25	2025/26	Future Years	Total
High Needs Provision Capital Grant	9,000	335,600			344,600
Barrs Court School Devolved Formula Capital		50,000			50,000
TOTAL	9,000	385,600			394,600

Legal implications

25. 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.
26. 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
27. 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.
28. 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.

29. 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).
30. The procurement of the works will be in accordance with the council's contract procedure rules and supported by Commercial Services and Legal Services.
31. Prior to any commencement, a clear and unequivocal commitment from the School (whether contract or letter) requiring the School to provide the £50k funding. This needs to be clear as to the priority of funding and when it is paid to the Council.

Risk management

Risk

If the remodelling works at the hub are not carried out as stated in order to expand the capacity of Barrs Court Special School to take on roll more 11-16 year old pupils, the number of year 7 pupils due to start at the school in September 2024, and future increased numbers of pupils will not be able to be placed locally. This will result in the risk of having to commission up to ten places this year (and more in subsequent years) at settings outside Herefordshire at significantly increased cost and therefore an increased 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.

Mitigation

Numbers of pupils requiring places at special schools 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 pupils 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.

Consultees

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	Jen Preece	Date 03/01/2024
Finance	Karen Morris	Date 12/01/2024
Legal	Sean O'Connor	Date 04/01/2024
Communications	Luenne Featherstone	Date 21/12/2023
Equality Duty	Harriet Yellin	Date 03/01/2024
Procurement	Lee Robertson	Date 21/12/2023
Risk	Chris Tindell-Jones	Date 22/12/2023

Approved by Darryl Freeman **Date** 19/01/2024

Glossary of terms, abbreviations and acronyms used in this report.

CYP Children & Young People
DfE Department for Education
DSG Dedicated Schools Grant
EHCP Education, Health & Care Plan
HNPC High Needs Provision Capital
SEND Special Educational Needs & Disabilities