

NORTH SOMERSET COUNCIL DECISION

DECISION OF: SECTION 151 OFFICER

IN CONSULTATION WITH: ASSET MANAGER



DECISION NO: 2022-23 CSD 007

SUBJECT: ESTABLISHMENT OF A TEMPORARY SPECIAL SCHOOL IN NAILSEA

KEY DECISION: YES

REASON: The decision affects the lives of vulnerable children across the district.

BACKGROUND:

Approval was provided in an Executive Member decision dated 9th October 2018 (2018-19 P&C33) for officers to submit a bid in a Wave 13 Free School to the Department of Education (DfE) to facilitate the establishment of a Social, Emotional and Mental Health (SEMH) Free School at a site in Churchill. The permanent new school will be delivered by the DfE and is due to open in September 2024.

Local places are needed now to provide sufficient specialist provision for pupils with SEMH needs and to avoid pupils travelling out of the local area.

The council currently has a spare school based in Pound Lane, Nailsea. It consists of two prefabricated buildings and a bungalow, all of which are in poor repair. The DfE has provisionally agreed to opening the new SEMH school two years early on the spare school site in September 2022, subject to the Secretary of State entering into a funding agreement with a school sponsor, and the council agreeing to cover 50% of the refurbishment costs to improve the existing accommodation to make it fit for purpose for a period of, at least, two years.

In a decision by the Director of Children's Services dated 25 February 2022 (2021-22 CY53), approval was given to refurbish the vacant school site as a temporary location of the new SEMH school; and approval of the council contributing 50% of the refurbishment works.

The DfE is acting as the Procuring Agent for the identification of the school sponsor, which has now been identified as Cabot Learning Foundation. Draft Heads of Terms of an agreement with the DfE agreement has been drawn up. The proposed terms and conditions of a short-term lease to the school sponsor are:

- The lease shall be for a period of two years commencing on 1st September 2022, which term may be reduced or lengthened based on the progress of the permanent school in Churchill.
- The annual rent shall be a peppercorn
- The tenant shall be responsible for the payment of rates and utilities and for insurance.

- The tenancy shall be on full repairing terms, as limited by the schedule of condition to be attached to the lease agreement
- The lease shall be excluded from the secure tenure provisions of the Landlord & Tenant Act 1954

In addition, the draft Heads of Terms has provisions relating to the refurbishment works, including:

- Condition precedents prior to completion of the lease agreement including completion of the refurbishment works and the tenant entering a School Funding Agreement with the Secretary of State.
- The key terms of a Development Agreement between the DfE and the council including a target date of 1st August for completion of the works, with a long stop date of 1st September 2022.
- The council to deliver the agreed refurbishment works using one of its term contracts for building works.

DECISION:

Officers are authorised to finalise the Heads of Terms for a lease over the temporary school site, and in due course to complete and enter into a Development Agreement, if necessary, and a lease agreement based on the DfE standard short-term contract.

REASONS:

To enable the early provision of places for pupils requiring SEMH facilities within North Somerset pending completion of a new free school in Churchill to be in place for September 2024

OPTIONS CONSIDERED:

To not progress with this proposal would mean the continuation of funding SEMH places outside of North Somerset until the new Churchill school is available.

FINANCIAL IMPLICATIONS:

The costs and funding of the refurbishment works have already been covered under the director decision CY53.

Legal costs will be incurred in drawing and completing the necessary agreement coming out the Heads of Terms, which is to be funded from the costs approved for the refurbishment

LEGAL POWERS AND IMPLICATIONS

The Education Act 2011 and the Academies Act 2010 provide the legal basis for the formation of academies, free schools, university technical colleges and studio schools.

CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

The availability of local school places should reduce the travel journeys of pupils requiring SEMH places as currently there are no SEMH places available within North Somerset.

CONSULTATION

Consultation has been ongoing with the Executive Member, Director of Children's Services and the Department for Education with the school sponsor.

RISK MANAGEMENT

The opening of the school is subject to the Secretary of State agreeing a Funding Agreement. As the DfE have agreed to part fund the refurbishment works it is unlikely that the Funding Agreement will not be granted.

EQUALITY IMPLICATIONS

An Equality Impact Assessment will be carried out by the Education, Skills and Funding Agency as part of the planning and delivery of the new school.

CORPORATE IMPLICATIONS

The Corporate Plan 2020-24 has a vision for openness, fairness and a green environment. In terms of the priority of a council which empowers and cares about people, this proposal seeks to priorities of

- A commitment to protect the most vulnerable people of our communities
- An approach which enables young people and adults to lead independent and fulfilling lives
- A focus on tackling inequalities and improving outcomes.
- A collaborative way of working with partners and families to support children to achieve their full potential
- Partnerships which enhance skills, learning and employment opportunities

APPENDICES

None

BACKGROUND PAPERS

Executive Member's decision P&C33 of 2018/19

Director of Children's Services decision of CT53 of 2021/22

SIGNATORY:

DECISION MAKER:



Signed: Section 151 Officer. In accordance with paragraph 1.5 of the Council's constitution (May 2018), officer authorisations and delegations

Date: 13 June 2022

In consultation with Geoff Brakspear & Sally Varley