

NORTH SOMERSET COUNCIL DECISION



DECISION OF: THE EXECUTIVE MEMBER FOR CHILDREN'S SERVICES AND LIFELONG LEARNING

WITH ADVICE FROM: DIRECTOR OF CHILDREN'S SERVICES AND THE SECTION 151 OFFICER

DIRECTORATE: CHILDREN'S SERVICES

DECISION NO: CY102 (2022/23 scheme)

SUBJECT:

Commissioning Plan for the delivery of transformational investment at schools across North Somerset, over the summer of 2023, to create and improve places for children and young people with special educational needs and disabilities (SEND) or those requiring alternative provision (AP).

KEY DECISION:

Yes.

REASON:

The funding exceeds £500,000 and the places or enhanced accommodation will be available across more than one ward across the North Somerset area

This decision was not included in the published forward plan. Access to information rules have been followed.

BACKGROUND:

In March 2022 the Department for Education announced the High Needs Provision Capital Allocations (HNPCA) for the 2022/23 and 2023/24 financial years. HNPCA is paid to Local Authorities (LAs) to support the provision of places for children and young people (CYP) with special educational needs and disabilities (SEND) and those pupils requiring alternative provision (AP).

Details of the North Somerset grant allocations are listed below:

Allocations				
	2022/23 £	2023/24 £	2024/25 £	Totals £
High Needs Provision Capital Allocations (HNPCA)	1,696,470	2,713,824	TBA	4,410,294

In October 2022 the DfE invited North Somerset, as part of its High Needs revenue deficit reduction plan, to submit a bid to secure additional capital to deliver building solutions to help support an increased in the availability of local SEND places so that capital investment might contribute to controlling and reducing the revenue deficit - the Safety Valve (SV) bid.

Following internal and external consultations with schools and other SEND stakeholders, North Somerset's Director of Children's Services agreed, in October 2022, that officers would work with schools and other partners to advance capital proposals to increase SEND provisions using the HNPCA ([CY65 Outcome of the autumn 2022 high needs provision capital allocations \(n-somerset.gov.uk\)](https://www.n-somerset.gov.uk/cy65-outcome-of-the-autumn-2022-high-needs-provision-capital-allocations)). Proposed schemes are at the RIBA Stage 1 and 2 (Feasibility and Concept Design) and align with the DSG Recovery Plan and SV Programme recommendations for improving outcomes for children and reducing the budget deficit position. They comprise:

- 5 new SEND Resource Bases, each for 12 pupils (60 new places in total): An ASD (with MLD) primary phase Resource Base; a Speech and Language primary-aged Resource Base; an MLD (with developmental needs) primary phase Resource Base; an ASD (with speech, language, and communication needs) secondary phase Resource Base and an ASD (with anxiety) secondary phase Resource Base
- 8 Nurture Groups, each for 10 places over two half-yearly blocks per academic year (80 places for 160 pupils in total)
- A reasonable adjustment upgrade to the site facilities at Churchill CE Primary School to meet the need of pupils with dysregulation requirements
- enhancements to the Voyage Learning Campus (VLC) - North Somerset's PRU – to enable them to accommodate additional pupils with anxiety and medical needs at their Baytree Road, Milton site in Weston Super Mare
- A new site for the VLC to replace their leased secondary- aged premises that is not fit for purpose and is costing £95,000 per annum (with a rising rate requirement pa)
- £300,000 to support new early years placements – work in progress

North Somerset Council has committed to using all of the HNPCA of at least £1.69m in 2022/23 and £2.7m in 2023/24 to deliver a sizeable proportion of the necessary provision, leaving a funding gap of £2.9m which we would hope the Department could help to close.

To support the rapid impact on deficit recovery in the High Needs Block, our programme prioritises those schemes which have the greatest potential impact and the highest levels of deliverability. The later parts of the programme include schemes where a new build or greater refurbishment may be required. The number of projects reflects our available budget and delivery capacity in the short to medium term.

The timing for the development and submission of the SV bid was very tight. In forming the content of the bid, school sites had to be identified and visited, architects were commissioned to develop high-level schemes, and these were costed by an independent Quantity Surveyor. Noting that we had November 2022 to visit the schools, that December 2022 was used to develop architect plans and that the schemes were costed by mid-January 2023, there was insufficient time to seek approval for the bid and make the deadline. It is hoped that retrospective approval can be given.

In terms of delivery, the SV bid seeks support for delivering a 4 year capital programme in 2 years. Noting, irrespective of the outcome of the bid that is expected in mid to late March 2023, that some schemes using the HNPCA will need to be delivered by September 2023, this decision seeks support to the commissioning plans and release of budgets for these phase 1 only projects. Further requests for the remaining elements of the programme will be submitted once the outcome of the bid is known.

DECISION:

- That the commissioning plan for the High Needs Provision Capital Allocations be approved.
- To approve the increase to the capital programme of £954,750, funded from £822,500 High Needs Provision Capital Allocations from the 2022/23 DfE financial allocation and £132,250 of High Needs Provision Capital Allocations 2021/22
- To approve retrospectively the submission of our Safety Valve bid on 23 January 2023.

REASONS:

The DfE tell us that the HNPCF funding should be used primarily to meet the capital costs associated with providing new places and improving existing provision, for:

- Children and young people with complex needs, who have Education, Health and Care plans (EHCPs), and where appropriate other children and young people with SEND who do not have an EHCP; and

- Pupils who require Alternative Provision (AP) (including children in AP settings without an EHCP).

Our schemes concentrate on these categories of children and young people.

It was originally intended that this commissioning plan would cover the entirety of the works intended for 2023 and 2024

Normally the signing-off of a Commissioning Plan of this value would be an Executive Board decision, however the election cycle has resulted in the next meeting being in June 2023. In order to meet the pupil place delivery requirements and overcome any constraints, in part at the February 2023 Executive meeting an amendment to statutory orders is being tabled which will enable the Council's s151 officer to sign-off Commissioning and Procurement Plans during the pre-election period from the 20th March to after the local elections on 4 May 2023. To meet delivery timescales, this decision needs to be considered before the pre-election period.

In order to complete the works by the commencement of the Autumn term in September 2023 we are seeking sign-off of the commissioning and procurement plans prior to the 20th March 2023. As such we have concentrated the value of the work associated with this commissioning report to the year 1 works that are to be delivered by September 2023 only. These fall within the financial regulations that can be considered by Executive Members alongside a Director and the s151 officer.

A separate commissioning plan for other projects in 2023 and those in 2024 will be submitted at a later point in 2023.

Contract Structure

It is intended that the contract concludes one year after the end of the school summer holidays of 2023; approximately 1st September 2024 to allow for a 12 month defect period post completion of the construction work. With the intention being to procure construction services to commence in May 2023, this will result in a 17 month contract (including defect period).

Anticipated construction project value will be £954,750.

Outline timeline

The priority is to complete the six projects intended for summer 2023 by the commencement of the autumn term 2023. A Procurement Plan will be approved in February with the procurement process concluding by May 2023.

The Procurement Plan will provide comprehensive detail of the intended procurement process, the bid assessment criteria and contract options.

Publish procurement	March 2023
Bidder submissions due in	May 2023
Works carried out	May – September 2023

OPTIONS CONSIDERED:

As discussed it was originally intended to commission this work alongside that for the rest of 2023 and 2024 however timings will not allow this to be done.

FINANCIAL IMPLICATIONS:

Costs

Draft details of the schemes that we intend to complete in 2022/23 are listed below:

Scheme 2022/23	Type of scheme	2022/23 HN Fund £	Subject to DFE Bid £	TOTAL SCHEME £
Churchill Primary	Upgrade	202,500		202,500
Hans Price Academy	NG	130,000		130,000
Broadoak Academy	NG	155,000		155,000
Crockerne Primary	NG	125,000		125,000
Milton Park Primary	RB	210,000		210,000
Locking Primary	RB		132,250 *	132,250
Totals		822,500	132,250	954,750

NG = Nurture Group

RB = Resource Base

Funding

- £822,500 from the High Needs Provision Capital Allocation 2022/23
- £132,250 from the High Needs Provision Capital Allocation 2021/22

The determination of which schemes were included in the HNPCP spend and which ones formed part of the bid were assessed for bid purposes. If our bid is unsuccessful, for schemes other than those listed above, the priorities may be altered. This decision seeks approval to progress with all 6 projects for delivery by September 2023.

LEGAL POWERS AND IMPLICATIONS:

The High Needs Provision Capital Allocations (HNPCA) are being provided as an un-ringfenced grant under section 31 of the Local Government Act 2003, subject to conditions detailed in an associated Grant Determination Letter.

Whilst it is ultimately up to LAs to determine how to best prioritise this funding to address local priorities, the DfE want to work alongside LAs to reform the current system and achieve a shared endeavour to tackle cost inflation and secure a financially sustainable high needs system. Whilst the SEND Review proposals will help to achieve these changes longer term, the DfE expects LAs to make use of the increased capital investment being made available to improve the suitability and sufficiency of high needs provision in their areas over the next three years. Funding beyond 2025 is contingent on the outcomes of future Spending Reviews and additional capital funding beyond this period cannot be guaranteed. It is therefore critical that prudent decisions are taken now to ensure the sustainability of the system for the longer term.

CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS:

The DfE is committed to supporting the Government's targets on climate change, including achieving net zero carbon emissions by 2050 target, as set out in the Climate Change Act 2008. To help LAs achieve the sustainability and design standards required to achieve net zero, HNPCA funding for 2022-24 includes an uplift to support LAs with the additional costs associated with net zero construction.

Having more local SEND places within the community assist the council in reducing our reliance on home to school transport for pupils with SEND or AP needs.

Designs will be developed with reference to the Council's policies on climate change and with consideration of the environmental implications.

CONSULTATION:

The HNPCA consultation was made available on North Somerset's e,consult website and sent to the following groups: All schools and governing bodies across North Somerset, MATCEOs and Trust Boards, trade unions; the local MPs; Town and Parish Councils; the Diocese of Bath & Wells; Diocese of Clifton; Weston College, Early Years Stakeholders; SEND Stakeholder groups, neighbouring LAs

Targeted updates were also sent to the SEND Partnership Board, the Education Excellence Partnership Board, the Strategic School; s Forum and it was also highlighted in Noticeboard (our local schools' newsletter) and our SEND partnership colleagues.

The above schemes have been developed as a result of the consultations held.

RISK MANAGEMENT:

The greatest risk lies in our ability to deliver the Resource Base at Locking Primary if we are not successful in being awarded the DfE grant of £2.9m as the £132,250 budget for this work in 2023 is contingent upon this. To mitigate this risk, the remaining funds of £335,166 for the 2021/22 HNPCA will be used on this scheme.

EQUALITY IMPLICATIONS:

Have you undertaken an Equality Impact Assessment? **Yes** / No

An EIA was submitted as part of our SV bid. The Principles behind our SEND Capital Strategy are to ensure that:

- a. where possible, children and young people are educated locally
- b. where needs can be met, pupils remain supported on mainstream school sites
- c. pupils unable to attend mainstream schools temporarily are supported back to mainstream provision as soon as possible through the work of our Pupil Referral Unit (PRU), the Voyage Learning Campus

The projects we are hoping to deliver include:

- a. enhancing or making reasonable adjustments to current sites to meet individual pupils SEND needs; and
- b. creating new SEND provisions

The focus of the Nurture Units is to provide short-term intervention for children and young people with particular social, emotional and behavioural difficulties which is creating a barrier to learning within a mainstream class. This may be, for example, due to trauma within their family or home life, an experience that has created anxiety, pressures brought about due to financial or emotional poverty or due to sexual or identity orientation. These pupils will often not have an Education, Health and Care Plan but they need early support from staff trained in the theory and practice of Nurture. The integration of these principles across schools should remove some of these barriers and aid successful integration, good behaviour and appropriate age-related attainment. North Somerset Nurture Groups are available to the pupils at the school they are located at and offer support to 10-pupils at a time over around a 3-term basis. Having the right provision in place will provide a positive impact.

Resource Bases have a specialist delivery designation and provide dedicated and specialist separate provision on a mainstream school site for up to 12 pupils with an Education, Health and Care Plan (EHCP). Pupils can only be allocated a place at a Resource Base via a named plan. Some pupils require strategies and specialist support outside of a mainstream classroom that may not meet the criteria for the allocation of a special school place but requires the support of a local specialist setting with smaller classes and a more bespoke curriculum and educational offer. Over time the pupil will integrate into some mainstream classes and activities, and this can develop to a stage where the strategies and support provided means that a bespoke offer is no longer required. The pupil can then fully integrate into a mainstream place either at the school where the base is located or their local school.

Resource Bases provide recognised specialist support across a range of diagnosis including those with seen and unseen disabilities and those with behavioural, social or emotional needs and this will positively impact on those within their care.

Some pupils can attend mainstream placements but, due to particular social, emotional and behavioural difficulties, may require a physical space at their school where they can dysregulate before re-joining their mainstream class. The designs of many schools do not allow for such spaces that have to be delivered retrospectively. Without such rooms some pupils can become disruptive in class, and this can lead to fixed-term and permanent exclusions. Having the right spaces and the support of school staff can teach these children and young people to self-manage their outbursts and enable their attendance and learning at school to match that of their peers.

The creation of new rooms will positively impact on those who require break-out spaces that meet their anxiety, behaviour and emotional needs that can, at times, be different from those of their peers.

There are some pupils who are unable to attend mainstream schools because:

- they have a health diagnosis that prevents their attendance, or their anxiety is such that they are unable to cope with being in school. We are looking to create extra placements for these young people who require a different short-term intervention whilst they undergo medical treatment or anxiety or trauma-based support before returning to their mainstream school
- they have been permanently excluded from primary or secondary school settings and require specialist support to manage their behavioural challenges that are often a result of trauma or social and emotional concerns before returning to their mainstream school (both schemes as yet unfunded)

Creating the right spaces with the right support has a positive impact for these children and young people.

CORPORATE IMPLICATIONS:

The provision of the building improvements demonstrated in this report will support the Council's corporate plan objectives to improve Prosperity and Opportunity, Health and Well-being and Quality Place.

APPENDICES:

None.

BACKGROUND PAPERS:

[Committee Report NSC \(modern.gov.co.uk\)](http://modern.gov.co.uk)

SIGNATORIES:

DECISION MAKER(S):



Signed:

Executive Member for Children's Services and Lifelong Learning

Date: 27.02.23

WITH ADVICE FROM



Signed:

Director of Childrens Services

Date: 27.02.23



Signed:

S151 Officer

Date: 27.02.23