

## RECORD OF EXECUTIVE DECISION

Tuesday, 15 March 2016

**Decision No:** (CAB 15/16 16743)

DECISION-MAKER:	CABINET
PORTFOLIO AREA:	EDUCATION AND CHILDREN'S SOCIAL CARE
SUBJECT:	SPRINGWELL SCHOOL EXPANSION PHASE 2
AUTHOR:	Jo Cassey

### THE DECISION

Having complied with paragraph 15 of the Council's Access to Information Procedure Rules:

- (i) Subject to Council approval of recommendations (iv) and (v) below, to authorise the expansion of Springwell Special School (Phase 2) and to procure the works and all associated delivery services in accordance with the Council's Contract Procedure Rules.
- (ii) To delegate authority to the Service Director: Children's and Families following consultation with the Service Director: Legal & Governance and the Acting Service Director: Strategic Finance and Commercialisation to do anything necessary to procure the expansion works and services together with anything ancillary to, necessary for or calculated to facilitate the expansion.
- (iii) To delegate authority to the Service Director: Children's and Families to consult on, publish and, in the absence of any objections, to determine statutory school organisation proposals to expand Springwell Special School by 28 pupil places together with the associated physical enlargement in accordance with the requirements of the School Standards & Framework Act 1998 and statutory school organisation guidance. In the event that objections to the proposals are received in the statutory representation period, to note that a further report to Cabinet will be required.

### REASONS FOR THE DECISION

1. This report is submitted for consideration as a General Exception under paragraph 15 of the Access to Information Procedure Rules in Part 4 of the City Council's Constitution, notice having been given to the Chair of the relevant Scrutiny Panel and the Public.
2. This report has not been included within the Forward Plan to date. This scheme proposal received endorsement from the Capital Board on 18th February

2016 (alongside the agreement to explore the opportunity to develop a Free School for special needs provision within the City). It was agreed to pursue full and formal approval for this scheme on the basis of it being a Maintained School. Therefore under paragraph 15 of the Council's Access to Information Procedure Rules this report has been brought to Cabinet in March so as to not further delay this project and subsequently increase the associated costs in terms of temporary accommodation, out of city placements/transport and tribunals. Any delay may result in insufficient special school places by September 2017.

3. The current situation is that the Council does not have sufficient special school places to meet the demand and needs of the Special Educational Needs and Disability ('SEND') population. This has resulted in a significant increase in SEND Tribunal activity, rising from a total of nine appeals for the period January 14-15 to a total of 24 appeals for the period January 15-16. It is difficult to give an average cost per tribunal but this additional pressure on the SEND 0-25 and Legal Service has resulted in the need to recruit a temporary solicitor at the cost of £0.06M (for 11 months), plus significant levels of LA officer time.

4. Additionally there has been an increase in independent, high cost placements out of area, due to the lack of capacity within Springwell Special School. In September 2015 three independent placements were agreed because we could not offer a suitable place in a maintained special school.

5. The Council's revenue funding to meet costs in the High Needs Block has also increased significantly for the current financial year and beyond. This has been achieved by transferring additional resources from the schools block, following consultation with the Schools Forum as additional resources have not been provided for within the Dedicated Schools Grant (DSG). Further, the current and anticipated increase in demand in special school places will continue to put pressure on High Needs budgets as there no additional money is expected from future years DSG allocations.

6. As a response to demand in the previous two years the number on role at Springwell Special School has been increased. However, it has been impossible to physically accommodate these pupils on the existing Springwell site. An interim solution (Phase 1) of temporary accommodation was created at Bassett Green Primary School (2014) at a cost of £0.11M and Startpoint Sholing (2015) at a cost of £0.11M. This has created significant capacity demands on management from a school and LA perspective as well as the considerable financial impact.

7. The current classroom base at Startpoint Sholing is only agreed on a temporary basis and parents have been given assurances that their children will move into the new site as soon as it is ready.

8. The impact of Phase 1 will be to accommodate those currently in temporary accommodation at Startpoint Sholing, as well as the Year R and year's 1-6 intake for September 2016.

9. The impact of Phase 2 – the expansion of the Springwell site itself - will be to create the places required at the forecast rate of intake, in response to both local need and the statutory duty to meet parental preference. This will significantly reduce tribunal activity and the need to fund high cost independent placements.

10. The risk of not agreeing phase 2 would mean that we significantly limit the intake of new pupils (based on number of leavers) from September 17 onwards which will have significant legal and financial implications. Additionally, phase 1 has designed with the assumption of phase 2 and so has not been designed in isolation. The classrooms provided by Phase 1 will require the additional space and resources in Phase 2.

## **DETAILS OF ANY ALTERNATIVE OPTIONS**

11. i) Proceed with Phase 1 and delay Phase 2 for 1-2 years – this would not address the immediate need to house the intake that has been committed to and would require additional funds to be found to cover the costs of placing these children in out of city placements together with the associated travel costs. This would also put Phase 1 at risk and place an additional pressure on the DSG High Needs Block which is already under significant pressure. If additional funding is diverted from the Schools Block it will push more schools below the Minimum Funding Guarantee (MFG).

The additional cost of placing children in Non Maintained and Independent Special Schools (NMIS) over and above current budget level will be £10.2M by 2022/23, based on current known profile of children.

In addition, General Fund will have pressure due to additional transport costs of £0.73M over and above the current budget level for out of city placements places

12. ii) Decline capital / pay for placements at non-maintained independent special schools - costs as per reasoning above PLUS high cost of tribunals to the Council from parents of those who applied to Springwell and mainstream schools who do not have the capacity to deliver for highly complex Special Education Needs & Disability (SEND) children. In addition to the NMIS costs highlighted in option (i), the termination of the consultant service provided by Capita will incur abortive costs for the design fees incurred for Phase 1 and 2 (i.e. 43% of total fees). This cost would need to be met from the General Fund. This option will mean collapse of Phase 1 with no physical capacity for 28 children placed in temporary classrooms.

iii) Decline capital and terminate entire project (including Phase 1) and use capital already agreed to create temporary classrooms – this is only a temporary solution and the need for a significant increase in Special School places would still exist. In addition the termination costs would still apply together with the need to identify c£12.3M (Phase 1 and 2 combined) to restart the project. Time delays would lead to high cost NMIS placements. Costings as per option (i).

## **OTHER RELEVANT MATTERS CONCERNING THE DECISION**

None.

## **CONFLICTS OF INTEREST**

None.

## **CONFIRMED AS A TRUE RECORD**

We certify that the decision this document records was made in accordance with the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 and is a true and accurate record of that decision.

Date: 15<sup>th</sup> March 2016

Decision Maker:  
The Cabinet

Proper Officer:  
Judy Cordell

#### SCRUTINY

Note: This decision will come in to force at the expiry of 5 clear days (as set out in the Constitution) from the date of publication subject to any review under the Council's Scrutiny "Call-In" provisions.

Call-In Period

Date of Call-in (*if applicable*) (*this suspends implementation*)

Call-in Procedure completed (*if applicable*)

Call-in heard by (*if applicable*)

Results of Call-in (*if applicable*)