



## Notice of KEY Executive Decision

<b>Subject Heading:</b>	Implementation of proposals to expand and amend the Additional Resourced Provision (ARP) at Hall Mead and Redden Court Secondary Schools – Phase 4 expansion.
<b>Cabinet Member:</b>	Councillor Robert Benham, Lead Member for Children & Learning
<b>CMT Lead:</b>	Tim Aldridge, Director Children's Services
<b>Report Author and contact details:</b>	Trevor Cook Education Provision Commissioning Manager <a href="mailto:trevor.cook@havering.gov.uk">trevor.cook@havering.gov.uk</a>  01708 431250
<b>Policy context:</b>	The local authority has a legal duty to meet the special educational needs of those children for whom it is responsible. The needs of pupils who require provision additional to or different from that generally available is determined by a formal assessment process initially set down in the Education Act, 1981, now incorporated in the Children and Families Act 2014.
<b>Financial summary:</b>	Implementation of ARP is expected to cost in the region of £635,000, funded from the Phase 4 school expansion programme. Revenue implications for the schools will be funded from the DSG.

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<b>Reason decision is Key</b>	Expenditure or saving (including anticipated income) of £500,000 or more. Significant effect on two or more Wards.
<b>Date notice given of intended decision:</b>	29 <sup>th</sup> November 2016
<b>Relevant OSC:</b>	Children and Learning
<b>Is it an urgent decision?</b>	Yes
<b>Is this decision exempt from being called-in?</b>	No

**The subject matter of this report deals with the following Council Objectives**

Havering will be clean and its environment will be cared for	<input type="checkbox"/>
People will be safe, in their homes and in the community	<input type="checkbox"/>
Residents will be proud to live in Havering	<input checked="" type="checkbox"/>

## Part A – Report seeking decision

### DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

To support the implementation of proposals to expand and amend the Additional Resourced Provision at Hall Mead and Redden Court Secondary Schools by providing capital funding to the two Academies to a maximum sum of £635,000 as set out in the financial implications below.

### AUTHORITY UNDER WHICH DECISION IS MADE

Cabinet agreed, at its meeting on 12<sup>th</sup> October 2016, to delegate the power to take further decisions regarding the approval of which settings/schools, included within the Report should be expanded or supported financially (subject to the appropriate statutory processes and within the agreed capital programme) for the remainder of the Phase 4 of the Expansion Programme to the Lead Member for Children & Learning, subject to budgetary provision being confirmed.

Cabinet also delegated the power to take further decisions regarding expansion or financial support for Academies - not included within the report - in urgent and exceptional circumstances, (subject to the appropriate statutory processes and within the agreed capital programme) for Phase 4 of the Expansion Programme, to the Cabinet Member for Children & Learning after consultation with the Leader

### STATEMENT OF THE REASONS FOR THE DECISION

Both Redden Court and Hall Mead are academies and as such are not required to publish statutory notices. Both academies will have to submit a full business case to the EFA to get their funding agreement revised as part of the change.

School	Additional Resourced Provision (ARP)	No of pupils
Redden Court Secondary (Academy)	ASD/ Communication and Complex Needs	10 (11-16 years)
Hall Mead Secondary (Academy)	ASD/ Communication and Complex Needs	12 (11-16 years)

ASD – Autistic Spectrum Disorder.

Both academies currently have an Additional Resourced Provision, but require capital investment to expand and enhance the provision on offer. The capital investment will be subject to the academies gaining approval of their business case, and agreeing to a capital grant agreement, where applicable.

The project at Redden Court will be delivered by the academy and will consist of the

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building of a new unit to meet the needs of the additional pupils, subject to the agreement of the budget and grant agreement.

The project at Hall Mead consists of two parts. The first is the supply of a demountable unit, delivered by LB Havering Education Asset Management. This enables the academy to reconfigure their accommodation to create a dedicated and large space to meet the needs of the additional pupils and those existing pupils with increasingly complex needs. The second being the remodelling of the vacated library space to provide appropriate accommodation, these works will be undertaken by the Academy. The remodelling will allow the ARP and learning resource to be delivered in close proximity so that staff can be used efficiently and expertise shared to provide a timely and effective response to young people with challenging and complex needs.

The statutory processes for academies differ as the Education Funding Agency is the decision maker. The Local Authority's role is to support the academies in their consultation and business case process, and fund the expansion costs. It should also be noted that the Local Authority is not the formal proposer of the expansions nor the decision maker and therefore each of the schools will need to ensure they follow the appropriate legal processes.

These proposals are within Phase 4 of the Expansion Programme. Whilst they were not specifically mentioned within the Cabinet Report of 12 October, an indication was given that two ARPs would need to be established containing 12 places each in secondary schools in the schools in the East and Central secondary planning areas to meet the needs of secondary pupils with Communication and Interaction needs.

Following the Cabinet decision of 12<sup>th</sup> October 2016 and subsequent informal consultation with schools, officers have identified outline proposals for increasing the number of SEN places as from January 2017 onwards.

Informal consultation on the programme of additionally resourced provision (ARP) for 2016/17 took place from the 12 May to 10 June 2016.

Hall Mead and Redden Court are within the Central and Eastern secondary planning areas and they have been selected because the Council is looking to increase SEND capacity within its existing resources, focusing on developing new provision within its own schools, particularly in the areas where there are shortages of provision.

Hall Mead already has an ARP for 10 places for pupils with ASD, this provision is being increased to meet the needs of up to 12 pupils with ASD and/or CN. The proposed configuration also supports the school to increase its offer to those pupils with SEND in the rest of the school by enabling them to access a dedicated resource when required. Redden Court has an ARP for 8 places for Speech, Language and Communication Needs (SLCN), this ARP is being re-designed and increased to meet the needs of up to 10 pupils with ASD and/or CN. Both of these ARPs will help address the gap in provision for pupils with ASD and CN whose needs can only be served through a flexible approach, tailored and adapted to the needs of each individual pupil. They will be for pupils who may require to spend significant proportions of their time in and/or require support from, the ARP.

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Hall Mead and Redden Court are academies and as such are not required to publish a statutory notice, but will have to submit a full business case to the EFA to get their funding agreement revised as part of the change.

### **OTHER OPTIONS CONSIDERED AND REJECTED**

Pupils with complex SEN could be also educated within special schools. Expansion of existing special schools is not feasible within the required timeframe due to space constraints. Development of a new special school is extremely costly and has a long lead in time and as such is not an option in the short term.

The Council is therefore looking to increasing capacity within its existing resources and is focusing on developing new provision within its own schools. It is therefore proposing to create a number of Additionally Resourced Provision in the mainstream (ARPs), particularly in the areas where there are shortages of provision, and these two ARPs will be the first of a number of ARPs in the borough.

### **PRE-DECISION CONSULTATION**

Although there is no longer a prescribed 'pre-publication' consultation period for prescribed alterations, there is a strong expectation on schools and LAs to consult interested parties in developing their proposal prior to publication as part of their duty under public law to act rationally and take into account all relevant considerations.

Consultation took place from 12<sup>th</sup> May to 10 June 2016. A total of 145 responses were received. The consultation reports for the two academies are included as Appendix 1 and 2.

### **NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER**

Name: Trevor Cook

Designation: Education Provision Commissioning Manager

Signature:



Date: 23<sup>rd</sup> September 2016

## Part B - Assessment of implications and risks

### LEGAL IMPLICATIONS AND RISKS

The Authority has general duties to secure sufficient provision for the educational needs of its population and may assist primary and secondary schools not maintained by them in discharge of this duty. The proposals set out in the Report comply with this duty.

For Academies, changes affecting provision reserved for pupils with SEN proposals require a full business case to be made to the Secretary of State by the Academy. This includes changes to add or remove the reserved provision or increase or decrease the number for which the reserved provision caters. The characteristics of the reserved provision may also be changed, including a variation of the age range or type of SEN for which the reserved provision caters. Provision reserved for pupils with SEN includes both "resourced provision" – where pupils spend more than half of their time in mainstream classes with support – and "designated SEN units" – where pupils spend more than half of their time in special classes.

The proposals appear prudent in order to meet the Council's statutory duties.

The selection of Hall Mead and Redden Court schools for the location of the ARPs has been undertaken following consideration of the needs of the area and the location of the two schools and their existing provision for pupils with SEN. These appear to be reasonable choices.

Stephen Doye, Principal Lawyer (Community Services)

### FINANCIAL IMPLICATIONS AND RISKS

There are significant financial implications of implementing the proposals themselves and these are detailed below.

#### Capital Implications;

The estimated costs for delivering these two ARPs are as follows:

School	Additional Resourced Provision (ARP)	Cost
Hall Mead	ARP for ASD/Communication and Complex Needs - Demountable unit provided, funding to include for FFE ICT and refurbishment/ remodelling of reallocated area.	£200,000

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Redden Court	ARP for ASD/Communication and Complex Needs_- funding to be allocated to the Academy who will deliver own project	£435,000
<b>Total Costs</b>		<b>£635,000</b>

### Funding

#### Phase 3 Expansion Programme

- allocation for Hall Mead ARP      £200,000
- allocation for Redden Court ARP   £435,000
- 

Total Funding      £635,000A further £90,000 will be required over the original allocation, and has only become apparent as detailed schemes have been developed. These are anticipated to be maximum figures and actual costs will be closely monitored.

The capital funding for these proposals is contained within the total school expansions programme. This has been approved by Cabinet and Full Council, therefore there is no need for further approval

### **Revenue Implications for schools**

Funding to LAs for pupils with behavioural or special educational needs is allocated to LAs through the High Needs Block of the Dedicated Schools Grant (DSG). For academies (Redden Court and Hall Mead are both academies) the funding is allocated by the Education Funding Agency (EFA) but it is recouped from the LA's High Needs Block. Each of the Additional Resource Provisions within this report will be funded at £10,000 per place from the High Needs Block as required by the Schools and Early Years Finance Regulations (England) 2016. The Additional Resourced Provisions will help increase capacity and ultimately reduce the costs of expensive out of borough provision.

Funding will be allocated as follows:

Redden Court 10 places @ £10,000 per place	= £100,000
Hall Mead 12 places @ £10,000 per place	= <u>£120,000</u>
<u>Total Funding</u>	<u>= £220,000</u>

#### Funding for current provision

Redden Court 8 places @ £10,000 per place	= £80,000
Hall Mead 10 places @ £10,000 per place	= <u>£100,000</u>
<u>Total Funding</u>	<u>= £180,000</u>

Addition funding required from the DSG High Needs Block= £40,000

The additional provision will be included in the LA's "High Needs place change" return to the EFA to request an increase in the DSG High Needs funding.

### **Risks**

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As with most capital schemes, there is a risk that the schemes could overspend due to issues arising during the build process, however given the size of the works any significant overspend is unlikely. Any small issues arising can be funded from the remaining budget within the school expansion programme.

With regard to the schemes undertaken by the academies, the risk will be borne by the Academies themselves. Clear contractual arrangements will be needed to ensure that both sides meet their obligations. Funding will be released to the school in line with clear delivery milestones.

Sam Gable, Strategic Finance Business Partner.

## **HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)**

The human resources implications for the schools to be proposed for expansion will be managed by the schools themselves. There is likely to be a need to recruit additional teaching and support staff and the relevant schools will undertake the recruitment and selection process in accordance with the appropriate policies and procedures. There are growing difficulties in recruiting to teaching posts and therefore schools will need to consider that additional resources and a longer recruitment timescale may be required to fill vacancies. The Havering Education HR service will provide support as appropriate and required to all schools, academies or free schools that purchase relevant services.

Annessa Salmon, Schools HR Manager

## **EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS**

In Havering we are committed to developing the most inclusive communities which are welcoming and supportive of all. Our aspiration for all our children and young people are the same and this is that they should all have the best opportunities to achieve and fulfil their potential. Our aim for children and young people with special educational needs (SEN) is even more ambitious in that we want them to enjoy their education in the most inclusive environment possible and be supported in participating as fully as they can in the lives of their schools and local community.

These local specialist provisions will ensure that all children can have their needs met in a school as close to home as possible. This is to ensure that they are in the right school at the right time so that they may participate fully in the lives of their schools and make the most of their learning opportunities, supporting schools and families to help children and young people remain and develop into participative members of their local schools and community.

The planned proposals will have positive outcome for children with special educational needs and disability as they will have appropriate provision made available to cater for their educational needs. New accessible accommodation and resources appropriate



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to the special educational needs of the children would be constructed to provide the necessary teaching spaces and facilities to accommodate these additional children.

**BACKGROUND PAPERS**

**Appendix 1 & 2 – Consultation Reports**

## Part C – Record of decision

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

### Decision

Proposal agreed

*Delete as applicable*

Proposal NOT agreed because

### Details of decision maker

Signed

Name:

Cabinet Portfolio held:

CMT Member title:

Head of Service title

Other manager title:

Date:

### Lodging this notice

The signed decision notice must be delivered to the proper officer, Andrew Beesley, Committee Administration & Interim Member Support Manager in the Town Hall.

#### For use by Committee Administration

This notice was lodged with me on \_\_\_\_\_

Signed \_\_\_\_\_