

## Notice of KEY Executive Decision

<b>Subject Heading:</b>	Implementation of an expansion of the Additional Resource Provision (ARP) at Clockhouse Primary School
<b>Cabinet Member:</b>	Councillor Robert Benham, Deputy Leader of the Council, Cabinet Member for Education, Children & Families
<b>SLT Lead:</b>	Robert South, Director Children's Services
<b>Report Author and contact details:</b>	Pooneeta Mahadeo School Organisation Manager <a href="mailto:pooneeta.mahadeo@havering.gov.uk">pooneeta.mahadeo@havering.gov.uk</a> 01708 431092
<b>Policy context:</b>	The Council's High Needs Strategy 2017-22, set out ambitious and realistic objectives to ensure Havering's provision is the first choice for children and young people with high needs and their families. The Strategy also recognises that children with Social, Emotional and Mental Health difficulties (SEMH), alongside those with Autistic Spectrum Disorders (ASD) are increasing in numbers and will require specialist intervention supported in a specialist resourced provision.
<b>Financial summary:</b>	Cost for the building works required for expanding the Additional Resourced Provision at Clockhouse Primary School is estimated at £800k

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	and this will be met within the SEND Capital grant.  The revenue costs related to the operation of the expanded provision at the school will be met from the Dedicated Schools Grant.
<b>Reason decision is Key</b>	Expenditure in excess of £500,000.
<b>Date notice given of intended decision:</b>	25/01/2021
<b>Relevant OSC:</b>	Children and Learning
<b>Is it an urgent decision?</b>	No
<b>Is this decision exempt from being called-in?</b>	No

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

Communities making Havering	<input checked="" type="checkbox"/>
Places making Havering	<input type="checkbox"/>
Opportunities making Havering	<input type="checkbox"/>
Connections making Havering	<input type="checkbox"/>

## **Part A – Report seeking decision**

### **DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION**

To approve the expansion of the Additional Resourced Provision (ARP) at Clockhouse Primary School.

<b>School</b>	<b>Additional Resourced Provision (ARP)</b>	<b>Proposed increase</b>
Clockhouse Primary School (Community)	Communication and Interaction Needs (ASD and SLCN)	12 to 20 places (4-11 years)

### **Recommendation**

To approve:

1. The decision to expand the ARP at Clockhouse Primary School, as set out in the Decision-Maker guidance – Appendix 1.
2. The procurement strategy and the commencement of a procurement exercise, for a Works contract to undertake the expansion of the ARP at Clockhouse Primary School, at an estimated total contract sum of £800,000 and an estimated start date of August 2021.

### **AUTHORITY UNDER WHICH DECISION IS MADE**

Cabinet made the following decision , at its meeting on 18 September 2019,

**Delegate** the power to take further decisions regarding the approval of which settings/schools should be expanded including any amendments to the proposals, such as a decision not to proceed or to expand a different setting/school, in the light of developing circumstances or the results of consultation (subject to the appropriate statutory processes) for Phase 5 of the Expansion Programme to the Lead Member for Children & Learning.

Part 3 [(Responsibility for Functions)], paragraph section 3.3 of the Council's Constitution as follows:

'3.3 Powers of Members of the Senior Leadership Team

Contract powers

- (a) To approve commencement of a tendering process for all contracts above a total contract value £500,000.

### **STATEMENT OF THE REASONS FOR THE DECISION**

One of the key changes proposed in the Council's High Needs Strategy is the delivery of an ongoing programme to create more Additional Resourced Provisions (ARPs) in

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mainstream settings. Taking this forward, in September 2016 a 12 place additional resource provision was established at Clockhouse primary school.

This Clockhouse ARP has helped address the gap in provision for pupils with Autism Spectrum Disorder (ASD) whilst also building parental confidence in the system. However, our Special Educational Needs and Disabilities (SEND) projections show that the number of primary school pupils with an Education Health Care Plan (EHCP) of communication and interaction needs will increase from 308 in 2019/20 to 433 in 2022/23, with the majority of this increase expected to be pupils with ASD.

This proposal is to further expand the existing specialist provision at Clockhouse Primary School from 12 to 20 places to help meet the growing demand and also continue meeting the needs of pupils with an EHCP of Communication and Interaction Needs.

The total project cost is estimated to be in the order of £800,000 (including professional fees, furniture, fixtures and equipment (FF&E) etc) and a breakdown is included within the financial section.

### **Procurement Strategy**

The estimated contract cost is £ 652,670. This is below the relevant threshold set by the public procurement regulations, it is therefore proposed to procure by use of a single stage selective tendering process with seven contractors selected from the ConstructionLine database in accordance with the Contract Procurement Regulations. Tenders received will be evaluated on a 70% cost/ 30% quality basis.

#### **Programme**

Task	Estimated Start Date
Issue of Tender (6wks)	10 <sup>th</sup> May 2021
Tender submission deadline	11 <sup>th</sup> June 2021
Checkpoint and ED approval	26 <sup>th</sup> July 2021
Contract start	2 <sup>nd</sup> August 2021
Proposed start of works (45wks)	2 <sup>nd</sup> August 2021
Estimated end of new build works	30 <sup>th</sup> April 2022

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

Pupils with complex SEN could also be educated within special schools. Expansion of existing special schools is not feasible due to space constraints. A new special school will be opened but not until 2022 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 SEND provision and expanding existing SEND provision within its own schools.

### **PRE-DECISION CONSULTATION**

The consultation process ran from 2 November to 30 November 2020. A majority of respondents 89% were in favour of the proposal.

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A summary of representations received and officers' comments on them is included as Appendix 2.  
Consultation has taken place with the Cabinet Member for Education, Children and Families.

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

Name: Pooneeta Mahadeo

Designation: School Organisation Manager

Signature:



Date: 01/3/2021

## **Part B - Assessment of implications and risks**

### **LEGAL IMPLICATIONS AND RISKS**

1. The proposal to enlarge the ARP in Clockhouse Primary School from 12 to 20 pupils does not need to go through a statutory consultation process as that is only required for a new provision, a change in the type of special educational provision being made or the discontinuance of special educational provision, none of which is occurring here.

Regulation 5 and 6 and Schedule 2 para 8 and Schedule 3 School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013/3110.

However, a non-statutory consultation has been undertaken and the results are set out at Appendix 2. The decision maker must conscientiously take into consideration all consultation responses before making a determination on the proposal to expand the provision.

2. The Council also has the general power of competence under section 1 of the Localism Act 2011 to do anything an individual may generally do, together with the power under section 111 of the Local Government Act 1972 to do anything ancillary to or which facilitates any of its functions. The contract may be procured in accordance with these powers.
3. Under paragraph 3.3 (Powers of Members of Senior Leadership Team) of Part 3 [Responsibility for Functions] of the Council's Constitution, members of the Senior Leadership Team (SLT) have delegated authority to approve commencement of a tendering process for all contracts above a total contract value of £500,000.
4. The proposed contract value is below the EU threshold for Works contracts (currently £4,551,413) and accordingly does not fall within the full rigours of the Public Contracts Regulations 2015. The procurement exercise must comply with the EU Treaty principles of "*equal treatment, non-discrimination, proportionality and transparency*" and the Council's Contract Procedure Rules (CPR). For procurements (of Works) valued over £500,000, officers are required to select and invite to tender a minimum of seven organisations from Constructionline.

### **FINANCIAL IMPLICATIONS AND RISKS**

#### **Capital Implications**

The estimated costs for delivering an expansion at Clockhouse ARP is as follows:

Build Cost (Contract)	484,000
External Works (Contract)	66,000
Abnormals (Contract)	102,670

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<b>Total Contract Value</b>	<b>652,670</b>
FF&E (incl ICT etc.)	35,840
Fees (Incl Planning Fees, Surveys etc.)	81,490
Project Contingency	30,000
<b>Project Total</b>	<b>800,000</b>

Funding:

Unallocated SEN Grant (leaving an unallocated balance of £1,043,335)	£ 800,000
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### **Risks**

There may be a risk that tender costs will be significantly higher than estimated. At which point management action will be taken, following a review of available options, which will include options to reduce costs (as appropriate) or seek additional funding, ideally from funds set aside for the Special Education Needs Schools programme. A separate Decision will be submitted prior to the award of tender which will reassess the financial implications of the project.

### **Revenue Implications for schools**

ARPs in Havering are funded in accordance within a Place Led Funding approach that complies with the Government's SEN Funding Reforms which came into effect in April 2018.

For each place in the ARP Clockhouse Primary school receives £16,667. This is made up of £10,000 'place funding' and £6,667 (2020/21 rate) 'top-up funding'. The additional eight places would result in a total increase in funding for the school of £133,336 (2020/21 rates).

In the financial year that the additional places become available, the full £16,667 will be met from the High Needs Block of the Dedicated Schools Grant (DSG). In subsequent years, £4,000 for each filled place will be met from the Schools Block of the DSG as the pupils on roll will be included in the calculation of the school's formula budget share.

### **Revenue Implications for the local authority.**

The financial impact of the additional places depends on the cost of supporting those additional pupils if they were not at the ARP. Money is saved if a pupil would have been otherwise be in an expensive out of borough provision. If a pupil would otherwise have been in a mainstream school with 1:1 support then the ARP place may be more costly, although it would be more suited to the pupils needs.

An increase in the number of pupils placed in the ARP could lead to an increase in cost for pupil transport. It is envisaged that these costs can be contained within the budgets available

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

The human resources implications for the school to be proposed for expanding Additionally Resourced Provision will be managed by the school itself, supported when required by HES HR. There is likely to be a need to recruit additional teaching and support staff and the relevant school will undertake the recruitment and selection process in accordance with the appropriate policies and procedures.

**EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS**

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to:

- (i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) Foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

An EqHIA has been carried out and the proposal in this report has been assessed as having a positive impact on groups with a protected characteristic – Appendix 3

**BACKGROUND PAPERS**

None

**Appendix 1 – Decision- Maker guidance**

**Appendix 2 – Clockhouse ARP consultation report**

**Appendix 3 – EqHIA**



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**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, Debra Marlow, Principal Democratic Services Officer in Democratic Services, in the Town Hall.

**For use by Committee Administration**

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

Signed \_\_\_\_\_