

## Notice of KEY Executive Decision

<b>Subject Heading:</b>	Implementation of a new designated SEND unit for pupils with Social, Emotional and Mental Health (SEMH) needs at Suttons Primary School
<b>Decision Maker:</b>	Councillor Ray Morgon, Leader of the Council
<b>Cabinet Member:</b>	Councillor Oscar Ford, Cabinet Member for Children’s Services
<b>SLT Lead:</b>	Tara Geere, 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 SEND unit.
<b>Financial summary:</b>	Cost for the building works required for providing a new designated SEND unit at Suttons Primary School is

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	estimated at £1.6m and this will be met within the SEND Capital grant. The revenue costs related to the operation of the new 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>	26/05/2023
<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**

People - Things that matter for residents X

Place - A great place to live, work and enjoy

Resources - A well run Council that delivers for People and Place.

***Place an X as appropriate***

## Part A – Report seeking decision

### DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

To approve the statutory proposal to establish a new designated SEND unit for pupils with Social, Emotional and Mental Health (SEMH) needs at Suttons Primary School.

School	Additional Resourced Provision (ARP)	Proposed increase
Suttons Primary School	Social, Emotional and Mental Health (SEMH) needs	12 places (4-11 years)

### Recommendation

To approve:

1. The decision to establish a designated SEND unit at Suttons Primary School, as set out in the Decision-Maker guidance – Appendix 1.

### AUTHORITY UNDER WHICH DECISION IS MADE

In accordance with Part 3.2 of the Havering Constitution, the Leader of the Council is responsible for arranging for the exercise of all Executive Functions and may exercise any executive function personally, provided notice is given to the Proper Officer.

### STATEMENT OF THE REASONS FOR THE DECISION

The Cabinet decision of 18 September 2019 included the following:

#### 3.2.3. Increasing SEND Places

##### ii. Primary SEND places;

Agree to establish

- One Additionally Resourced Provision (ARP) for primary children with Communication and Interaction Needs with 12 places in Scotts Primary School for 2020/21.
- One Additionally Resourced Provision (ARP) for primary children with SEMH (Social, Emotional, Mental and Health) needs with 12 places at Suttons Primary School for 2020/21
- An ARP for 12 places (4-11) for pupils with ASD/SEMH on Beam Park School for 2021/22
- An ARP for 18 places – 6 places (2-4) and 12 places (4-11) for pupils with ASD and SEMH for 2023/24 as part of the Bridge Close development

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Following the informal consultation, the Assistant Director Education Services signed the Non-Key Executive decision on 17/10/2022 to proceed to the representation stage. The representation stage from 21/04/2023 to 19/05/2023 complied with statutory requirements by inviting representations from all interested parties on the proposal.

A statutory Notice, that included details of the proposal was published in the Romford Recorder on the 21/04/2023; notices were also fixed to the entrance gates of the school and circulated to all interested parties including all Havering schools, neighbouring boroughs, the Diocese of Chelmsford and the Diocese of Brentwood and the DfE as required by legislation. A Notice was also published on the Council's website with a link to further information about the proposal.

There were three representations received during the consultation period. Two of the representations raised concerns regarding the proposal. One representation was in support of the proposal.

Key concerns raised were:

- Building design is excessive and bulky
- Building located too close to neighbouring properties
- Building is visually intrusive, impacting on living conditions, leading to feeling of being overlooked
- Impact of outdoor security lighting, height of lighting
- Lack of parking on school site and overspill on to local streets
- Height of building should be reduced to save on building costs and materials, design isn't eco-friendly
- SEND unit should be located closer to the main building of Suttons Primary School to promote inclusion.

All the issues above were considered as part of the planning process and planning permission was approved with conditions on the 6 April 2023.

It is worth noting that both of the two respondents who raised concerns in their representations made a point of stating that they do not object to the principle of a SEND unit on the Suttons Primary School site.

The representations and responses are attached as Appendix 2.

Our SEND projections show that we expect the number of primary school pupils with an Education, Health and Care Plan (EHCP) to increase as shown in the table below:

<b>Academic year</b>	<b>Cognition and Learning</b>	<b>Communication and Interaction</b>	<b>SEMH</b>	<b>Physical and/or Sensory</b>	<b>Totals</b>
2020/21	137	387	69	54	647
2021/22	136	498	67	66	767
2022/23	145	514	87	65	812
2023/24	164	572	110	76	921
2024/25	179	612	131	81	1003
2025/26	187	653	162	88	1090

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2026/27	215	680	215	92	1203
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Our SEND projections show that we expect the number of primary school pupils with an Education, Health and Care Plan (EHCP) of SEMH to increase from 87 in 2022/23 to 215 in 2026/27 (147% increase). There is currently no primary designated unit for SEND pupils with SEMH needs.

If implemented, this designated SEND unit at Suttons Primary School will meet the needs of pupils with an EHCP of, SEMH whose needs are not severe enough to require a place at a special school but who will require spending significant proportion of their time in the SEND unit. The proposed SEND unit will enable these pupils to have their additional needs met while accessing education at a mainstream primary school through a flexible and tailored approach.

The expectation is that this local provision will provide good value for money as it will reduce the cost of out borough placements and the need for pupils to travel long distances away from their families in order to access the support they require.

### **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 designated SEND units in the mainstream, particularly in the areas where there are shortages of provision.

### **PRE-DECISION CONSULTATION**

The statutory notice was published on 21/04/2023 and launched the four week representation period which ended on 19/05/2023.  
Three responses were received during the representation period.

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

Name: Pooneeta Mahadeo

Designation: School Organisation Manager

Signature:

Date:

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### Part B - Assessment of implications and risks

#### LEGAL IMPLICATIONS AND RISKS

In relation to provision for special educational needs in a mainstream school, the LA has to follow a statutory process for –

- (a) The establishment of a provision that is recognised by the local authority as reserved for children with special educational needs;
- (b) A change in the type, or types of special educational provision that is recognised by the local authority as reserved for children with special educational needs; or
- (c) The discontinuance of provision which is recognised by the local authority as reserved for children with special educational needs

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

The details of the proposals had to be placed on a website and in a local paper and to various other stakeholders, which has now been completed as set out in the Report.

The Decision maker must conscientiously consider any representations made during the formal notice period. However, otherwise the Decision Maker is free to exercise his/her judgement following the guidance set out in Appendix 1.

#### FINANCIAL IMPLICATIONS AND RISKS

##### Capital Implications

The estimated costs for delivering a SEND Unit at Suttons Primary School is as follows:

School	Designated SEND unit	Cost
Suttons Primary School	New designated SEND unit for SEMH needs – LA to deliver building works	£ 1,600,000

This will be funded from the High Needs Capital Allocation grant for 2022/23.

##### 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.

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### **Revenue Implications for schools**

SEND units in Havering will be normally funded in accordance with a Place Led Funding approach that complies with the Government's SEND Funding Reforms which came into effect in April 2018.

For each place in the SEND unit, Suttons Primary School will receive £21,860. This is made up of £10,000 'place funding' and £11,860 (2023/24 rate) 'top-up funding'

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

The human resources implications for the school to be proposed for creating designated SEND unit 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

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### **HEALTH AND WELLBEING IMPLICATIONS AND RISKS**

The proposal will have a positive impact on parents' mental health and wellbeing because the ARP establishment will mean the addition of places in a local provision and a further opportunity to continue with the progress the school is making with SEND pupils, strengthen the existing approach used in identifying pupils' needs and provide more training for staff working with pupils with learning needs.

Health and well-being will also be promoted, as individual support will be provided in a tailored way to cater for pupils with complex needs to help them learn and enjoy their education in the most inclusive environment possible.

### **ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS**

New builds are encouraged to adopt reduced carbon-centric approaches to development, and this is advanced through the tendering and procurement processes expected in all LBH engagement with external service providers as part of the pursuit of best value.

In relation to the new Suttons SEND Unit, the designs have incorporated a number of sustainability, climate change and decarbonisation items as listed below.

#### *In general*

The project subject of this relates to improving building efficiency within the educational asset portfolio and delivers a modern and efficient facility which is substantially more efficient and more environmental than the rest of the educational portfolio.

The following sections outline the environmental and climate change considerations that have been addressed as part of the building design and procurement of the construction contract which is subject to the present report. This has been divided into design considerations and contractor selection considerations.

#### *Design element*

The design was carried out by professional architects, who recognise, as the Royal Institute of British Architects has declared, that the climate emergency is the most pressing professional challenge of this generation, and that it should receive proportionate attention and care.

Designs have been carried out following the latest and most up to date tools and advices arising from the RIBA, the BRE, the Ministry of Housing, Communities and Local Government (now the Department for Levelling up) and other professional and advisory bodies.

The impact of carbon emissions has been considered as part of the design. Designers of this building are fully aware that the built environment is responsible for a large part



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of the carbon emissions in Great Britain. Current figures estimate that 47% of carbon emissions arise from the built portfolio. This includes space heating and electricity. The design proposed seeks to reduce space heating related carbon emissions by improving the fabric of the building; by reducing dissipation of heating, we minimise the need for fuel to heat spaces. Furthermore, this educational design has been carried out with particular attention to natural lighting and ventilation. This has the effect of minimising energy spent for artificial lighting and mechanical ventilation. Where artificial lighting is required, the design has privileged LED lighting which delivers an energy saving of around 75% and is designed to last up to 25 times longer than incandescent lighting. In light of the above, the targets of energy performance of the building fabric and of its services have been increased to 10% over the Building Regulations levels.

With a view to reduce the dependency of the building to fossil fuels and to reduce the ongoing costs of the service users, the designers have considered implementation of thermal and photovoltaic installations. The proposed scheme will include a photovoltaic roof installation combined with a ground source heat pump. The provision of ground source heat pumps combined with photovoltaic installation is introduced with the direct aim of decarbonisation and improvement of sustainability and resilience in the building system of the proposed educational facility. Additionally it will reduce the operational carbon footprint of the building and the running costs going forward.

In order to mitigate the adverse effects of climate change on the building that is being designed and on the business continuity of the service being delivered therein, designers have devoted time and attention to reducing direct summer sunshine into the building fabric, which would create a need for electrical/mechanical cooling.

Additionally, designers have noted that the risk of flash flooding has greatly increased, and is likely to increase further. Design has been carried out, that focus on minimising the risk, not only of flood pressure being displaced to neighbouring properties, but also of damage and disruption of service to the building. Where practicable, floor levels have been raised and other flood resilience measures have been implemented, often above and beyond the statutory requirements. Sustainable urban drainage designs and rainwater harvesting will be part of the proposed designs.

With a view to improve local, urban and sub-urban biodiversity, habitat for pollinators and water run-off slowing, the designers have supplemented, within the boundaries of the requirements of the service users, soft landscaping and planted areas adjacent hard landscaped areas, such as concrete or tarmacked areas.

## **BACKGROUND PAPERS**

None

## **APPENDICIES**

Appendix 1 – Decision- Maker guidance  
Appendix 2 – Statutory notice representations  
Appendix 3 - EqHIA

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**Part C – Record of decision**

I have made this executive decision in accordance with my authority as 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 Democratic Services, in the Town Hall.

**For use by Committee Administration**

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

Signed \_\_\_\_\_