



Havering
LONDON BOROUGH

Notice of Non-Key Executive Decision

Subject Heading:	Authority to tender for the Construction of a SEND Unit at Suttons Primary School
Decision Maker:	Tara Geere, Director of Children's Services
Cabinet Member:	Councillor Oscar Ford, Cabinet Member for Children's Services
SLT Lead:	Tara Geere, Director of Children's Services
Report Author and contact details:	Nicola L Prandini RIBA, Design and Architecture Manager, Capital Delivery and Corporate Estate. 01708 432142 Nicolalorenzo.prandini@havering.gov.uk
Policy context:	<p>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.</p> <p>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 pursuant to the Children and Families Act 2014.</p>

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Financial summary:	Cost for the building works required for providing a new designated SEND unit at Suttons Primary School is estimated at £1,600,000 and this will be met within the SEND Capital grant.
Relevant OSC:	People OSSC
Is this decision exempt from being called-in?	Yes, it is a Non Key Decision

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

People - Things that matter for residents

Place - A great place to live, work and enjoy

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

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

1. For the reasons detailed in this report and its appendix the Director of Children's Services is recommended to approve the commencement of a procurement exercise, for a works contract to undertake the establishment of a new SEND Unit at Suttons Primary School, at an estimated total project sum of £1,600,000.

AUTHORITY UNDER WHICH DECISION IS MADE

Part 3 of the Council's Constitution

3.3. Powers of Members of the Senior Leadership Team

General powers

- (a) To take any steps necessary for proper management and administration of allocated portfolios

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

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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The Key decision approving the statutory proposal to establish a designated SEND Unit for pupils with Social, Emotional and Mental Health needs at Suttons Primary School was published on the 29 June 2023.

<https://democracy.havering.gov.uk/ieDecisionDetails.aspx?ID=7802>

This designated SEND unit for pupils with Social Emotional and Mental Health (SEMH) needs will be a bespoke provision specifically adapted to meet each pupil's needs through a flexible and tailored approach.

The Suttons SEND Unit for SEMH pupils, once established, will be the first provision catering for this specific need in the Borough.

The designated SEND unit will help address the gap in provision for SEMH needs and provide increased opportunities for pupils with special educational needs and disability (SEND) to remain and be taught within their local community, making it easier for parents to be actively involved.

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

The nature of SEMH need and Havering's Strategy

Similar to all areas of the country, Havering is experiencing increasing numbers of children with Special Educational Needs and Disabilities (SEND). One of the fastest growing areas of need is that of children with Social Emotional and Mental Health issues.

Social, emotional and mental health difficulties as described in the SEND code of practice, are a wide range of social and emotional difficulties which manifest themselves in many ways. These may include children becoming withdrawn or isolated, as well as on occasions displaying challenging behaviour. These behaviours may reflect underlying mental health difficulties such as anxiety or depression, self-harming, substance misuse, eating disorders or physical symptoms that are medically unexplained. Other children and young people may have disorders such as attention deficit disorder, attention deficit hyperactive disorder or attachment disorder. These children need skilled and experienced educational professionals to support them, understand their difficulties and help them to minimise the impact of them. In the right environment they can thrive, regain confidence, re-engage in education leading to a more positive future.

Havering's High Needs strategy commits to supporting children in their local community in as inclusive environment as possible. To deliver this commitment Havering is developing a continuum of provision available for pupils with these and other areas of need, ranging from additional support in mainstream schools, SEND

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Units (also known as ARPs) at mainstream schools through to special schools and Colleges for children and young people with SEND.

The proposed SEND unit at Suttons school is part of this strategy. A purpose-built environment, along with a dedicated and skilled staff team at Suttons school will offer children with SEMH issues a local education provision to meet their needs. This is a much needed provision and the other SEND units already operating in Havering are testaments to the success that can be achieved in specialist provisions in mainstream schools.

Without such provisions Children will be expected to travel out of the borough to access the education they need. This has an impact on them in travelling times and can lead to further difficulties in engaging with the provisions they attend. There is also increased pressure on families when children have early starts to accommodate travel time. Ultimately, there is an additional cost to Havering as the out of borough schools and the travel to them are more expensive.

Design considerations

In accordance with Government guidelines and best practice publications, the proposal is to offer a dedicated learning environment for pupils with SEMH issues which falls within the larger school community of the Suttons Primary School. Unit pupils are expected to be part of that community, attend classes, assemblies, PE, dining, formal and informal play alongside all the other children whenever possible. However, their special need requirements may make these activities impractical. Additionally, SEND unit pupils are offered special lessons and activities with specialist teachers. It is for these purposes that the unit building is provided, as a quiet, safe, dedicated place of learning within the larger school.

The underlying philosophy to the approach which is outlined above is that of the *ethos of inclusion* whereby the utmost effort is put in place to retain children with difficulties within mainstream settings, where dedicated and specialist support is provided without exclusion to a special school and with the stated objective of providing pupils with the means and skills to cope with their issues and return to the mainstream school.

Financial section

The total project cost is estimated to be in the order of £1,600,000 (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 £1,300,000. This is below the relevant threshold for works contract under the Public Contract Regulations (as amended) 2015 (PCR).

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

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with the Council's Contract Procedure Rules. Tenders received will be evaluated on a 70/30 cost/quality basis.

Master Programme

Task	Estimated start date
Issue of Tender (8wks)	August 23
Tender submission deadline	Mid-September 23
GRG 2 and ED to award	Late September 23
Contract start	October 23
Duration of the works	48 weeks
Estimated end of new build works	End August 24

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. Additionally the ethos of inclusion is accepted as a better approach to dealing with less severe SEND issues in pupils.

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

No formal consultation is required to make these arrangements although key stakeholders such as the school are kept apprised of the project.

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

Name: Nicola L Prandini RIBA

Designation: Design and Architecture manager, Capital Delivery and Corporate Estate, LBH

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Signature:

A handwritten signature in cursive script, appearing to read "Pauline".

Date: 12/07/23

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

1. Local Authorities should have regard to Sections 13, 13A and 14 of the Education Act 1996 which require local authorities to ensure efficient primary, secondary and further education are available to meet the needs of the population of their area. The provision sought will be targeted to those identified with needs as assessed under Children and Families Act 2014.
2. The Council has the general power of competence under Section 1 of the Localism Act 2011 to do anything an individual may generally do.
3. Additionally, the Council has the power to procure the contract under Section 111 of the Local Government Act 1972 which, permits the Council to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions
4. The proposed contract value is below the threshold for Works contracts (currently £ £5,336,937) and accordingly does not fall within the full rigours of the Public Contracts Regulations (as amended) 2015.
5. However the procurement must still comply with the Council's Contract Procedure Rules (CPRs) which requires the Council to use Constructionline to invite at least 7 organisations to tender. The tender procedure conforms with the CPRs.
- 6.

FINANCIAL IMPLICATIONS AND RISKS

Capital implications

Project costs are currently estimated as follows:

Item	Estimated cost
Contract to Design and Build	£ 1,300,000
Technical fees including Planning fees	£ 130,000
Fitted Furniture, Finishes and Equipment	£ 30,000
ICT and special equipment	£ 30,000
Project contingency & risk allowance	£ 110,000
Estimated total project costs	£ 1,600,000

Risks

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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.

Funding for the project is from the High Needs Provision Capital Allocation grant (C40120) which is included in the approved capital programme.

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

The recommendations made in this report do not give rise to any identifiable HR risks or implications that would affect either the Council or its workforce.

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 1

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

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 environmentally friendly/ viable than the rest of the educational portfolio.

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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 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. In this scheme design, PV panels have been implemented and it will be functioning alongside an electric heat pump, which means that the majority of the energy consumed by the facility will be sustainably produced on site.

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, architects have noted that the risk of flash flooding has greatly increased, and is likely to increase further. Design has been carried out, that focuses 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.

With a view to improve local, urban and sub-urban biodiversity, the architects have tried to privilege, within the boundaries of the requirements of the service users, soft landscaping and planted areas to hard landscaped areas, such as concrete or tarmacked areas.

Additionally, in order to improve urban biodiversity, habitat for pollinators and water run-off slowing, green and living roof solutions were considered as part of the design. In this scheme design, due to roof pitching restrictions and roof geometry requirements, which would make the installation of living roofs un-economic, these have not been implemented.

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Procurement element

As part of the tender exercise, tenderers will be asked to produce their environmental credentials, and will be evaluated on this basis, along with other technical queries. In particular, tenders will be evaluated in relation to their response to waste management, energy and carbon footprint questions.

Contractors will be asked to confirm what measures, above and beyond their contractual obligations, they propose to take in order to minimise the production of waste arising from operations, and how the remaining amount of waste will be recycled and disposed of.

Furthermore, contractors will be asked to confirm describe what measures, above and beyond their contractual obligations, they propose to take in order to minimise the use of fossil fuel energy in your operations, and to generally decrease the carbon footprint of operations. Additionally, contractors will provide details describing their process to calculate their organisation's carbon footprint and what concrete steps they will have already taken in order to reduce this, or offset the emissions produced by their business.

All tender responses will be evaluated carefully and the successful tenderer will be asked to fully show their understating of all the issues, and to demonstrate proactive, above and beyond commitments and practical steps taken to improve their environmental policies and practices and to reduce site waste and operational carbon emissions.

Lastly, as part of the Council's commitment to go paper free, the tender exercise, which some years ago would have resulted in huge amounts of paper being produced, has been moved online and it is now a fully digitalised exercise.

BACKGROUND PAPERS

The Key decision approving the statutory proposal to establish a designated SEND Unit for pupils with Social, Emotional and Mental Health needs at Suttons Primary School was published on the 29 June 2023.

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APPENDICIES

There are none.

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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

Details of decision maker

Signed:

A handwritten signature in black ink, appearing to read 'Tara Geere', with a long horizontal stroke extending to the right.

Name: Tara Geere

Cabinet Portfolio held:

CMT Member title: Director of Starting Well (DCS)

Head of Service title

Other manager title:

Date: 31/07/2023

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 _____