



**Havering**  
LONDON BOROUGH

## Notice of Non-key Executive Decision

<b>Subject Heading:</b>	To increase the capital funding allocation for the implementation of an Additional Resource Provision (ARP) at Harris Academy Rainham
<b>Decision Maker:</b>	Tara Geere, Director of Starting Well (Children's)
<b>Cabinet Member:</b>	Cllr Oscar Ford, Cabinet Member - Children and Young People
<b>ELT Lead:</b>	Tara Geere, Director of Starting Well (Children's)
<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>	The cost for the building works required to provide an Additional Resourced Provision at Harris Academy was originally estimated at

**Non-key Executive Decision**

	<p>£850k and funding was identified (Project C40150).</p> <p>However, the cost of the project has now increased to £1,067,537 and additional budget of 217,537 is required. The increase will be funded from the unallocated High Needs Capital Grant provision (Project C40120), which currently stands at £9.964m. The revenue costs related to the operation of the new provision at the school will be met from the Dedicated Schools Grant.</p>
<b>Relevant Overview &amp; Scrutiny Sub Committee:</b>	Children and Learning
<b>Is this decision exempt from being called-in?</b>	Yes

**Non-key Executive Decision**

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

People - Supporting our residents to stay safe and well      X

Place - A great place to live, work and enjoy

Resources - Enabling a resident-focused and resilient Council

## Non-key Executive Decision

### Part A – Report seeking decision

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

To support the implementation of an Additional Resourced Provision (ARP) at Harris Academy Rainham from September 2024.

<b>School</b>	<b>Additionally Resourced Provision (ARP)</b>	<b>No of pupils</b>
Harris Academy Rainham	Autistic Spectrum Disorder (ASD) needs	20 (11-16 years)

#### Recommendation

- To agree the release of additional funding at a value of £217,537 to increase the overall budget to £1,067,537- funding to be released to the academy to proceed with build works for the ARP through a funding agreement.

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

##### Part 3

##### 3.3.4 Functions delegated to Director People

3.2 To exercise the powers / functions and to carry out the duties of the Council under all relevant child care and education legislation including (but not limited to) The Children Act 1989, The Children (Leaving Care) Act 2000, The Special Educational Needs and Disability Act 2001, The Adoption and Children Act 2002, The Nationality Immigration and Asylum Act 2002, The Children Act 2004, , the Education Act 2005, The Education and Skills Act 2008, The Children and Young Persons Act 2008, , The Education Act 2011, and The Children and Families Act 2014 and any other applicable legislation as introduced by central government from time to time.

3.3 For the avoidance of doubt the delegation above shall apply to all child care and educational requirements, including but not limited to, children in care, school governors, care packages, fostering and care leavers, pupil welfare, child employment, school organisation, school funding, staffing & governance, health and safety in schools, student eligibility, collective worship, exclusions, special educational needs, transport and catering.

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

1. Forecasts for Havering resident secondary aged pupils with an Education Health Care Plan or a statement of Communication and Interaction needs are expected to rise significantly in the next few years. The forecasts shows over 50% expected increase in this type of need, for secondary aged pupils in mainstream schools from 197 in 2019/20 to 309 in 2022/23. The majority of the increase is expected to be secondary pupils with a primary need of ASD.

## Non-key Executive Decision

2. The proposed establishment of an ARP in the school will help address the demand for a suitable, local specialist provision for secondary aged pupil with autism. The expectation is that there will be a local on-site specialist provision Key Executive Decision with improved access to specialist staff to allow pupils with special educational needs to be taught in a mainstream setting.

3. The Agreed Place Number (APN) for Harris Academy ARP is 20. This APN does not usually count against the school's admissions numbers as all ARPs in Havering will be separately and additionally funded, although their individual modes and styles of operation may be different. Admissions to the ARP follow a different procedure from that operating for the rest of the school. Therefore, the APN does not affect the school's Published Admission Number (PAN) as set by its Trust.

4. The creation of this local specialist ASD provision should reduce the need to place secondary pupils outside of Havering, thereby reducing the cost of out of borough placements whilst helping the local authority develop more secondary school ARPs within the borough.

5. Proposed changes affecting provision reserved for pupils with SEN for academies require a full business case. The full business case for this change was approved in 2022.

### **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. A new special school opened in 2023, however this is not sufficient to meet the high demand for places. 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.

### **PRE-DECISION CONSULTATION**

The consultation process ran from 1 March to 29 March 2021. In total, 41 responses were received. Of the 41 responses received, 40 were in favour, while 1 respondent was against the proposal. This represents 98% and 2% respectively for and against the proposal.

The issue raised against the proposal was as follows:

*'If the ARP is linked to the main school's SEN dept. then I do not support its establishment. If it is a separate entity then that is a different matter. SEN provision at the school currently needs to be improved. Staff already have difficulties with students who have ASD and the SENCO does not effectively liaise nor support staff. There is*

**Non-key Executive Decision**

*very little (if any) training on how to support these students, or any SEN students, effectively.'*

The response is:

*'The ARP will be separate and additionally funded. The proposal is to build a stand-alone unit for up to 20 pupils with ASD and other complex learning difficulties to be located at the North eastern end of the North block. There will be an increase in the number of staff employed by the school to provide appropriate specialist knowledge; expertise and support to cover and meet the needs of pupils in the ARP.'*

The consultation report is included as Appendix 1

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

Name: Pooneeta Mahadeo

Designation: School Organisation Manager

Signature:



Date:17/06/2024

## Part B - Assessment of implications and risks

### LEGAL IMPLICATIONS AND RISKS

The Council has general responsibility for education in its area pursuant to s 13 Education Act 1996 as follows:

(1)A local authority] shall (so far as their powers enable them to do so) contribute towards the spiritual, moral, mental and physical development of the community by securing that efficient primary education, and secondary education and, in the case of a local authority in England, further education, are available to meet the needs of the population of their area.

The grant funding will ensure efficient education is available to meet the needs of the area.

The grant is ring fenced funding for the purposes of meeting SEND places as part of SEND Capital grant and cannot be used by the Academy for any other purpose unconnected to the Project. The grant will be transferred to the Trust in line with the payment schedule in the funding agreement. Should the Academy spend any part of the funding other than in accordance with the Grant Agreement the Council has reserved the right to claw back that part of the grant funding. The amount of the grant shall not be increased in the event of any overspend by the Academy save for any reasonable expenditure the Academy has appropriate documentation to support. In any event, Officers shall obtain authority in accordance with the Council's scheme of delegation before any further funding is granted to the Academy.

### FINANCIAL IMPLICATIONS AND RISKS

#### Capital Implications

The estimated costs for delivering Harris Academy ARP is as follows:

School	Additionally Resourced Provision (ARP)	Cost
Harris Academy Rainham	New ARP for ASD	£1,067,537

Funding:

The initial budget for the project was £850,000 (Project C40150), which was approved via a Key ED on 20 May 2021. As the project cost has increased to £1,067,537, additional funding of £217,537 is required. This will be met from the unallocated High Needs Capital Grant provision (Project C40120), which currently stands at £9.964m.

Funding will be released to the academy to proceed with build works for the ARP through the revised funding agreement.

## Non-key Executive Decision

The risk will be borne by the Academy. 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.

### **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.

As part of the annual High Needs Place Change process that the LA has to undertake to the DfE, the ARP will have provision for 20 places for the academic year 2024-25.

The ESFA will be funding the place funding element for £10,000 per place, which is recouped from Havering's DSG High Needs Block. Havering will be funding the £12,194 top-up per place for the ARP learners from the High Needs Block of the Dedicated Schools Grant (DSG). The overall funding per place for the ARP is £22,194 for financial year 2024-25.

### **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. Any additional cost or any saving in cost impacts the High Needs Block of the DSG. 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 Academy will be managed by the Trust. There is likely to be a need to recruit additional teaching and support staff and the Academy will undertake the recruitment and selection process in accordance with the Trust's 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;



## **Non-key Executive Decision**

- (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 2

### **ENVIRONMENTAL AND CLIMATE CHANGE 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 wellbeing 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.

### **BACKGROUND PAPERS**

None

### **APPENDICES**

Appendix 1 – Consultation report

Appendix 2 - EqHIA

Non-key Executive Decision

**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

~~Proposal NOT agreed because~~

**Details of decision maker**

Signed



Name: Tara Geere

Cabinet Portfolio held:

CMT Member title: Tara Geere, Director of Starting Well (Children's)

Head of Service title

Other manager title:

Date: 4<sup>th</sup> July 2024

**Lodging this notice**

The signed decision notice must be delivered to Committee Services, in the Town Hall.

**For use by Committee Administration**

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

Signed \_\_\_\_\_

**Non-key Executive Decision**

--