

Notice of Non-key Executive Decision

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| Subject Heading: | To action the capital funding allocation for the implementation of a bulge class at Royal Liberty School (Success for All Education Trust). |
| Decision Maker: | Tara Geere, Director of Starting Well (Children's) |
| Cabinet Member: | Cllr Oscar Ford, Cabinet Member - Children and Young People |
| ELT Lead: | Tara Geere, Director of Starting Well (Children's) |
| Report Author and contact details: | Darren Purdie Head of Education Provision & Inclusion darren.purdie@havering.gov.uk |
| Policy context: | The Local Authority has a statutory duty to ensure sufficiency of school places. This project is to provide additional temporary accommodation to meet the demand for SEND unit places in secondary schools. |
| Financial summary: | The necessary capital building cost for the works required to provide temporary accommodation for SEND unit pupils at Royal Liberty is estimated at £500k and this will be funded from the High Needs Provision Capital Allocation (C40120). Any costs incurred over and above the grant amount will be |

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| | borne by the school's trust, subject to terms and conditions of the funding. |
| Relevant Overview & Scrutiny Sub Committee: | Children and Learning |
| Is this decision exempt from being called-in? | Yes |

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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

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

Recommendation

To support the implementation of temporary accommodation to provide SEND unit places at Royal Liberty School from September 2024.

| School | No of pupils |
|----------------------|------------------|
| Royal Liberty School | 12 (11-16 years) |

- To agree the release of funding up to £500,000 overall budget to the Success for All Academy Trust to proceed with build works for the temporary building at Royal Liberty School.

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 and Care Plan or a statement of Communication and Interaction needs

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are expected to rise significantly in the next few years. The majority of the increase is expected to be secondary pupils with a primary need of ASD.

2. Royal Liberty School has already been allocated a high number of pupils with SEND needs that need to be placed within a SEND unit. The Royal Liberty School is run by an Academy Trust, the Success for All Academy Trust, and therefore the Local Authority can only secure the provision by grant funding the Academy Trust.
3. If temporary accommodation is not made available at Royal Liberty this will mean that these pupils with high SEND needs attending the schools won't have access to a SEND unit place, which is most appropriate to meet the needs of these pupils.

OTHER OPTIONS CONSIDERED AND REJECTED

As these pupils with high SEND needs have already been allocated a place at Royal Liberty, there is no other alternative options to consider, except to ensure that these pupils are educated within provision suited to their SEND needs.

If pupils with high SEND needs cannot be allocated places in a specialist unit within the Borough the alternative is to place in high cost out of Borough provision. Given the financial situation this should be avoided if possible.

PRE-DECISION CONSULTATION

No pre-decision consultation is required for the creation of a temporary accommodation.

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

Name: Darren Purdie

Designation: Head of Education Provision & Inclusion

Signature:



Date: 15/07/2024

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 and 14 Education Act 1996 as follows:

13 (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.

14 (1)A local authority shall secure that sufficient schools for providing—
(a)primary education, and
(b)education that is secondary education by virtue of section 2(2)(a),are available for their area.

(2)The schools available for an area shall not be regarded as sufficient for the purposes of subsection (1) unless they are sufficient in number, character and equipment to provide for all pupils the opportunity of appropriate education.

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 Royal Liberty 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 Royal Liberty bulge class is as follows:

| School | Bulge Class | Cost |
|----------------------|---------------------------------|----------|
| Royal Liberty School | Provision of temporary building | £500,000 |

Funding:

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Up to a maximum of £500,000 will be met from the unallocated High Needs Provision Capital Allocation from the DfE (Project C40120). This will leave a remaining unallocated balance of £9.347m.

Funding will be released to the academy trust to proceed with build works for the temporary building through the funding agreement.

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 the school

SEND Units 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 this was not included in the annual High Needs Place Change process that the LA has to undertake to the DfE, the LA has since established that a temporary specialist SEND Unit for 12 places for the academic year 2024-25 is required in Royal Liberty School.

Havering will be funding the place funding element for £10,000 per place, which is from Havering's DSG High Needs Block. In addition, Havering will be funding the £12,194 top-up per place for the SEND Unit learners from the High Needs Block of the Dedicated Schools Grant (DSG). The current overall funding per place for the temporary SEND Unit is £22,194 for financial year 2024-25, pro-rata for the period that the SEND Unit is open from.

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 temporary SEND Unit. Money is saved if a pupil would have been otherwise placed in an expensive out of borough provision. If a pupil would otherwise have been in a mainstream school with 1:1 support then the SEND Unit 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 temporary SEND Unit could lead to an increase in cost for pupil transport. Any pressures arising will be addressed through the appropriate channels.

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.

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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.

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

The proposal will have a positive impact on parents' mental health and wellbeing because the bulge class 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 overall inclusion 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

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



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: 30th August 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 _____