

Notice of NON KEY Executive Decision

Subject Heading:	Non-Key ED for the Award of contract for Enabling Works to implement a SEND Unit at The Brittons Academy
Decision Maker:	Trevor Cook
Cabinet Member:	Councillor Kevin Gill, Cabinet Member for Children and Young People
ELT Lead:	Tara Geere, Director of Starting Well (Statutory Director for Children's Services)
Report Author and contact details:	Kathryn Skinner, Architectural Officer 01708 433344 Kathryn.skinner@havering.gov.uk
Policy context:	Havering's SEND and Alternative Provision Strategy emphasises the local authority's vision to ensure children, young people, and families have access to the same level of high-quality support and education, wherever they live in Havering. That children and young people with SEND can access the help and support they need to thrive and achieve within their local communities, that they can go to local education provision that meets their needs, access services and play an active role in the community close to where they live.
Financial summary:	The cost of enabling works to provide new space for the start of the unit in

Non-key Executive Decision

	September 2026 is £39,148.13 excl VAT, which is covered under the main project budget. This is funded from within the High Needs Capital grant. 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 that came into effect in April 2018. For each place in the SEND Unit at The Brittons Academy the academy will receive £30,800 (funding rate for financial year 2026/27). This is made up of basic entitlement funding from the main formula and top up from the LA's DfE high needs block.
Relevant Overview & Scrutiny Sub Committee:	People
Is this decision exempt from being called-in?	The decision will be exempt from call in as it is a Non key Decision

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

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

1. To award the contract for the enabling works to form the start up SEND unit at Brittons Academy, due to open in September 2026 to Lexden Contracts Ltd at a value of £39,148.13 excl VAT, with a commencement date of July 27th 2026. The contract length is anticipated to be 4 weeks.

AUTHORITY UNDER WHICH DECISION IS MADE

[Decision - Outline Proposals to address Early Years, Primary, Secondary and SEND rising rolls – Update to Phase 5 expansion Programme | London Borough of Havering](#)

At the above meeting Cabinet agreed to:

2. **Delegate** the power for Phase 5 of the Expansion Programme to the Cabinet Lead Member for Children & Learning Young People:
 - To take further decisions regarding the implementation of these projects and the approval of which schools/early years/childcare settings should be expanded including any amendments to the proposals above, such as a decision not to proceed or to expand a different school/early years/childcare setting, in the light of developing circumstances or the results of consultation (subject to the appropriate statutory processes).

STATEMENT OF THE REASONS FOR THE DECISION

The purpose of the contract which is subject to this decision is to form new spaces within the existing Brittons Academy buildings to make the interim unit for the new SEND unit, opening with 6 students in September 2026.

Due to the urgent requirement for the facility to open, a direct award is required to Lexden Contracts Limited, agreed through a procurement waiver decision at GRG. Other contractors were consulted, but were not available during the summer period when the works are to be carried out. The price returned was benchmarked against similar works on recent schools project and deemed an appropriate rate returned.

OTHER OPTIONS CONSIDERED AND REJECTED

If no action is taken, the six pupils allocated places for September 2026 would be left without an appropriate school place.

Non-key Executive Decision

PRE-DECISION CONSULTATION

1. The Trust – Empower Learning Academy Trust has submitted an application for the significant change of adding a SEND Unit to the DfE for approval.
2. Consultation on the implementation of a SEND Unit at The Brittons Academy has been undertaken. Of the responses received, 96% supported the proposal, reflecting the increasing demand for specialist places and the current shortage of provision in Havering.

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

Name: Kathryn Skinner

Designation: Architectural Officer

Signature: K Skinner

Date: 14/07/2026

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

3. 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 Part 3 of the Children and Families Act 2014.
4. The Council has the general power of competence under Section 1 of the Localism Act 2011 to do anything an individual may generally do subject to any statutory constraints on the Council's powers. None of the constraints on the Council's Section 1 power are engaged by this decision..
5. 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.
6. The Council will undertake the proposed procurement in respect of the Academy's property, with full authorisation from the Academy. The Council will need to enter into an appropriate agreement with the Academy to protect the Council's position.
7. The proposed contract value is below the Procurement Act 2023 (PA23) of £5,336,937 works contract threshold . It is not caught by the full PA23 regime.
8. The Council's Contract Procedure Rules require works contracts of this value to be competed between at least 3 suppliers. CPR 37.2 permits exceptions to this rule where the award is lawful, best value can be demonstrated and (inter alia) the award is in the best interests of the Council. As set out above, these criteria are met. The waiver must be approved by a Strategic Director via Executive decision.
9. As set out in this report, the criteria at 7 above are met. Subject to the requisite waiver approval the award may be made.
- 10.

FINANCIAL IMPLICATIONS AND RISKS

Summary

There is an overall capital budget of £2,000,000 that has been earmarked for developing SEND provision and this contract award of £39,148.13 is within the budget and planned expenditure. Overall budget spend will be closely monitored as part of the project and overall capital budget monitoring. The new provision at an existing local school is a further advantage. This will allow children to stay in borough, which can save on transport and other revenue costs as well as expanding the schools provision and other advantages. The works need to be complete for the new term in September 2026 and therefore speed of commissioning the work and delivery is key to maximising the benefits.

Capital Implications:

6 students have been allocated places at Brittons Academy SEND Unit to start in September 2026. At this time the available spaces are not suitable for use as SEND facilities, therefore

Non-key Executive Decision

urgent works are required to make the spaces available. Due to the urgent nature of the works, the timescale for procuring under the normal procurement route and the availability of contractors over the busy summer school holiday months, lead to a single supplier being approached who have capability and availability to carry out the works required (namely painting, new carpets, creation of four new rooms, alterations to electrics). Lexden Contracts Ltd returned an appropriate bid for the works, which was benchmarked against other similar projects and recent tender return on another school project. Their rates were deemed in an acceptable range to proceed. Due to the single supplier route, this was agreed with the Procurement team under the scrutiny of GRG review on 9th July 2026.

The contract award is for £39,148.13 excl VAT to be paid from the main project budget (C43600) funded by the High Needs Capital Grant.

Risks

As with most capital schemes, there is a risk that the scheme could overspend due to issues arising during the build process, this risk is mitigated via a contract administration procedure as set out within the JCT Minor Works 2024 (with Amendments) that provides constant monitoring and final cost forecasting. Any issues arising can be funded from the client contingency sum. If costs exceed contingency allocations this will be flagged/escalated at the earliest opportunity through regular capital monitoring processes.

There exists a risk of delays as with any major building project, but this will be mitigated by a scrutinised critical path programme issued to the Contract Administrator and all the shareholders and reviewed against the on-site progress at weekly and ad hoc meetings.

As with all contracts there is a risk to contractor delivery/continued operation.

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;
- (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.

Non-key Executive Decision

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.

EHIA has been carried out and the proposals in this report have been assessed as having a positive impact on groups with a protected characteristic

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

By refurbishing existing spaces within the school buildings, this reduces the impact of the new facility. Spaces will at this point be minimal intervention, due to the speed required of creating the new facility in time for September 2026 opening. Where new finishes are required in this temporary facility, they have been located where they will be retained in the main project to ensure not wasteful in both environmental and financial means.

HEALTH AND WELLBEING IMPLICATIONS AND RISKS

The EQHIA indicates that the impact of this activity will have a positive impact on groups with a protected characteristic.

- No children will be displaced when the SEND unit opens.
- The implementation of the SEND unit would create new job opportunities, positively impacting adults of a working age and supporting the local economy.
- Making appropriate local provision available is positive for children with SEND and for their parents, by meeting increasing demand. Ensuring every child has access to a quality education.

Communities benefit from children and young people having a good education.

BACKGROUND PAPERS

None

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

Details of decision maker

Signed 

Name: Trevor Cook, Assistant Director for Education

Cabinet Portfolio held:

CMT Member title:

Head of Service title

Other manager title:

Date: 24.07.26

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 _____

Non-key Executive Decision