

Special Educational Needs and Disabilities (SEND) Capital Programme: Update and Additional Approvals

Report of the Head of Planning, Transportation and Environment

Please note that the following recommendations are subject to consideration and determination by the Cabinet (and confirmation under the provisions of the Council's Constitution) before taking effect.

Recommendation: that the Cabinet

- (a) Note the progress in the delivery of additional state funded Special School Places in Devon;
- (b) Approves the additional £1.9 million funding to support the revised project cost of £10.7 million for the delivery of the new Okehampton Special School and the rephasing of £800,000 from 2023-24 to 2022-23. The additional £1.9 million is to be funded from external grant which is currently within the 2021/22 Capital Programme and will be phased £280,000 in 2021/22, £1.42 million in 2022/23 and £200,000 in 2023/24;
- (c) Approves a new start project at Ace Tiverton Special School at a total cost of £840,000 subject to Regional School Approval of Significant Change application.

1. Summary

The purpose of the report is to provide Cabinet with an updated position on the delivery of state funded special school places across the County and seek financial approval for an existing project at Okehampton Special School and a new start project at Ace Tiverton.

2. Introduction

In 2020-21, Cabinet approved the Medium-Term Capital Programme (CT/20/05) which included £19m for the provision of additional state funded special school places. The funding was allocated to ensure Devon delivered its statutory responsibilities for Special Education Needs. It also aimed to reduce the funding pressure on the High Needs Block which supports provision for children and young people with special educational needs and disabilities from their early years to age 25.

Projects either recently delivered or currently on site to deliver for September 2022 will increase the Devon Special School estate by an additional 180 places from a base of 1,282.

On 14 October 2020, the Cabinet (PTE/20/26) approved the capital and revenue funding for a new special school in Okehampton for 100 learners with Education Health and Care Plans. Planning permission has been gained and a sponsor, the Dartmoor Multi Academy Trust, has been appointed to run the new school.

In addition, proposals are being developed for 30 additional places at Ace Tiverton, a new free school close to the border of Plymouth, and additional special school places in North Devon.

The delivery of additional Special Education Needs school places is an ongoing challenge for the Council, in terms of finding suitable locations and maintaining a sustainable capital and revenue budget. In addition to the places identified in this report we looking to either build new facilities or expand existing in southern and northern Devon.

3. Proposal

Okehampton Special School

The new school in Okehampton was due to open in September 2022 and a total budget of £8.8m has been approved. However, following detailed analysis of tenders, there is an identified shortfall of funding totalling £1.9m.

The reasons for the shortfall are

- There is an increased risk element within the tender due to the volatility in the market and the requirement to provide a fixed price during an uncertain year ahead.
- Costs have increased due to pent up demand on the construction industry, and this demand outweighing the supply. Another major influence on the cost of materials increase, is the unprecedented demand from the domestic and housebuilding markets.
- There remains a shortage of key skilled labour ranging from delivery drivers to on site trades at a time of high demand across the industry.
- Changes to the developed design has resulted in additional floor area required for the ventilation plant.

Although this is a circa 20% increase in cost from the previous estimate it reflects the current construction market. The advice from our procurement team is to recommend the tender is accepted.

In addition, there has been a delay to the project which is now not expected to be complete until after the Spring half term in February 2023. However, officers continue to work with the Trust to secure temporary accommodation to ensure the school can open in September 2022 as planned.

Ace Tiverton

An opportunity has arisen to purchase a former adult day centre in Tiverton, adjacent to the Ace Tiverton Special school, this is now complete. There is now a need to complete the detailed design and construction necessary to provide a facility which is required for a special school building.

4. Options/Alternatives

Brief details of alternative options considered and rejected

Okehampton Special School:

Do nothing – the scheme will not be progressed, and the additional places will not be available to support the growing demand nor support the plan to reduce High Needs Block funding pressures – Reject.

Retender - the scheme has been tendered with a thorough review of costs and is considered value for money. Retendering is unlikely to see significant savings but will result in further delay and threaten the opening in September 2022 – Reject

Ace Tiverton:

Do nothing – opportunity to secure 30 places at less than £30k per place would be lost. Places would not be available to meet growing demand nor support the High Needs Block – Reject

Expand on existing school site – current school is on a constrained site (former Charlton Lodge Residential Home) and cannot be expanded – Reject

5. Consultations

Devon County Council undertook a consultation in September 2020 to gain views on the new special school at Okehampton, which also informed the specification.

Positive responses were received, particularly relating to having the benefit of more specialist provision in the local area, and the proposals progressed to seeking a sponsor. Following appointment by the Regional Schools Commission of a sponsor it is a requirement under Section 10 of the Academies Act that the sponsor must formally consult with stakeholders and the local community giving details of the project. A requirement of the consultation is that the sponsor should seek views on whether it should enter into a funding agreement for the new school with the Secretary of State. This formal consultation will shortly be undertaken by the sponsor.

Ace Tiverton has submitted a full business case to the Regional Schools Commissioner to make a significant change to an open academy by increasing the number of places to be provided. The business case included performance, local context, financial and funding arrangements, admission arrangements, governance and support by the LA. The business case will also include a consultation with all those affected by the proposed change and will last for 6 weeks, the results of which will be submitted to the Regional Schools Commissioner for approval and is fully supported by the 0-25 Special Needs Team.

6. Financial Considerations

With regard to Okehampton Special School approval is sought to allocate £1.9m funds identified in the Medium-Term Capital Programme for the provision of

additional special school places. To support the revised project cost, approval is sought to rephase £800,000 approved in the 2023-24 School Capital Programme to 2022-23.

With regard to Ace Tiverton, to date, £140,000 has been identified to purchase and commence detailed design for the work to convert to a suitable building. Approval is now sought to allocate £700,000 to complete the construction and fit out to provide an additional 30 places.

Capital – the capital proposals, totalling £2.6m, can be funded from unallocated capital funds for SEND Places (£2.5m) and Basic Need Grant (£0.1m) in the Medium-Term Capital Programme. The proposal requires the rephasing of budget from 2023-24 to 2022-23 totalling £800,000.

The cashflow for these additional allocations is

Project	2021/22 £,000	2022/23 £,000	2023/24 £,000	Total £,000
Okehampton Special School	280	1,420	200	1,900
Ace Tiverton		700		700
Total	280	2,120	200	2,600

Revenue – the revenue to fund the addition places has been identified from the High Needs Block and will support the plan to reduce the deficit on the High Needs Block. The proposals are forecast to reduce the pressure on the high needs block by approximately £4m over a three-year period from September 2022.

7. Legal Considerations

Proposals at Ace Tiverton will require planning permission.

8. Environmental Impact Considerations (Including Climate Change)

The new school has been designed to reduce the energy required for both its construction and its 'in use' energy consumption.

As part of the planning process, consultants were appointed to undertake a study to understand the environmental whole life carbon performance and its findings analysed to support the design of the building.

Measures include

- Materials used in the design have been carefully selected to ensure they are healthy, have low embodied energy and are easy to construct and to maintain. They also have high insulation levels and low air permeability.
- Natural daylighting to reduce artificial lighting demand.

- Energy efficient building services systems have been incorporated, where required, such as Air Source Heat Pumps, low energy lighting etc
- Reduction of water usage by adopting water saving fittings.
- Photovoltaics have been included to offset the remaining energy demand, the extent of which exceed the minimum compliance requirements.
- Ecology habitats and increased biodiversity have been incorporated into the landscape design in particular tree planting which will assist with natural solar shading and improved indoor air quality.
- Two Electric Vehicle (EV) charging points are provided in the car park.

The proposals are intended to support children and young people within their communities and over time see a reduction in home to school transport and travelling time for children and young people.

9. Equality Considerations

Dartmoor Multi Academy Trust sponsoring the new Special School and Ace Tiverton committed to Devon's policies and practices will comply with relevant policies on Admissions, Transport, and Special Educational Needs under the presumption process for new schools and as contained within our Education Infrastructure Plan.

The Impact Assessments relating to the new school at Okehampton and Strategic Pupil Place Planning have been circulated separately to Cabinet Councillors and also available alongside this Report on the Council's website at: <https://new.devon.gov.uk/impact/>, which Councillors will need to consider for the purposes of this item. They support the need for sustainable, high quality provision that maximises accessibility, meets local needs and tackles inequalities for vulnerable pupils. In addition, impact assessments were completed and provided to the Secretary of State to meet his duties under Section 9 of the Academies Act 2010 and under Section 149 of the Equality Act 2010.

Investment in both schools will have a positive equalities impact for pupils requiring more flexible provision which meets local needs and where there has been an increasing demand for this provision. The wide geographical spread of provision within Devon means there remains unmet need for those children who are finding it increasingly difficult to access appropriate provision particularly in these areas.

10. Risk Management Considerations

There are a number of risks relating to the proposals including delays in the programme and increased costs. However, proposals in Okehampton have been developed with a contractor from the Southern Construction Framework and contingency sums sit within both estimates. There has been mitigation against slippage on site, as a result Okehampton Special school will open in temporary accommodation.

Both proposals are subject to a consultative process, but this risk is considered to be low with both proposals already going through a thorough consultation.

11. Public Health Impact

There are no specific considerations relating to Public Health.

12. Reasons for Recommendations

The recommendations in this paper will provide an additional 130 special school places to support increasing numbers of Children and Young People with Education Health and Care plans. The proposals will also support the plan to reduce the calls on the High Needs Block and are an essential part of reducing the funding pressures on the High Needs Block.

Dave Black
Head of Planning, Transportation and Environment

Electoral Divisions: All

Cabinet Member for Children's Services: Councillor Andrew Leadbetter

Local Government Act 1972: List of Background Papers

Contact for Enquiries: Simon Niles

Tel No: 01392 383149 Room: 120 County Hall, Exeter

Background Paper	Date	File Reference
Report on the Revenue Budget 2020 and Medium Term Financial Strategy 2020/21 - 2023/24 and the Capital Strategy 2020/21 - 2024/25	14 February 2020	CT/20/05
New Okehampton Special School: Approval of Capital Funding and Commencement of the Free School Presumption Process	14 October 2020	PTE/20/26

The above mentioned Reports are published on the Council's Website at:
<http://democracy.devon.gov.uk/ieDocHome.aspx?bcr=1>

Special Educational Needs and Disabilities (SEND) Capital Programme: Update and Additional Approvals – Final