



OFFICER DECISION RECORD

This form should be used to record Executive decisions taken by Officers

Decision Ref. No:			
Service Area:	Quality & Commissioning	Date:	9/06/2020
Contact Name:	Neil Goddard	Tel No:	01202 456136
E-mail:	neil.goddard @bcpcouncil.gov.uk		
Subject:	Agreeing additional grant funding for works to create satellite provision at Magna Academy		
<p>Decision taken:</p> <p>Corporate Director</p> <p>Allocating additional grant funding to create additional special school places in BCP's administrative area through a satellite provision [subject to the outcome of a consultation and subsequent consent to the satellite provision].</p> <p>To grant fund the cost of works of up to £250k from ring fenced DfE basic need capital to carry out the necessary works to create an appropriate provision.</p>			
<p>Reasons for the decision:</p> <p>To ensure there are sufficient special school places for children and young people with complex special educational needs and disabilities (SEND).</p> <p>Councils have a statutory duty to ensure that there is a school place available for every child. The Children and Families Act 2014 requires councils to keep the provision for children and young people with SEN and disabilities under review (including its sufficiency).</p> <p>The site was selected following a review and work with local schools to identify potential sites for increases special school places. There are limited opportunities to create additional secondary special school provision.</p>			
<p>Background:</p> <ol style="list-style-type: none"> 1. The number of children and young people assessed as requiring a place at a specialist education provision in the BCP area has increased in recent years. Local provision to meet these needs is of high quality, but capacity has not 			

been expanded sufficiently to meet this additional demand. This is shown through the sufficiency analysis undertaken which included a review of the provision set out in the Local Offer. As a result, increased use has had to be made of local Independent and Non-Maintained special schools which are comparatively expensive and often located outside of the BCP area.

2. The Council has been working with local schools to increase the number of special school places. On the 22 April 2020 Cabinet considered and approved a number of proposals to create additional capacity to meet the assessed educational needs of children and young people in BCP. The approved projects included the creation of a Winchelsea satellite at Magna, at that time the capital costs were estimated to be £20k based on the need to carry out minor works to a base which could be used, and the capital funds were allocated to the project.
3. Cabinet approved on 22/4/20 to allocate capital funding to several projects to create additional special school places, this included creating a Winchelsea satellite at Magna. At that time the capital costs were estimated by the school to be £20k to carry out minor works to a base, as assessed for mainstream pupils, this was relied upon as a site visit was not possible.
4. Since then a detailed scope of works has been developed to reflect the needs of the pupils and establish costs. This has identified that a further £250k capital is required. The proposed building for the satellite is in good repair but is a challenging building and currently does not meet the specific needs of the pupils to be located there. It is a standalone building which has very little daylight and very poor acoustic properties. Externally it requires security and landscape improvements to make it safe for the students. Existing cycle shelters must be relocated to maintain the required numbers for mainstream students. Some works are required in the main school building to enable the satellite students to benefit from mainstream facilities and to mix with their peer groups.
5. It is estimated that 20 places will be created. This would result in an annual cost avoidance to the HNB of £630k (this is based on the typical cost of a local special school places v the typical cost of an independent placement). The places will be for KS3/4 for young people with autistic spectrum condition and learning difficulty needs. Places for this age group and needs were identified as a priority through the sufficiency analysis.
6. The provision will be run as a satellite i.e. it will not require the establishment of a new school. The projected opening for the provision is September 2020.
7. The risk assessment, set out later in this report, explains the primary risks and mitigations. Feasibility for the SEND Capital Programme was agreed though consideration of the 22 April 2020 Cabinet report, which has been used to support the detailed development of this scheme.

Consultations undertaken:

8. We know from regular consultation, engagement and feedback that education provision (quality and sufficiency) is very important to children and young people with SEND and their families. For example, through a Parents and carers survey undertaken in Summer 2019 the feedback received said there was a need for more local specialist provision.
9. The provider is a maintained school, as such it is the responsibility of the LA to consult with the those specified by the DfE in line with the statutory guidance document 'Making significant changes ('prescribed alterations') to maintained schools' October 2018. This consultation started Wednesday 6th May (11:00) and will close on Thursday 11th June 2020 (23:59). A report will go to Cabinet 29/7/20 for a decision.

Finance and Resourcing Implications:

Capital implications

Funding - Works will be funded from Basic Need Grant, these works are above and beyond what has already been approved within the Children's Capital Strategy (May 2020). The impact is that this reduces the amount of grant funding available to fund the longer-term strategy.

Procurement and Project Management – Project Management will be provided by the School Estates Team within Children's. The construction works will be undertaken by the Council's own Construction Works Team.

Dedicated Schools Grant implications

It is estimated that the project will provide 20 special school places, resulting in an annual cost avoidance to the High Needs Block of the ringfenced Dedicated Schools Grant of £630k. This is based on the typical cost of local special school place versus the typical cost of an independent placement.

Name:

Approved by email
See copy attached

Date:

Signature (of Chief Finance Officer):

Legal Implications:

Generally, the Council has a duty to ensure a sufficiency of places in its area under section 14 of the Education Act 1996. The Council must fulfil that duty with a view to securing diversity in the provision of schools and increasing opportunities for parental choice.

Pursuant to Part 3 of the Children and Families Act 2014, the Council also has a duty to identify children who have special educational needs and must (together with its partner commissioning bodies) make arrangements for the education, health and

care provision for any children and young people in the Council's area who have special educational needs and/or who have a disability.

Any decision taken must be based on a proper and considered review of the consultation responses obtained.

In exercising any power or duty, the Council must act for proper purposes, in good faith and must exercise its powers properly. It must also act for proper motives, take into account all relevant considerations, act rationally and balance any risk against the potential reward.

The Council is empowered to enter into a contract for works pursuant to section 1 of the Localism Act 2011 and more specifically pursuant to s111 of the Local Government Act 1972 as ancillary to the exercise of its duties set out in the Education Act 1996 and the Children and Families Act 2014 (as outlined above).

However, in tendering and awarding any contracts for works, the Council must comply with the relevant procurement requirements as set out in the Council's Financial Regulations (and otherwise as per the Public Contracts Regulations 2015 to the extent they may be applicable).

Name:

Approved by email
See copy attached

Date:

Signature (of Monitoring Officer):

HR Implications:

None

Name:

Date:

Risk Assessment:

Risk	Cause	Impact	Gross Risk Rating	Mitigating Actions
The school organisation decision maker does not grant permission for the satellite provision at the BLC	Insufficient business case	Prevent provision from opening	High	Business case already developed by the LA to inform this ODR LA has experience of successfully producing cases for the opening of such provision.

Inability to deliver the programme due to risks to the supply chain, retention of trades persons, constraints of social distancing within work environment.	COVID 19	Extended programme causes admissions delays	High	Project Management will be provided by the School Estates Team within Children's. The construction works will be undertaken by the Council's own Construction Works Team. Both teams have significant experience of successfully delivering such projects and are planning for the impact of Covid.
Programme unachievable	Extremely tight deadline	Pupils unable to attend as scheduled	Medium	Robust project planning and close monitoring of the project by a Project Manager
Rising construction costs	Rising Construction costs due to economic reasons	Pressure on overall capital budget/project unaffordable, or increase above estimated costs	Medium	A 20% contingency is built into the budget to mitigate this risk
Planning permission is required for the works	Delays to works are caused, potential that permission will not be granted		Low	Planning permission is required for the windows, this is low risk and is being progressed.

Name: Neil Goddard

Date: 4/6/20

Signature (of Officer Completing Assessment):

Impact Assessments:

An Equalities Impact Needs Screening and Environmental Impact Checklist were completed. Both resulted in neutral or positive outcomes.

Information for publication / not for publication

It is in the public's interest for this decision record to be published as confirmation of the Council's investment in creating good quality school environments.

Background Papers

None

Any declaration of interest by the Officer responsible for the decision

Nature of Interest

No

N/A

Note: No Officer having a personal financial interest in any matter should take a decision on that matter. Other interests of a non-disqualifying matter should be recorded here.

Any conflict of interest declared by a Cabinet Member who is consulted by the Officer taking the decision

Name of Cabinet Member

Nature of interest

Details of any dispensation granted by the Monitoring Officer

N/A

Decision taken by: (print name and designation)

Signature:

Approved by email
See copy attached

Date of Decision:

Date Decision Effective:

Date of Publication of record of decision: (to be inserted by Democratic Services)

Note: A record of this decision should be kept by the Service Area within which the decision falls.

From: [Claire Webb](#)
To: [Richard Jones](#)
Subject: FW: ODR - Magna
Date: 15 June 2020 12:50:23
Attachments: [FINAL ODR for satellite provision at Magna.docx](#)
[image001.jpg](#)
[image003.jpg](#)

From: Judith Ramsden <judith.ramsden@bcpcouncil.gov.uk>
Sent: 15 June 2020 12:46
To: Claire Webb <claire.webb@bcpcouncil.gov.uk>
Cc: Emma Regenhardt <emma.regenhardt@bcpcouncil.gov.uk>; Neil Goddard <neil.goddard@bcpcouncil.gov.uk>
Subject: RE: ODR - Magna

Dear Claire

I can confirm that as Corporate Director - Children's Services I sign this ODR for additional grant funding for works to create satellite provision at Magna Academy.

Judith Ramsden

From: Claire Webb <claire.webb@bcpcouncil.gov.uk>
Sent: 15 June 2020 11:01
To: Judith Ramsden <judith.ramsden@bcpcouncil.gov.uk>
Cc: Emma Regenhardt <emma.regenhardt@bcpcouncil.gov.uk>; Neil Goddard <neil.goddard@bcpcouncil.gov.uk>
Subject: FW: ODR - Magna

Dear Judith

Please can you 'sign' the attached ODR for Magna capital/special school places by replying to this email confirming that "As Corporate Director - Children's Services I sign this ODR for additional grant funding for works to create satellite provision at Magna Academy". Democratic services have advised that in the absence of a physical signature this will suffice. The ODR will then be published for the public record.

Capital & Transformation Board agreed the ODR 9/6/20, both statutory officer (Anne Brown and Adam Richens) have now also electronically signed the ODR (see audit trail below) and Neil as Service Director has already signed off the ODR

Thanks

Claire

From: Anne Brown <anne.brown@bcpcouncil.gov.uk>
Sent: 15 June 2020 10:47
To: Claire Webb <claire.webb@bcpcouncil.gov.uk>
Cc: Sian Ballingall <sian.ballingall@bcpcouncil.gov.uk>
Subject: RE: ODR - Magna

Hi Claire

I confirm in my role as Monitoring officer that I sign this ODR for additional grant funding for works to create satellite provision at Magna Academy.

Kind Regards

Anne Brown

From: Adam Richens <adam.richens@bcpcouncil.gov.uk>
Sent: 11 June 2020 20:47
To: Claire Webb <claire.webb@bcpcouncil.gov.uk>; Anne Brown <anne.brown@bcpcouncil.gov.uk>
Cc: Sian Ballingall <sian.ballingall@bcpcouncil.gov.uk>; Shirley Haider <shirley.haider@bcpcouncil.gov.uk>; Jo Collis-Heavens <jo.collis-heavens@bcpcouncil.gov.uk>
Subject: RE: ODR - Magna

Dear All

In my role as Chief Finance Officer I sign this ODR for additional grant funding for works to create satellite provision at Magna Academy.

Regards

Adam

Adam Richens
Chief Finance Officer and Director of Finance
T. 01202 633183/01202 451137
M. 07788 381418
adam.richens@bcpcouncil.gov.uk

From: Claire Webb <claire.webb@bcpcouncil.gov.uk>

Sent: 11 June 2020 17:44

To: Adam Richens <adam.richens@bcpcouncil.gov.uk>; Anne Brown <anne.brown@bcpcouncil.gov.uk>

Cc: Sian Ballingall <sian.ballingall@bcpcouncil.gov.uk>; Shirley Haider <shirley.haider@bcpcouncil.gov.uk>; Jo Collis-Heavens <jo.collis-heavens@bcpcouncil.gov.uk>

Subject: ODR - Magna

Dear Adam and Anne, please find attached the ODR for the decision re capital for the Magna project, this was agreed at CTB 9/6/20

I've been advised by colleagues in democratic services that in the absence of a physical signature that an electronic sign off with audit trail is fine, but that sign off from yourselves needs to be clearly in your capacity statutory officers. As this wasn't explicit in the minutes from CTB please can you reply to this email confirming that "In my role as Chief Finance Officer/Monitoring Officer I sign this ODR for additional grant funding for works to create satellite provision at Magna Academy."

I will then submit this to Judith to record her sign off, and submit to democratic services for publication

Thanks

Claire

Claire Webb
Senior Policy Officer
Children's Quality & Commissioning
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claire.webb@bcpcouncil.gov.uk
bcpcouncil.gov.uk

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