

Council Report

Cabinet and Commissioners' Decision Making Meeting – 11 July 2016

Title

Property Lease for the Aspire Pupil Referral Unit (PRU)

Is this a Key Decision and has it been included on the Forward Plan?

Yes

Strategic Director Approving Submission of the Report

Damien Wilson, Strategic Director, Regeneration and Environment.

Report Author(s)

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Ward(s) Affected

Rotherham East
Brinsworth and Catcliffe

Executive Summary

The purpose of this report is to seek approval for the Council to take on a new lease of the premises at Hutton Park Vocational Centre, Eastwood Trading Estate to enable the transfer of Aspire secondary PRU (Pupil Referral Unit) from their existing premises at Catcliffe.

Recommendations

1.1 The Commissioner is asked to agree:-

- a) The proposal of a new lease to Rotherham Borough Council to allow transfer of the PRU from the Catcliffe site.
- b) That the Assistant Director of Planning, Regeneration and Transport negotiates terms of the lease with the Landlord of Hutton Park.
- c) That the Assistant Director of Legal Services completes the necessary documentation following the outcome of the consultation exercise related to the Department of Education Guidance (April 2016) and negotiation of the lease.

List of Appendices Included

Appendix 1 – Site Plan

Appendix 2 – Location Plan

Background Papers

None

Consideration by any other Council Committee, Scrutiny or Advisory Panel

This report has not been considered by any other committee, scrutiny or advisory panel.

Council Approval Required

No

Exempt from the Press and Public

No

Title (Main Report)

Property Lease for the Aspire Pupil Referral Unit (PRU)

1. Recommendations

1.1 The Commissioner is asked to agree:-

- a) The proposal of a new lease to Rotherham Borough Council to allow transfer of the PRU from the Catcliffe site.
- b) That the Assistant Director of Planning, Regeneration and Transport negotiates terms of the lease with the Landlord of Hutton Park.
- c) That the Assistant Director of Legal Services completes the necessary documentation following the outcome of the consultation exercise related to the Department of Education Guidance (April 2016) and negotiation of the lease.

2. Background

- 2.1 Catcliffe Primary School shares a site with a Children's Centre, which houses local Early Help services and a private pre-school unit and two Aspire - PRU buildings.
- 2.2 It has been identified that the secondary PRU on the Catcliffe Primary School site is causing some friction in the local community due to its locality adjacent to the primary school. This is presenting management and safeguarding issues for the staff at both schools.
- 2.3 Children and Young Peoples Service (CYPS) have identified a requirement to develop Aspire: Rotherham's PRU (Pupil Referral Unit) provision. One of the remits is to develop vocational PRU centres.
- 2.4 Aspire have identified an alternative unit where pupils from the Catcliffe PRU could be transferred to, which is the Hutton Park Vocational Centre, as identified at Appendix 1 & 2. There are a number of units at Hutton Park, namely Units 6, 7, 8, 9 & 12 which are currently being leased by Oakwood Academy. The Academy lease these units on a full repairing and insurance agreement and although the lease to Oakwood Academy is not due to expire until 18 September 2018, the Academy are now wanting to transfer their vocational training back to their main site, now that it has been re-developed.
- 2.5 The landlord of Hutton Park has agreed, in principle, that they would be willing to surrender the existing lease to Oakwood Academy if a back to back agreement can be made with Rotherham MBC for the Aspire service. The landlord will agree to a 10 year lease with a break clause at the end of year 5. The landlord would also be willing to consider offering an additional unit (Unit 10) although this would be at a higher overall rent. However if Aspire wished to take on the additional unit, the landlord would further agree to an initial three month half rent period, should this unit be required.

3. Key Issues

- 3.1 The Catcliffe site, shared with a Primary School is unsuitable for secondary aged pupils.
- 3.2 The Hutton Park site is an excellent facility that will soon become vacant unless an alternative use is found for it. It is also on the main bus route and will allow for independent travel of young people.
- 3.3 The investment in Hutton Park is part of a wider strategy to improve the provision made across the Borough for children with Social Emotional and Mental Health Needs as a long term 'invest to save' programme within the Borough. Currently exclusion rates and numbers of pupils being educated out of authority have been rising resulting in the overspend on the High Needs Budget of Dedicated Schools Grant which is nationally underfunded. This funding is currently under national consultation for review and a new formula will be in place by March 2017. By creating a more suitable environment for young people and working in closer partnership with schools the Council aims to reduce exclusions and reduce out of authority placements so impacting on future spending and hoping to 'bring back' children where their provision can be met within Rotherham. Currently 37 children are placed outside Rotherham, with needs identified as Social Emotional and Mental Health (SEMH), at a cost of approximately £1.9m to the High Needs budget. It should also be noted that there is a high level of parental pressure to move the site from Catcliffe and there is a risk of further additional costs incurred through developing an alternative site should Hutton not be agreed. The average annual out of authority placement for children with this kind of need are £50-60k per child.

4. Options considered and recommended proposal

- 4.1 It is recommended that the Council acquires a lease for the Hutton Park Vocational Centre to allow the Aspire PRU to move from Catcliffe with effect from the new academic year in September 2016. It is considered that Hutton Park site provides the best option.
- 4.2 Two alternative sites were also considered:-
 - a) RCAT Dinnington Campus is felt to be too close to the Secondary school and pupils would be tempted to leave site. It is also not on a major bus route so more difficult to travel to for young people who are challenging to engage.
 - b) Treeton Youth Centre was also considered but is even more challenging around transport and is now to be retained as an Early Help locality base.

By comparison Hutton is on a main bus route, is not adjacent to any other School and has already been fitted out as a vocational training centre by Oakwood School. Making the Hutton Park Vocational Centre the preferred option for this provision.

5. Consultation

- 5.1 The CYPS Inclusion Team, Catcliffe Primary School and the Aspire service began on the 16th June a specific written consultation over a 4 week period, with the relevant interested parties including parents of young people at Catcliffe PRU site and Catcliffe Primary School, Ward Members and other key stakeholders. The outcome of the consultation and any concerns raised will be considered and addressed.
- 5.2 The report was presented to the Strategic Capital Investment Group on the 11th May 2016 and it was agreed that the approval should be sought including Cabinet.

6. Timetable and Accountability for Implementing this Decision

- 6.1 A new lease for Hutton Park will need to be in place in order to allow access to Aspire pupils by September 2016. Taking on the new lease will require the approval of Commissioner Kenny and the terms of the lease will be negotiated by the Estates Team, within the Regeneration and Environment Directorate.

7. Financial and Procurement Implications

- 7.1 On the basis that Aspire enters into a lease for the Hutton Park Vocational Centre, the following annual costs are anticipated in respect of the property:

	£
Rental of Units 6, 7, 8, 9 & 12	42,000
Additional Rental of Unit 10	8,000
Total Lease Costs	50,000
<u>Other Premises Costs</u>	
Business rates and grounds maintenance	15,000
Utilities	8,000
Virgin Broadband	7,500
Cleaning	5,000
Total Other Premises Costs	£35,500
Total Costs	£85,500

- 7.2 The contents of the building which include machinery, equipment, tools and specialist adapted environments will be the subject of a separate minimal one off payment to Oakwood School.

- 7.3 From the date the lease is assigned, the estimated lease costs (£50,000 in a full year) will be met from Dedicated Schools Grant (DSG) – High Needs Block during the financial year 2016/17. Members need to be aware that the High Needs Block Budget has annually been under significant financial pressure and this picture is expected to continue during 2016/17. In previous years this pressure has been partially mitigated from the DSG – Schools & Early Years' Blocks. A contribution has already been made from the Schools Block into the High Needs Block in 2016/17. Including this contribution, there is still a predicted deficit of £2.8 million for the end of 2016/17.
- 7.4 Taking on this lease is part of the wider Social Emotional and Mental Health (SEMH) Needs Strategy to improve and increase provision within Rotherham and should help facilitate a reduction in the numbers of young people currently accessing education outside the Borough. The current average cost of one SEMH out of authority placement is £50k to £60k per year, therefore, longer-term savings should be achievable for every child that is able to be brought back into Rotherham to be educated.
- 7.5 In future years' the cost of the lease will be included in the total place funding assigned to each child attending Aspire.
- 7.6 In addition, a number of building adaptations will be required to be funded by the Council's CYPS Capital programme. An indicative allocation of £500,000 has been made in the CYPS Capital Programme 2016-2018, approved at the Cabinet/Commissioners Decision Making Meeting of the 11th April 2016, to support Aspire/PRU transformation projects. It is proposed that this £500,000 allocation will be funded through a combination of Department for Education Basic Need grant allocations and Section 106 allocations. Corporate Property Unit will work with Aspire and the Landlord to identify the scope and cost of these works and a further report will follow seeking approval for the individual projects.

8. Legal Implications

- 8.1 The Council has a statutory duty to deliver appropriate provision for pupils who have been permanently excluded from school and has commissioned Aspire to deliver full time education for this group. The proposed new arrangements will continue to ensure that statutory requirements are met in a suitable and aspirational environment.
- 8.2 The Department for Education guidance (April 2016) on making prescribed alterations to maintained schools does not specifically apply to pupil referral units. However, the guidance makes it clear that the Council must nevertheless adhere to the usual principles of public law by acting rationally and following a fair procedure. The Department for Education expects the Council will ensure there is open and fair consultation with parents and other interested parties to gauge demand for the proposed changes and to provide them with sufficient opportunity to give their views, before a final decision is made on the proposed changes.

9. Human Resources Implications

- 9.1 None. Existing PRU staff will transfer from the Current PRU at Catcliffe to the new proposed premises.

10. Implications for Children and Young People and Vulnerable Adults

- 10.1 The changes will result in an improved offer to vulnerable groups in Rotherham.

11 Equalities and Human Rights Implications

- 11.1 The Council, through CYPS, will undertake an Equalities Impact Assessment and consider the outcomes of the consultation, before a final decision is made on the proposals. It will use its Best Endeavours to ensure that the need to improve arrangements for young people with special educational needs and social, emotional and mental health needs will be done in accordance with the Children and Families Act 2014.

12. Implications for Partners and Other Directorates

- 12.1 None identified.

13. Risks and Mitigation

- 13.1 Remaining at the Catcliffe site has attracted adverse publicity for the schools concerned and the Council. Parents have formed a lobby group to request the removal of secondary aged pupils from the primary school site. The mixture of pupils at this site is not desirable and proposals to find alternative provision would mitigate against any risk.

14. Accountable Officer(s)

Damien Wilson, Strategic Director, Regeneration and Environment
Paul Woodcock, Assistant Director of Planning, Regeneration and Transport

Approvals Obtained from:-

Strategic Director of Finance and Corporate Services:- Jon Baggaley, Finance Manager, Regeneration & Environment and Capital, 6th May 2016 and 20th May 2016

Assistant Director of Legal Services:- Neil Concannon, 6th May 2016

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