

Cabinet – 23 November 2020

Report Title

SEND Sufficiency Development Phase 3

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

No

Strategic Director Approving Submission of the Report

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Ward(s) Affected

All wards

Report Summary

This report outlines proposals to address current and future Special Education Needs and Disability (SEND) sufficiency issues that have been highlighted by SEND data and identified in the Rotherham SEND Sufficiency and Social Emotional Mental Health Strategies.

Rotherham currently has two key issues in relation to sufficiency of education for children with special education needs and disabilities that need to be addressed.

1. There is a lack of designated social, emotional and mental health (SEMH) educational provision.
2. Newman Special School building needs extensive work in order to bring it to the required standard to effectively deliver education for children and young people with disabilities.

A strategic options appraisal outlines four different approaches to respond to the issues identified and deliver the required outcomes for Rotherham's children and young people. The four approaches are new build, re-purpose of existing educational buildings, purchase new buildings or do nothing.

More detail is provided on the proposed option including the benefits to children and young people, capital, revenue and cost avoidance implications.

Recommendations

1. That the proposal to develop a SEMH Educational provision and re-build Newman Upper School, as required to deliver both Rotherham SEND Sufficiency and Social Emotional Mental Health Strategies, is approved.
2. That Cabinet approves the acquisition of Dinnington College Block A, B, C and D within the outlined red line boundary as detailed in the report at or below the value within the exempt Appendix.
3. That the Assistant Director of Planning, Regeneration and Transport negotiates the terms of the acquisition and that the Assistant Director of Legal Services completes the necessary documentation.
4. That Cabinet gives approval to enter into a free school presumption process in relation to SEMH educational provision.

List of Appendices Included

Appendix 1 Initial Equality Screening Assessment
Appendix 2 Red Line proposed site

Exempt Appendices

Appendix 3 Financial background
Appendix 4 Independent valuation

Background Papers

SEND Code of Practice 2015
High Needs Budget Recovery Plan
Sufficiency Strategy and Data
Rotherham SEMH Strategy

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

Yes or No?

Exempt from the Press and Public

Yes or No? If yes, use text below.

An exemption is sought for appendix 2 and 3 under Paragraph 3 (Information relating to the financial or business affairs of any particular person (including the authority holding that information)) of Part I of Schedule 12A of the Local Government Act 1972 is requested, as this report contains commercially sensitive information

It is considered that the public interest in maintaining the exemption would outweigh the public interest in disclosing the information because the commercial sensitive could impact on the Council's ability to purchase the required land and property to deliver the reports proposal

SEN Sufficiency Development Phase 3

1.	Background
1.1	<p>Rotherham Council is ambitious and wants to achieve good outcomes for children and young people particularly those with special education needs and disabilities. The newly published Special Education Needs and Disability (SEND) Strategy details Rotherham’s four over-arching strategic outcomes for children and young people with SEND which are:</p> <p>Wellbeing: All children and young people in Rotherham with SEND to enjoy good physical and mental health.</p> <p>Preparation for adulthood: All young people in Rotherham with SEND are well prepared and supported to exercise choice and control that enable them to enjoy fulfilling lives.</p> <p>CYP and parents voice: All Children and Young People in Rotherham with SEND and their families have their voices heard and this makes a difference to their experiences and outcomes.</p> <p>Whole child progress: All children and young people in Rotherham with SEND have positive opportunities to make progress in a person-centred way.</p> <p>Rotherham’s SEND strategy was produced in partnership with parent, carers and Children with SEND at a co-produced Voices Day held in November 2019. The strategy includes a focus on the concerns of families and children to ensure that the needs of children and young people with social, emotional and mental health issues are met.</p> <p>Social, emotional and mental health (SEMH) issues can include a diagnosis of ADHD, attachment issues, a diagnosed mental illness such as depression or anxiety and sometimes includes mental health issues experienced by young people with autism spectrum conditions.</p> <p>Accordingly, there is a Rotherham SEMH strategy in place to address these needs and one of the strategic actions within the SEMH Strategy is to address education sufficiency needs for children with SEMH as at present Rotherham has no designated provision to meet the needs of children who need to attend a specialist SEMH School.</p> <p>Currently requests for Education, Health and Care Plans (EHCP) for children with SEMH needs comprises 47% of all current requests for assessment. In numbers this equates to 290 children being assessed for this education need within the last 18 months (January 2019-June 2020). It is evident that this is an increased and ongoing demand for specialist SEMH education provision.</p> <p>At present children and young people with SEMH needs are placed in Pupil Referral Units (PRU), placed Out of Area (OOA) in private special schools or a very small cohort attend neighbouring Local Authority SEMH schools in Sheffield and Barnsley.</p>

	<p>There is a commitment to achieve standards of good practice for SEND and ensure children and young people are placed in the right provision, in the Borough. In order to achieve this, an alternative approach is needed for children and young people with SEMH needs.</p> <p>Rotherham SEND sufficiency data also suggests that there is an ongoing demand for special school places at Newman School which specialises in provision for children with a range of learning difficulties and particularly those with complex medical needs. However, Newman School, which remains a Local Authority maintained school, has fallen into disrepair and is not currently offering an education environment that is suitable for disabled children with complex needs and it is of importance that the Local Authority invests in this provision, both to maintain its standards as an Ofsted recognised 'Good' school for children with disabilities and complex needs, and in recognition that Rotherham Council values and invests in its most vulnerable children.</p> <p>Finally, analysis of sufficiency data demonstrates that there are a growing number of children aged 16+ with special education needs and Rotherham needs to increase the breadth of its offer for these young people, offering a high quality range of provision to meet both education aspiration, life skills and the need to prepare young people for the world of work, an aspiration which was articulated by children, young people, parents and carers throughout the Voices Day in 2019.</p>
1.2	<p>Rotherham has had two previous SEN Sufficiency phases thus far and it is expected that there will be further phases of development to continue to match population growth with high quality education provision designed to meet the needs of local children and young people.</p> <p>In 2018 phase one of the SEN (Special Educational Needs) Sufficiency programme focused on increasing special school places in the Borough as indicated by the rapid growth in demand for all specialist provision. These plans led to increases in places at The Willows School (including post-16 provision), Kelford School and Abbey School.</p> <p>The second phase of SEN Sufficiency focused on the need for more targeted provision for children with Autism Spectrum Disorder (ASD) and led to the development of new units at Wales School, Wath Victoria School and increased places at Milton School. There was also investment identified for post-16 provision at Thomas Rotherham College. As a consequence of this investment Rotherham has been better able to meet the needs of local children with autism and to place them in local schools.</p> <p>The monies for Phase 1 and 2 came from a combination of additional SEND capital funding made available by the Government and an allocation from the existing schools capital budget. In total the allocated budget for these projects was £2,524,000 and 211 places were created.</p>

	<p>The Cabinet report submitted to support Phase 1 (May 2018) suggests that in year 3 funds would be allocated to support sub-regional commissioning of a SEMH provision.</p> <p>Analysis of current data indicates that the number of children and young people with a designated SEMH need requires a distinct provision just for Rotherham. A regional approach would not provide the required capacity and could involve compromise in specification and delivery timescales due to working in partnership with neighbouring Local Authorities.</p> <p>In summary, the opportunity presented is to support children and young people with SEND to achieve improved outcomes through the development of new, modern, and well-designed provision on the Dinnington site which have sufficient space and resources to meet the needs of the children who will attend there . The buildings will provide the opportunity to open a new special school that is dedicated to educating children and young people with Social Emotional and Mental Health needs, and providing safe, modern and well-planned new buildings for children and young people who attend Newman Special School. The upper school at Newman would move to the Dinnington site, providing the space required to do the required capital works on the main school site.</p>
1.3	<p>In addition to capital investment Rotherham is undergoing a period of rapid transformation in relation to SEND services, this includes a review of Rotherham’s alternative provision arrangements. The scope of this work includes the pathways and governance relating to this provision. There has also been a significant piece of work, led by Rotherham Clinical Commissioning Group (CCG), to reduce waiting times for assessment for Autism and align the pathway with SEND Services. Rotherham CCG has also developed and implemented the mental health trailblazer. All aspects are captured as workstreams in the SEMH Strategy.</p>
1.4	<p>The main sources of capital are from Capital Maintenance and Basic Need allocations.</p> <p>The Department of Education have already informed Local Authorities that there will be no School Capacity and Planning (SCAP) return to Department of Education (DfE) in 2020. As the SCAP submission is used by DfE to analyse basic need growth and to calculate the basic need allocation for 22/23 it is unclear how this funding will be determined.</p>
1.5	<p>An estates review has been completed on the following SEN Buildings; Newman School, Aspire - Hutton Park, Herringthorpe, Red Barn, St Mary’s Rawmarsh and the Rowan Centre.</p> <p>This review has included current numbers, capacity against DfE guidance, condition surveys, current accommodation costs, proposed future works, valuations and opportunities for displacement, re-purposing and capital receipts.</p>

	This review has had contributions from the Rotherham Metropolitan Borough Council (RMBC) Asset Management Team and an external SEN Estate Management Specialist.
2.	Key Issues
2.1	<p>Rotherham currently has two key issues in relation to sufficiency of education for children with special education needs and disabilities that need to be addressed as part of SEN Sufficiency Development Phase 3.</p> <p><i>Issue one – Lack of social, emotional and mental health (SEMH) provision</i></p> <p>The first issue is the lack of dedicated educational provision for children with social, emotional and mental health needs (SEMH). At present children in Rotherham with SEMH needs either attend Rotherham PRU provision at Aspire or Rowan. These provisions can meet need but have physical limitations in terms of building capacity, (both Aspire and Rowan lack suitable accommodation). Children who do not attend Aspire or Rowan are sent out of area to high cost provision.</p> <p>Children and Young People’s Services are currently completing a review of alternative provision and proposing a sustainable model to meet need. The review has already identified that the conflation of specialist provision for children with social, emotional and mental health difficulties within Rotherham’s pupil referral units is problematic. Rotherham is a national outlier in its use of pupil referral unit provision to meet the needs of children who require specialist SEMH placements and a sustainable solution needs to be sought as this does not represent good practice according to regulators.</p> <p>The review has identified a need to separate the delivery of alternative provision at a pupil referral unit and the delivery of education to children who have SEMH needs. As there is no existing provision to meet specialist placement requirements for children with social, emotional and mental health difficulties this remains a significant gap in Rotherham’s SEN sufficiency and without local provision it is possible that, based on the recommendations of the review, Rotherham will have to utilise increased out of area provision for children with these needs.</p> <p>If the Council can identify options to deliver local provision for children with SEMH needs it will enable an agile and credible response to the emerging findings from the review.</p> <p><i>Issue two – Newman Special School Building</i></p> <p>The second issue is that Newman School, Rotherham’s oldest special school, is sited in a building which is no longer of the required standard to effectively deliver education for children and young people with disabilities.</p> <p>Children & Young People’s Services (CYPS) and Regeneration & Environment (R&E) services in Rotherham have completed a condition</p>

	<p>survey of Newman School which has recommended extensive repairs to the existing property or a significant rebuilding programme. The rebuilding programme would necessarily involve educating children off-site in order to free up parts of the school to be rebuilt. A full rebuild of the school would require the identification of an alternative site.</p>
2.2	<p>SEN Sufficiency Phase 3 will seek to ensure the following outcomes are delivered for children and young people with SEN needs.</p> <ul style="list-style-type: none"> – Children and young people with SEMH needs as identified in their Education Health and Care Plans are provided with designated SEMH educational provision in Rotherham. – Reduction in children and young people placed out of area in independent educational provision, due to the availability of specialist SEMH provision in borough. – Reduction in children and young people being placed in undesignated and inappropriate PRU provision to meet SEMH need. – A range and mix of specialist SEN educational provision that better meets current and future needs as identified by SEN data. – Children and young people with learning difficulties and complex health needs are educated in learning spaces and school buildings that are fit for purpose.
2.3	<p>There are a number options that could address the issues and deliver the outcomes detailed above these include:</p> <ul style="list-style-type: none"> – New build of SEMH school and rebuild of Newman School. – Re-purpose existing RMBC educational buildings. – Purchase new buildings to provide SEMH school and support the incremental rebuild of Newman School. – Do nothing to either PRU provision or the rebuilding of Newman School.
2.4	<p>RNN Group have confirmed that they will cease providing education from their Dinnington College site in Rotherham. This provides RMBC with an opportunity to consider the purchase of some of their buildings in order to respond to current SEND sufficiency issues.</p> <p>An initial expression of interest in these buildings has been submitted to RNN Group from RMBC and regular and detailed discussions have taken place in order to consider the potential and feasibility of this opportunity.</p> <p>This opportunity will be explored as part of the wider options appraisal.</p>
3.	Options considered and recommended proposal
	<i>Strategic Options Appraisal</i>
3.1	New Build
3.1.1	<i>SEMH School</i>

3.1.2	<p>(+)</p> <ul style="list-style-type: none"> - A new building can be built and delivered to meet Rotherham's specific specifications and requirements. - Rotherham would have new purpose-built provision for the education of children and young people with SEMH needs. <p>(-)</p> <ul style="list-style-type: none"> - Cost of a new build SEMH provision according to DfE and Local Authority data as identified in The Education Building Design Officers Group (EBDOG) report is likely to be between £8-10m. This includes fees, abnormalities and prelims. - The costs above exclude the cost of the site, developmental costs and enabling works. - The timescale for the delivery and operationalisation of a new build are likely to be at least 24 months. - There is not a site readily available to build this new provision. <p><i>Newman School</i></p> <p>(+)</p> <ul style="list-style-type: none"> - A new building can be built and delivered to meet Rotherham's specific specifications and requirements. - Rotherham would have new purpose-built provision for the education of children and young people with learning difficulties and complex health needs. <p>(-)</p> <ul style="list-style-type: none"> - Cost of a new build SEN school provision according to DfE and Local Authority data as identified in The Education Building Design Officers Group (EBDOG) report is likely to be between £10-12m. This includes fees, abnormalities and prelims. This is higher than an SEMH school due to increased floor area and specialist provision required. - The costs above exclude the cost of the site, developmental costs and enabling works. - The timescale for the delivery and operationalisation of a new build are likely to be at least 24 months. - There is not a site readily available to build this new provision. - A hydro-therapy pool was built on the Newman site with investment from the DfE in 2019. If this was no longer used due to a new site being identified for Newman School, this investment funding could be clawed back by DfE from RMBC.
3.2	Re purpose
3.2.1	<i>Re configuration of PRU buildings</i>
	<p>(+)</p> <ul style="list-style-type: none"> - Existing PRU buildings could be re-configured to provide PRU and SEMH educational provision. This would provide an efficiency use of existing resource with minimal adaptation and re development costs. <p>(-)</p>

3.2.2	<ul style="list-style-type: none"> - External SEN Estate management specialists have identified through their review of PRU buildings that no one building is big enough to provide SEMH educational provision in line with DfE guidelines. - If all buildings were used together as a multiple split site provision, this would have the required total Gross Internal Floor Area (GIFA) but significant work would need to be undertaken to ensure that the required breakdown of large and small teaching spaces were provided in line with DfE guidance. - The majority of existing PRU buildings are not purpose built educational or PRU buildings and do not currently meet the required specification. - Condition surveys have identified that some of the buildings are in a poor state of repair. - The use of multiple small sites to deliver SEN provision, whilst has benefits of managing small groups of children with complex behaviour, it is not the most efficient or effective use of staff and leadership resource. - DfE guidance on making significant changes to maintained schools including SEN provisions and designations indicates that it is not possible to 're designate' a PRU as a SEMH special school. <p><i>Other RMBC school buildings available</i> (-)</p> <ul style="list-style-type: none"> - The Strategic Asset Management team have reviewed existing RMBC educational and non-educational buildings and have identified no buildings with the required internal and external space, specification and condition that could be adapted and re developed to address the SEN sufficiency issues.
3.3	<p>Purchase</p> <p>3.3.1 <i>Open market</i> (-)</p> <ul style="list-style-type: none"> - The Strategic Asset Management team have also reviewed the open market and there are no current buildings available with the required internal and external space to address the sufficiency issues. - The District Valuer as part of the valuation of the Dinnington College site attempted to benchmark against existing or similar buildings currently or previously on the open market across the South Yorkshire region. The Valuer struggled to identify comparable buildings and used office and industrial properties for the benchmarking purposes. <p>3.3.2 <i>Dinnington College</i> (+)</p> <ul style="list-style-type: none"> - RNN Group are ceasing education delivery from the Dinnington college site. This provides RMBC with the opportunity to purchase existing and modern educational buildings which require minimal adaptation to enable them to respond to the identified SEN sufficiency issues. - A red line site map has been drawn and agreed with RNN Group which will ensure only the required internal and external space is acquired by RMBC.

	<ul style="list-style-type: none"> - The repurposing of the college buildings will ensure education continues to be delivered from a site, buildings and community that has offered this for 92 years. - Following purchase and minimal adaptations the buildings can be brought into operation to deliver SEN education in a relatively short period of time. <p>(-)</p> <ul style="list-style-type: none"> - The acquisition of Dinnington College buildings would require a RMBC capital investment and additional development costs to ensure the building were able to meet the needs of the specific cohorts of children and young people. - The location of the provision in the borough could present accessibility issues to children and young people. However young people from Newman school are currently accessing offsite provision at Independence House, a short distance from Dinnington College. Transport would be provided for children and young people at SEMH provision, as is currently the case.
3.4	Do Nothing
3.4.1	<p><i>PRUs maintained and no designated SEMH provision</i></p> <p>(+)</p> <ul style="list-style-type: none"> - Doing nothing would require no significant capital investment. <p>(-)</p> <ul style="list-style-type: none"> - The placing of children and young people with identified SEMH needs in PRU provision represents a significant Ofsted inspection risk. - If no designated SEMH provision is available in borough, parent/carers will continue to identify and choose Out of Area educational provision for their children, at a high cost to RMBC. - Without a designated SEMH provision Rotherham Council cannot make representation to a Tribunal or dispute resolution hearing to direct a child to attend local provision. - Works totalling £577k have been identified through Condition Surveys that would need to be completed on the PRU buildings within the next twelve months, plus additional capital improvements of £150k also earmarked for the existing PRU's, total £727k.
3.4.2	<p><i>Newman school critical maintenance completed but no re-build</i></p> <p>(+)</p> <ul style="list-style-type: none"> - Doing nothing would require no significant capital investment. <p>(-)</p> <ul style="list-style-type: none"> - A Condition survey has identified that works totalling £456k are required within the next 12 months. This relates to safe, dry and warm works and does not address any of the significant building related challenges that mean the building is not fit for purpose. - The above critical works cannot be completed in school holidays and with all the school in situ. A proportion of the children would need to be de-canted in order for the works to safely take place.

	<ul style="list-style-type: none"> - If alternative provision for the de-cant cannot be identified (eg Dinnington) then modular classrooms would need to be provided on site at a cost of £303k. These costs includes enabling works, services, foundations, 12 month rental of 3 classrooms and removal. - If only critical works are completed at Newman School, this is just postponing the inevitable re-build / re development that is required long term. - If no re-build or redevelopment works are completed at Newman the health and safety risk is not addressed of providing education to vulnerable children and young people in a building not fit for purpose.
3.5	<p><i>Recommended option</i></p> <p>The recommended option is (3.3.2) to purchase Dinnington College, specifically the red line site identified in appendix B which incorporates Block A, C, B and D at Dinnington College.</p> <p>Block A would be adapted to provide a primary and secondary designated SEMH educational provision for up to 125 children and young people, under the DfE Academy / Free school presumption process.</p> <p>Block C and D adapted to provide Upper school provision for c40 young people from Newman School.</p> <p>Block B to be demolished and adapted to provide (along with other outdoor space) the required soft and hard play area for the 2 educational provisions above.</p> <p>A managed transfer of children and young people with SEMH needs from PRUs into the new SEMH provision. This transition will enable the rationalisation (and the associated cost saving) of the PRU provision from 6 buildings to 1.</p> <p>Transfer of the upper school provision from Newman site to Dinnington College. This will enable the works to be completed at Newman school whilst remaining operational for the remaining children and young people. Proposals to consult under the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, would be required to make the Dinnington site a permanent annex of Newman School.</p> <p>Planned works to Newman School include the demolition of the upper school block 947m2 and rebuild to the same specification and gross internal floor area (GIFA)..</p>
3.6	<p><i>Rationale</i></p> <p>This recommended option would enable:-</p>

	<ul style="list-style-type: none"> – Children and young people with SEMH needs to be placed in a designated provision, in line with their Education, Health and Care plan. – Reduce the operational and inspection risk of having children place in appropriate educational provision. – RMBC to develop the new SEMH relatively quickly with minimal adaptation costs. – The cost avoidance of not building a new SEMH school. – A partial re-build of Newman School enables an incremental re development of the buildings. This avoids critical maintenance works being completed on poor standard buildings that deliver no long-term solution. – The cost avoidance of a complete rebuild of Newman School. – Options can be presented on the redevelopment of Newman Lower School. However, this building capacity may not be needed if Newman Upper School stay at Dinnington long term. – Increase of SEN sufficiency around SEMH in line the projected sufficiency data. – Combining the SEMH provision currently operating separately at Rowan and Aspire will create efficiencies in terms of staffing and site costs.
3.7	<p><i>Free school application process</i></p> <p>Any new school proposal must be developed under the DfE free school presumption process. The Local Authority has recent previous experience of this process with the establishment of Eastwood Village Primary School and Waverley Junior Academy.</p> <p>The process requires formal notification to DfE and proposals to be drawn up in the form of a prospectus outlining the need for the new school and context. The prospectus and accompanying submission form invites potential sponsors to formally return the submission as part of the sponsor application process.</p> <p>Working in partnership with DfE, a panel representing a range of stakeholders is formed to assess the sponsor submissions and shortlist potential sponsors.</p> <p>Potential sponsors are then invited to deliver a presentation to the panel, followed by a series of pre-determined questions focusing on key elements and aspects of the proposals.</p> <p>Panel Members will then grade the applicants individually and following deliberations agree a preferred sponsor. The Panels preferred sponsor option will be recommended to the Regional Schools Commissioner.</p> <p>Once the preferred sponsor is confirmed and ratified by the Regional Schools Commissioner and Department for Education (DfE), partnership working with the Local Authority can be established from the outset of the project in relation to the establishment of the new school.</p>
3.8	<p><i>Costing</i></p>

3.8.1	<p>Dinnington and Newman programme costs can be achieved within the CYPS capital budget across 20/21 and 21/22.</p> <p>A summary of the costs of the recommended option is contained exempt appendix 3.</p> <p>The land and buildings required as outlined in the red line plan Appendix 1 has been independently valued by the District Valuer and the report is contained in exempt Appendix 3.</p>
3.8.2	<p><i>Revenue</i></p> <p>It is estimated based on figures provided by RNN estate department that the building running costs for Block A, C and D will be £391,970 per year.</p> <p>The savings from building running costs for the PRU buildings that would be rationalised will be £328,554 per year.</p> <p>Revenue difference funded through Dedicated Schools Grant (DSG) relating to building and accommodation costs is £63,416</p>
3.8.3	<p><i>Cost avoidance - short term</i></p> <p>Condition surveys have been completed on all the PRU buildings that potentially would be rationalised. The cost avoided from not completing the critical and planned works required on these buildings is £727k. If you add in that only £105k of the critical works (£456k) are required by partially rebuilding Newman (£351k) and the avoidance of modular classrooms (£303k) this equates to £1.381m.</p> <p><i>Cost avoidance - long term</i></p> <p>The availability of an in borough designated SEMH provision will avoid the future use of Out of Area (OOA) Specialist SEMH educational provision e.g. Eastwood Grange and Robert Ogden. Current average cost of these OOA educational placements is £60,000 per year and potential future saving per place is £35,000 per year.</p>
3.8.4	<p><i>Transition and start-up costs</i></p> <p>High level costs have been assumed in the business case to cover the implementation of the proposal. This incorporates the phased occupancy and displacement of buildings and the associated security costs, phased transition of children and young people into new provision and the potential funding of dual placements and the pre start-up costs in line with DfE guidance for new academy schools.</p>
3.8.5	<p><i>Capital Assets</i></p>

	<p>Capital assets that could be available following the rationalisation of PRU buildings have been considered and valued.</p> <p>A number of PRU properties are either leased or have restrictions on their sale from Section 77 of the School Standards and Framework Act 1998 (SSFA 1998).</p> <p>A detailed analysis of the displacement options and implications has been completed by Asset Management. Discussions to explore options will be initiated following the Cabinet decision.</p>
<p>3.9</p> <p>3.9.1</p> <p>3.9.2</p>	<p><i>Future issues for consideration</i></p> <p><i>Sufficiency</i></p> <p>The recommended option incorporating the purchase of Dinnington College and the rationalisation of PRU buildings would increase the overall SEN estate GIFA by 376m2.</p> <p>The recommended option would not increase the total number of SEN places in the borough. The proposal would change the mix of provision in order to better meet current and future sufficiency needs and pressures, as identified in sufficiency data and strategy.</p> <p><i>Future plan for Newman School</i></p> <p>The recommended option proposes a partial re-build of Newman Upper School. This can take place with the lower school in situ and c40 young people from the upper school being educated at Dinnington College block C and D.</p> <p>This option will reduce some of the critical maintenance costs due to the demolition and re-build of 947m2 of the upper school.</p> <p>Following agreement, a co-production approach will be taken to developing the plans for the re-build (within the agreed budget and GIFA) at Newman School with teachers, parent /carers and children and young people.</p> <p>Early discussions with the Head of Inclusion, Head of Access to Education and Headteacher at Newman School, would suggest, long term, Newman Upper School will stay at Dinnington College and the school will operate as a spilt site. This satellite provision will need to be agreed by Cabinet following the prescribed alteration process under the Department for Education's - School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013. Separate education reports will be brought to Cabinet with proposals to make prescribed alterations and commence the statutory process in due course.</p> <p>Once upper school re-build works are completed at Newman School, consideration will need to be given to the lower school buildings. These</p>

	<p>buildings have a listed vista which will present restrictions to any future options. Options could include redevelopment and refurbishment to develop further education sufficiency, re-purposing of the buildings for alternative uses linked to services to SEN children or the releasing the buildings because they are no longer needed.</p> <p>Newman Additional Resource (NAR) which provides education in separate buildings on site for children and young people with significant and complex learning needs will continue to operate throughout the development works.</p>
4.	Consultation on proposal
4.1	Ward Councillors have been briefed in advance of the Cabinet report.
4.2	Asset Management Board have been regularly briefed and consulted as the options and proposals have developed.
4.3	The Regional Schools Commissioner needs sight on developments. Early input and consultation will be sought to ensure any proposals have their support and guidance is provided on the implementation process.
4.4	Proposed changes to Newman School must follow the prescribed alteration to maintained schools process outlined in section 3 which includes pre-statutory and statutory consultation phases.
4.5	A communication plan will be developed to ensure all stakeholders are consulted, engaged and communicated with at the appropriate time. This includes school staff, parent/carers, Parent Carer Forum and local communities.
5.	Timetable and Accountability for Implementing this Decision
5.1	<p>The following work has been completed to ensure that following Cabinet approval the project is able to initiate implementation with minimum delay:</p> <ul style="list-style-type: none"> – Establishment of a Project Board, with representation from CYPS, SEN, Access to Education, Asset Management, Finance, HR and Communication. – Development of Programme Plan, which identifies the critical path, key milestones and deliverables for all workstreams. – Development of a Communication Plan and Risk Plan. – On-going dialogue with RNN Group in order to ensure all due diligence work is completed in advance of a potential offer for the site. – Displacement plan for buildings potentially not needed in future SEN provision. – High level mapping of the free school academy presumption process

5.2	It is recognised that this preparatory work has been completed in advance of the Cabinet approval. All internal officers involved with this work are aware that this work is 'at risk' due to being in advance of any Cabinet decision.
5.3	Following the Cabinet decision implementation will be overseen by the Project Board and regular updates provided to the Directorate Leadership Team (DLT) and Senior Leadership Team (SLT) where appropriate and requested.
6.	Financial and Procurement Advice and Implications (to be written by the relevant Head of Finance and the Head of Procurement on behalf of s151 Officer)
6.1	<p>As outlined in the report there are four possible options in order to provide suitable education accommodation to address the current building and provision issues:-</p> <ul style="list-style-type: none"> - New build of SEMH school and rebuild of Newman School. - Re-purpose existing RMBC educational buildings. - Purchase new buildings to provide SEMH school and support the incremental rebuild of Newman School. - Do nothing to either PRU provision or the rebuilding of Newman School.
6.2	<p><u>Capital</u> New Build of SEMH school and rebuild of Newman School would be an expensive option and would cost between £18m - £22m</p>
6.3	<p>Do Nothing whilst low cost is not really an option due to the condition of the Newman School and current SEMH provision on the PRU sites. This proposal would still require critical capital works of £1.381m</p>
6.4	<p>Re-purpose existing PRU buildings to develop a designated SEMH educational provision. The reconfiguration of the PRU buildings would still require critical works of £727k based on stock condition surveys received but would not address the Newman building condition issues.</p>
6.5	<p>Purchase Dinnington Site, Rebuild part Newman site and displace PRU Buildings (proposed option) This option would utilise the majority of uncommitted school capital funds for the 2020/21 and 2021/22 financial years and is estimated to cost in total £5.747m. Any cost overrun would be funded from future years school's capital allocations.</p> <p>This option would also address the Newman building condition issues and release a number of current buildings, with potential capital receipts of £160k.</p>
6.6	<p><u>Revenue</u> Dedicated Schools Grant The SEMH and PRU provisions are funded from the High Needs Block of the Dedicated Schools Grant, with funding allocated on a per place basis. An</p>

	<p>SEMH place will cost circa £25,000 per annum, with a Primary PRU place £19,500 and a Secondary PRU place at £17,500 per annum.</p> <p>It is estimated that per place funding allocations will be sufficient to enable the new SEMH provision once established to be able to operate within the funding per pupil allocation on the new site and the PRU in its existing building.</p> <p>Set up costs of the new Special Academy would be funded from the High Needs Block and there would be potential duplication of funding initially whilst the new provision is established prior to transition from the current PRU/ SEMH provisions.</p> <p>The introduction of a new SEMH provision will assist in avoiding future high cost Independent Specialist Provision (ISP) by having a local provision within Rotherham. There were 70 pre 16 ISP placements in 2019/20 at a cost of £4.08m, the average cost was £60,000 per place with 17 new starter last financial year. If the number of places can be reduced and retained in the SEMH provision it will support reduced spend on the High Needs Block.</p>
6.7	<p>Building Displacement Costs If the Repurpose or Do Nothing options are chose there will be no impact on general fund.</p>
6.8	<p>If the recommended option is agreed there would be the purchase of the new Dinnington Site and displacement of 5 PRU buildings and also avoidance of the requirement for a further two buildings.</p>
6.9	<p>Dinnington – following purchase the premise and security costs to protect the site would need to be funded from revenue and is estimated to cost £19,500 (November 20 to January 21) prior to operation of the new education provision.</p>
6.10	<p>PRU buildings – these would be displaced at the end of the academic year (July 2021) and then the premise and security costs would be funded from general fund until disposed or an alternative use determined, where not retained as an educational asset and transferred to a Multi Academy Trust.</p>
6.11	<p>Home to School Transport –RMBC Transport team have completed a detailed cost analysis of the home school transport implications for the proposal outlined in the paper.</p> <p>It is anticipated that because transport can be shared to one location, the new proposal could deliver some savings. The precise amount of savings would need to be confirmed following more detailed planning of each transport route.</p>
	<p>Procurement The purchase of land at Dinnington would not incur any direct procurement implications. However, the proposed building works and ongoing support and maintenance identified within the recommended option would require</p>

	procurement activity to be undertaken in line with the Public Contracts Regulations 2015 and the Council's own Financial and Procurement Procedure Rules.
7.	Legal Advice and Implications (to be written by Legal Officer on behalf of Assistant Director Legal Services)
7.1	Section 14 Education Act 1996 requires a local authority to have regard to securing SEN provision is made for pupils with SEN Needs. Following enactment of The Children and Families Act 2014, the Local Authority retains responsibility for commissioning services for vulnerable children and young people with SEN and to keep such provision for children and young people with SEN and disabilities under review including its sufficiency (s.315 Education Act 1996), and to promote wellbeing and improve quality, working in conjunction with parents, young people, and providers. The Act is clear that, when considering any re-organisation of provision, decision makers must be clear how they are satisfied that the proposed alternative arrangements will lead to improvements in the standard, quality and/or range of educational provision for children with SEN.
8.	Human Resources Advice and Implications
8.1	Both the Rowan and Aspire PRUS are Local Authority maintained provisions. Should the Council choose to progress the plans to proceed to create a new SEMH Academy provision then staff will be subject to a Transfer of Undertakings (Protection of Employment) (TUPE) process to the new provider as per academisations rules.
9.	Implications for Children and Young People and Vulnerable Adults
9.1	SEND places created within the borough will give more children and young people the opportunity to access high quality provision in the local area in line with their needs.
10.	Equalities and Human Rights Advice and Implications
10.1	Section 149 of the Equality Act 2010 requires that public bodies, in exercising their functions, have due regard to the need to:- i. eliminate discrimination, harassment, victimisation and other unlawful conduct under the Act, ii. advance equality of opportunity and iii. foster good relations between persons who share a protected characteristic and persons who do not share it.
10.2	Part A of the Equalities Impact Assessment has been completed.

	Full assessment (part B) will be completed as part of each workstream within the implementation plan. All relevant consultation information and data will be used to inform and complete the full assessment.
11.	Implications for Ward Priorities
11.1	Ward Councillors have been briefed about the proposal and the potential outcomes for children.
12.	Implications for Partners
12.1	<p>This paper has been developed in partnership with colleagues from CYPS, R&E and Finance. An established Project Board, with representation across Directorates will ensure the partnership continues and implications across all areas are considered and managed effectively.</p> <p>Education Partners will be fully involved with the development and implementation of plans where required and appropriate.</p>
13.	Risks and Mitigation
13.1	This report relates to three key corporate risks for the Council. The risk of inspection failure in PRU educational provision, the health and safety risk to vulnerable children and young people in sub-standard educational buildings and the financial risk of exceeding agreed capital and revenue budgets.
13.2	The proposal will seek to address the inspection and health safety risk and ensure Rotherham's children and young people are provided with the designated educational provision that meets the needs identified in their EHC plans in buildings that are fit for purpose.
13.3	The financial risks will seek to managed through cross directorate approach to the project implementation, robust governance, detailed costs plans and transparent management of risk.
14.	Accountable Officers
	<p>Jenny Lingrell, Joint AD Commissioning, Performance and Inclusion Mary Jarrett Head of Inclusion William Shaw Head of CYPS Development Programmes Rob Holsey CYPS Asset Manager</p>

Approvals obtained on behalf of Statutory Officers:-

	Named Officer	Date
Chief Executive	Sharon Kemp	Click here to enter a date.
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	05/11/20

Head of Legal Services (Monitoring Officer)	Stuart Fletcher	05/11/20
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Report Author: William Shaw Head of CYPS Development Programmes **Error!**
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