



Officer Decision Record – Key Decision

Key decisions taken by an officer are subject to the 5 day call in period from circulation to Members, and therefore the decision will be released for implementation following the call-in period and no call in being received

1. Cabinet date and copy resolution this key decision relates to

Cabinet approval of 9th March 2022 in relation to the development of High Needs places. Cabinet resolved that authority be delegated to the Executive Director for People, Health and Care in consultation with the Portfolio Holder for Children and Education for a 24 place Resource Specialist Provision (RSP) within the former Riverside Family Hub building, with Yarborough Primary Academy appointed as the delivery partner of the approved Special Educational Needs and Disability and Alternative Provision (SENDAP) sufficiency strategy.

Cabinet approval of 13th January 2021 in relation to the Family Hub property realignment. Cabinet resolved to support Children's Services to rationalise the Family Hub property portfolio and repurpose space where needed or surrender sub-lease agreements back to Academies.

An Officer Decision Record approval of 5th May 2023 determined five (5) former Family Hub sites were in scope for repurposing that had been closed since 2020 – including the former Riverside Family Hub (the "Site").

2. Subject and details of the matter (to include reasons for the decision)

The Council has worked in partnership with Yarborough Primary Academy Trust to agree the development of a 24 place Resource Specialist Provision (RSP) for children

with Special Educational Needs and Disabilities (SEND) who have an education, health and care plan.

It has been identified that the Site (former Riverside Family Hub) wasn't included in the current 125-year lease demise and within the 'red line' plan boundary to Yarborough Academy Trust.

As the Site is deemed surplus to requirements by the Council, an outcome following the review of the Family Hub portfolio, approval is now sought to grant a lease of the Site to Yarborough Primary Academy Trust. This will be on the same terms as, and to end contemporaneously with, the existing lease of the school site.

The Family Time Contact Service is currently operating from the Site. This Service is due to be relocated in the future as part of a different project. Alongside the lease to the Academy there will be a simultaneous lease back of part of the Site to the Council for the continuation of use for the Family Time Service until this is no longer required.

The RSP will therefore be delivered in two (2) phases. Phase one (1) will be to use High Needs capital grant funding to create an RSP dedicated secure space for up to eight (8) children. This would open in January 25 subject to the Department for Education (DfE) significant change process.

The refurbishment works have been procured and the contract has been awarded to alter an entrance, outside area and create classroom space. Phase two (2) would see the remaining building repurposed to create an RSP for up to 24 children. Further High Needs capital grant funding has been allocated and procurement undertaken to secure a contractor to undertake the works. The works would be managed by the Council. The total capital allocated is £500,000.

Further development may include children and young people with SEN who require Education other than at school (EOTAS) packages of support supporting children who are struggling in a mainstream setting.

To note - Yarborough Academy Trust have been successful and accepted onto the DfE programme for either a new school or a refurbishment of the existing school. The earliest the DfE project will start has been confirmed as April 25, and likely to take several years. Advice has been sought from the DfE regarding the RSP development and the RSP must be approved and in place in readiness for the DfE project to ensure

the need and capacity required is captured in the DfE schools' assessment. The capital works to create an environment that's fit for purpose for the RSP will ensure value for money in the knowledge that at some point in next five (5) years either a refurbishment or new build will be delivered by the DfE.

3. Decision being taken

That the Director for Children's Services in consultation with the Portfolio Holder for Children and Education approves the following:

- For the Local Authority to enter into agreement with the Yarborough Academy Trust to develop a 24 place RSP for children with SEND who have an education, health and care plan subject to the necessary procurement obligations being met by both Yarborough Academy Trust and the Council.

That the Executive Director Place and Resources in consultation with the Portfolio Holder for Finance, Resources and Assets approves the following:

- For the Council to lease the Site (former Riverside Family Hub) to Yarborough Academy Trust on the same terms as, and to end contemporaneously with, the existing lease for the school site.

4. Is it an Urgent Decision? If yes, specify the reasons for urgency. **Urgent decisions will require sign off by the relevant scrutiny chair(s) as not subject to call in.**

No

5. Anticipated outcome(s)/benefits

This decision supports a school expansion scheme as captured within the Schools Capital Programme, which will increase the capacity for SEND school places within the Local Authority area.

The RSP in local schools will secure greater value for money from the High Needs Block of the Dedicated Schools Grant (DSG) whilst also seeking to reduce transport costs. Per place, the RSP's will be a lower cost than out of area placements and will therefore also contribute to future revenue cost avoidance, reducing and managing the DSG deficit. The children identified are currently children who don't currently have provision within North East Lincolnshire, resulting in either their education being away

from their families and communities, or accessing an Education other than at school (EOTAS) package due to the requirement for specialist education settings.

Whilst impacting on the DSG funding initially, the RSP will contribute to supporting sustainability of DSG, as outlined and accepted by the DfE within the Council's DSG Management Plan.

Subject to approving the use for RSP within the Site (former Riverside Family Hub), this will be transferred to the Academy Trust under the existing lease terms, which will ensure the Site, once vacated, will achieve the required savings as outlined in the Family Hub review/ realignment proposals.

6. Details of any alternative options considered and rejected by the officer when making the decision (this should be similar to original cabinet decision)

Do nothing option would not meet identified SEND provision needs and have a negative impact on future revenue funding. Significant costs will be incurred as well as reputational and potentially negative legal impacts as the RSP project development would cease; children and young people would have to be educated in other communities and young people with Education, Health and Care Plans (EHCP's) would be sent out of the borough. As a consequence, by not transferring the Site to the Trust as described would prevent the realisation of cost savings from vacating and disposing of the Site. The Trust have a formal decision to accept the Site and wish to use it to develop an RSP. This option is therefore not considered viable.

To not develop the RSP but transfer the Site (former Family Hub) once vacant would not realise the benefits to children being educated in their own community, resulting in significant negative reputational impact as well as not contributing to achieving the cost savings outlined in the Family Hub realignment proposals, both resulting in a financial impact to the Council. To develop the RSP in another part of Yarborough Academy is not possible following an assessment which identified there is no other space available to accommodate the RSP. This option is therefore not considered viable.

7. Background documents considered (web links to be included and copies of documents provided for publishing)

Cabinet report of March 2022. 8.-Schools-Capital-Programme.pdf (nelincs.gov.uk)

SENDAP strategy and SENDAP Sufficiency strategy approved by cabinet March 2024: 9.-SENDAP-Strategies-Cabinet-ReportPDF-2403KBicon-namepaperclip-prefixfa.pdf (nelincs.gov.uk)

Cabinet Report – 13 January 2021: <https://democracy.nelincs.gov.uk/wp-content/uploads/2020/06/4.-Family-HubReview-PDF-1373KB.pdf>

<https://democracy.nelincs.gov.uk/wp-content/uploads/2020/06/Decision-Notice-13thJanuary-2021-PDF-133KB.pdf>

Scrutiny Report – 2 December 2021: <https://democracy.nelincs.gov.uk/wp-content/uploads/2021/11/3.-Family-HubsReview.pdf>

<https://www.nelincs.gov.uk/assets/uploads/2023/05/Officer-Decision-Notice-Key-Decision-Family-Hub-Realignment-REDACTED.pdf>.

8. Does the taking of the decision include consideration of Exempt information? If yes, specify the relevant paragraph of Schedule 12A and the reasons

No.

9. Details of any conflict of interest declared by any Cabinet Member who was consulted by the officer which relates to the decision (in respect of any declared conflict of interest, please provide a note of dispensation granted by the Council's Chief Executive)

No.

10. Monitoring Officer Comments (Monitoring Officer or nominee)

The decision is consistent with the will and expectation of Cabinet and the delegations so given.

11. Section 151 Officer Comments (Deputy S151 Officer or nominee)

The capital cost associated with the refurbishment works are included within the current approved capital programme.

The granting of the lease is aligned with the previously supported family hub realignment project. The short-term leaseback supports the transition of the existing

service user to alternative accommodation. Savings from the realignment of the Family Hub project will be realised at the end of the short-term leaseback.

12. Human Resource Comments (Head of People and Culture or nominee)

There are no direct HR implications arising from the contents of this report.

13. Risk Assessment (in accordance with the Report Writing Guide)

Risk is identified as a part of the Council's risk process and included in the respective programme and assessment of risks. These include significant financial revenue risks to the Council by not extending SEND provision via RSP development or transferring the former Family Hub Site.

There is a financial risk to the Council should the former Family Hub Site not be transferred and the RSP project with identified pupil places not being agreed. Currently the DSG pressure is permissible by Government and a plan to reduce this (Deficit Management plan) has been agreed for SEND High Needs block.

Further risk assessments will be picked up by EQUANS and the Contractor for the works which could impact on opening date and result in operational costs being impacted on.

By not including the Site in the Academy lease or creating RSP places, this will prevent inclusion in the DfE future project to refurbish or rebuild the school.

By enabling the school refurbishment project this contributes to reducing safeguarding risks for children not full time in education, as school is an identified protective factor.

14. Has the Cabinet Tracker been updated with details of this decision?

Yes.

15. Decision Makers:

Name: Sharon Wroot

Title: Executive Director Place and Resources

Signed: REDACTED

Dated: 15.08.24

FormMO1

Name: Ann-Marie Matson

Signed: REDACTED

Title: Director Childrens Services

Dated: 16/08/2024

**16. Consultation carried out with
Portfolio Holders:**

Name: Cllr Stephen Harness

Title: Portfolio Holder for Finance,
Resources and Assets

Signed: REDACTED

Dated:16/08/24

Name: Cllr Philip Jackson

Title: Leader

Signed: REDACTED

Dated:16/08/24