

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



## 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 9<sup>th</sup> March 2022 approved a programme of works in relation to the development of High Needs places utilising the High needs provision capital allocation grant (HNCPA) .provided to NELC which supports the provision of new places and improve existing places.

RESOLVED – 1. That authority be delegated to the Executive Director for People, Health and Care in consultation with the Portfolio Holder for Children and Education to:

- a. Approve the continuing rolling programme of identified highest priority condition works within the Schools Capital Maintenance Programme.
- b. Approve the programme of new pupil places schemes to ensure that the Local Authority has sufficient and suitable school places to meet its statutory responsibility in accordance with the Education Act and the demand for local places due to new housing developments. This programme includes the need for two new 210 place primary schools, as well as expanding some of the Local Authority's existing sites by the creation of a further 150 pupil places at Cleethorpes Academy, and 245 pupil places across Laceby and New Waltham schools.
- c. Approve the programme of works within the High Need Programme.

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d. Commence procurement exercises where necessary in connection with the above, and to appoint suitable providers to run two new proposed 210 place primary schools to include award, mobilisation and implementation at the appropriate time.

e. To carry out all ancillary activity reasonably arising from the above.

2. That the Assistant Director Law, Governance and Assets be authorised to execute any documentation arising from the above recommendations.

In February 2022 cabinet approved acceptance of the Delivering Better Value revenue grant part of which aimed to improve skill and knowledge development of education settings. It authorised

1. That the acceptance of the DfE Delivering Better Value in SEND services grant of £1,000,000 be authorised.

2. That the Director of Children's Services, in consultation with the Portfolio Holder for Children and Education, be authorised to ensure that all necessary actions are carried out in order to co-ordinate and implement the Delivering Better Value programme.

3. That the Assistant Director Law and Governance (Monitoring Officer) be authorised to complete all requisite legal documentation arising.

On 19<sup>th</sup> July 2023 in the cabinet report Send Sufficiency and Funding of the Resource Specialist Programme Cabinet approved:

1. That the Director of Children's Services in consultation with the Portfolio Holder for Children and Education be delegated authority to:

a. enter into agreements with Trusts to commission Resource Specialist Provision places for children and young people with SEND who have an EHCP as per a continuing rolling programme of NEL place creation.

b. carries out all ancillary activity reasonably arising from the above

2. That the Assistant Director Law and Governance (Monitoring Officer) be authorised to execute any documentation arising from the above recommendations.

On 13<sup>th</sup> March 24 Cabinet approved the three Special Educational Needs and Disability and Alternative Provision (SENDAP) strategies and resolved

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That all three strategies be approved and the Director of Children's Services in consultation with the Portfolio Holder for Children and Education be delegated authority to:

- a. Oversee the delivery of the plans and activities identified.
- b. Carry out all ancillary activity reasonably arising from the above. The SENDAP Sufficiency Strategy included the creation of minimum of 75 resource specialist provision additional places in North East Lincolnshire.

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

The Council have worked in partnership with David Ross Education Trust Academy and Fairfield Primary Academy to agree the development an 18 place Resource Specialist Provision (RSP) at Fairfield Primary Academy for children with Special Educational Needs and Disabilities (SEND) who have an education, health and care plan

The Academy hope to deliver the RSP in the recently transferred Family Hub space which now is part of the Academy Trust Lease. The children will be phased in starting with 6 places and working to open the full 18 places. High Needs capital grant funding will be used to create a dedicated RSP . The RSP is aiming to open in September 25 subject to the Department for Education (DfE) significant change process approval due Spring term 25 and building refurbishment works timescales which have yet to be confirmed.

The refurbishment works are being designed and agreed. Specifications will be developed to undertake a procurement exercise. Following the legal transfer of the Family Hub space to the academy site, the vacant spaces will be refurbished, with new teaching and learning spaces, toilets, sensory room , a new entrance created and outside area developed for recreation included. High Needs capital grant funding has been allocated for the procurement to be undertaken to secure a contractor to undertake the works. The works would be managed by the Council. The total capital allocated is £500,000.

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The capital works to create an environment that's fit for purpose for the RSP will ensure value for money to meet the needs of 18 6-11 year olds (Key stage 1 and 2 ) with communication, interaction needs with main focus on autism.

Utilising revenue funding from the Delivering Better Value project, the Council are also partnering with the National Autistic Society to develop a contract to provide Fairfield Academy staff knowledge and skill development to meet the needs of children with autism and support achievement of school autism accreditation. This will ensure a whole school autism friendly environment with staff who are skilled to meet the identified needs of the young people attending the RSP and mainstream school.

### 3. Decision being taken

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

1. Approval to undertake a procurement exercise to secure a provider to undertake the necessary refurbishment works.
2. Approval for the Council to enter into an agreement with the David Ross Education Trust to develop an 18 place RSP at Fairfield Academy site for children with SEND who have an education, health and care plan.

**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 Council's 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 their education being away from their families and communities 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.

**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 legal negative 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. This option is therefore not considered viable.

**To not develop the RSP and use external provision** this would not realise the benefits to children being educated in their own community, resulting in significant negative reputational impact. This option will not contribute to achieving the places identified in the SENDAP Sufficiency Strategy or cost savings required as outlined in Delivering Better Value report, both resulting in a financial impact to the Council. This option is therefore not considered viable.

**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)

**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.

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

The cost of delivering the refurbishment works as part of this scheme will be met through capital grants that are factored into the current capital programme.

**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 Authority by not extending SEND provision via RSP development

There is a Financial risk to the Council should the RSP project with identified pupil places not be 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 undertaken by EQUANS and the contractor for the works which could impact on opening date and operational costs impacted on.

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

Yes.

**15. Decision Makers:**

Name: Ann-Marie Matson

Title: Director Childrens Services

Signed: REDACTED

Dated: 11<sup>th</sup> December 2024

**Consultation carried out with  
Portfolio Holder:**

Name: Cllr Margaret Cracknell

Title: Portfolio Holder for Children  
Families and Education

Signed: REDACTED

Dated: 11<sup>th</sup> December 2024