

Record of decision taken under delegated powers



Title:	SEND Capital Programme Phase 4: Bramley Oak Academy Expansion
Divisions Affected:	Guildford
Key Decision:	Yes
Reason Key:	Over £1m
Decision taken under delegation by virtue of:	Cabinet 25 January 2022 Decision - Developing local Special Educational Needs and Disability (SEND) Provision in Surrey to meet demand from 2023/24 onwards - Surrey County Council (surreycc.gov.uk) (Minute reference: 18/22) Report: Phase 4 Developing local SEND Provision in Surrey to meet demand in 202324 onwards- final report.pdf (surreycc.gov.uk)

Summary

Bramley Oak Academy's expansion by 49 places and change of gender from single sex to co-educational provision is one of the approved projects under Phase 4 of the SEND Capital programme. The school transferred from local authority control to London and Southeast (LSEAT) Academy Trust in late 2020. LSEAT are the leaseholder on standard DfE terms for 125 years.

As part of the transfer to Academy status, LSEAT obtained a commitment from DfE for c£3m grant to address immediate 'condition and suitability' issues for the 55 PAN (Pupil Admission Number) pupils at the Academy. Grant conditions from DfE are clear that these monies are not to be used in support of expansion and are specifically to address the condition and suitability issues at the Academy. Given the delays to the planned condition and suitability work because of the pandemic, it would be appropriate to combine works for both 'condition and suitability' (funded by DfE) with those for 'expansion' (funded by SCC) into one set of coordinated plans. This approach has been agreed in principle between the Academy, DfE Policy and SCC's SEND Capital Programme.

With both condition and suitability works (funded by DfE) together with expansion (funded by SCC), a set of coordinated design layout proposals have been developed, at risk by the Trust. Works to support condition and suitability (funded by DfE) together with expansion (funded by SCC) are proposed in two distinct projects:

Project 1: Full phased refurbishment and remodelling of the existing layout for both expansion and condition/suitability works: Jointly funded by DfE and SCC, delivered by LSEAT under SCC Self-Delivery Contract

Project 2: New build expansion blocks and refurbishment/ remodelling of existing kitchen, dining, and hall spaces (once new hall and dining/kitchen constructed): Funded and delivered by SCC.

At the conclusion of all works proposals will be the ability to phase in the additional 49 places over a period of 5 years from Sep 2024-Sep 2028 to achieve a 104 PAN (Pupil Admission

Number).

The Capital investment required to complete the Bramley Oak expansion is £6.95m. This is based on a £0.14m per pupil place for modernisation as well as new build expansion. The cost per pupil place varies significantly from one project to another. The reason for this is that the programme includes both new build and provision within existing assets (i.e., requiring refurbishment or remodelling) as well as several modular solutions, with a range of costs that reflect different scope of work to deliver the additional specialist school places. This new build project is at the upper end of the cost per pupil place range and includes contingency for inflation risk.

The project will realise £1.47m total cost containment to DSG HNB per year. This is based on an average unit cost of £53k per pupil per annum for independent sector provision, as compared to the average cost for maintained specialist places at £23k per learner per annum. Provision of additional maintained specialist places would generate an approximate saving from 2024-2028 of £30k per place per year.

A sustainable specialist education estate will be developed to provide fit for purpose facilities for Surrey's children and young people who have SEND and require a specialist school placement, providing cost effective solutions to support revenue savings. The investment will be funded from existing capital programme budgets within Education.

Decision made

Decision made:

Capital Programme Panel (CPP), 12 April 2022, AGREED that:

1. Capital Programme Panel (CPP) approves the use of £6.95m of the approved £60m Phase 4 allocation within the SEND Capital Funding for Bramley Oak Academy's projects. These will deliver 49 permanent additional specialist school places in total to be phased in from September 2024.

Reasons for Decision:

Under sections 13 and 14 of the Education Act 1996 and Part 27 Section 3 of the Children and Families Act 2014, Local Authorities have a statutory duty to ensure that:

- There are sufficient schools for primary and secondary education in their areas.
- They keep under review the educational provision for children and young people who have special educational needs and or a disability (SEND)

The Department for Education expects Local Authorities (LA) to manage their specialist estates efficiently to avoid detriment to schools' educational offers, creating disadvantage to children and young people who have SEND or the LA's financial position. This means ensuring the availability of maintained specialist school places that are appropriately matched to need-type, phases of education and geographic location so that all of Surrey's pupils with an EHCP that require a full-time specialist setting in either a mainstream SEN Unit or Special School have a named placement, ready for the beginning of each academic year by 1 September.

Decision taken by:

Cllr Denise Turner-Stewart, Cabinet Member for Education and Learning
Cllr Natalie Bramhall, Cabinet Member for Property and Waste
Cllr Becky Rush, Cabinet Member for Finance and Resources

Decision taken on:	05 May 2022
To be implemented on:	09 May 2022

Alternative options considered

Do nothing:

PROS: Would provide no benefit to SCC or local children and young people who have SEND, other than avoiding capital expenditure.

CONS: SCC would fail to meet its statutory duty to provide sufficient specialist school places under sections 13 and 14 of the Education Act 1996, Part 3 of the Local Government Act 1999, and Part 27 Section 3 of the Children and Families Act 2014. No contribution to Safety Valve cost containment, higher costs expected through requirement for independent specialist places and poorer outcomes for the children affected.

Summary of any financial implications

The Capital investment required to complete the Bramley Oak expansion is £6.95m. This is based on a £0.14m per pupil place for modernisation as well as new build expansion, which falls in a range that our cost consultant has advised upon.

The project will realise £1.47m total cost containment to Dedicated Schools Grant High Needs Block per year. This is based on an average unit cost of £53k per pupil per annum for independent sector provision, as compared to the average cost for maintained specialist places at £23k per learner per annum. Provision of additional maintained specialist places would generate an approximate saving from 2024-2028 of £30k per place per year. A sustainable specialist education estate will be developed to provide fit for purpose facilities for Surrey's children and young people who have SEND and require a specialist school placement, providing cost effective solutions to support revenue savings.

Declarations of conflicts of interest

None.

Consultation/Process Followed

The consultation approach for Phase 4 of the SEND Capital Programme is a continuation of the development of Surrey's SEND Partnership Strategy, which was subject to full public consultation and reviewed by the Council's Cabinet on 29 January 2019. Consultees included education providers, SEND System-partners (Children and Adult Education Services, Social Care Services and Health providers), parent carers, children and young people, local districts, and boroughs.

The Council has undertaken further engagement activities with schools in 2021, including encouraging settings to provide 'Expressions of Interest' (EOI) for capital expansion and targeted discussions with schools as well as Phase Councils. Different phases of schools have been included within this process, including mainstream maintained and academy primary, secondary and special schools. Comments and expressions of interest received from previous phases of the programme as well as lessons learned have also been used in the development of this report for approval.

Public consultation will be carried out for Part 2 of Bramley Oak's project going forward in

line with statutory Planning Consultations and Judicial Review periods for Land & Property developments.

Further statutory public consultation will also be undertaken in January 2023 in line with Department for Education statutory processes for Making Significant Changes to an Open Academy by Mutual Agreement. This public-facing work needs to demonstrate that fair and open local consultation and public engagement has been undertaken with all stakeholders who could be affected by the proposed change, and that the Academy Trust and Local Authority have considered all responses received. The Regional Schools Commissioner (or the Secretary of State as appropriate) will need evidence that they have been consulted and will consider any reasonable objections from them.

Background Documents

Exempt:

CPP Outline Business Case: SEND Capital Programme Phase 4 – Bramley
Oak Academy Expansion

Yes