

CABINET	AGENDA ITEM No. 9
17 December 2024	PUBLIC REPORT

Report of:	John Gregg, Executive Director for Children and Young People’s Services	
Cabinet Member(s) responsible:	Councillor Katy Cole, Cabinet Member for Children’s Services.	
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EXTENSION OF NENEGATE SCHOOL

RECOMMENDATIONS

FROM: Executive Director for Children and Young People’s Services PCC	Deadline date: November 2024
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It is recommended that Cabinet agree to the following recommendations:

1. Authorise the school extension at Nenegate Academy;
2. Agree the project budget as set out in the Exempt Annex to this report.
3. Agree Option 2 as set out in the Delivery Options at 4.3.
4. Delegate authority to the Executive Director for Children and Young People’s Service to authorise the award of contract for the works, subject to approval from legal, finance and procurement, or allocate funding to the academy trust.
5. Delegates authority to the Executive Director for Corporate Services in consultation with the Director of Legal and Governance to take all necessary steps to give effect to the recommendations, including entering into any necessary legal agreements.

1. ORIGIN OF REPORT

1.1 This report is submitted to Cabinet following Corporate Leadership Team (CLT) on 26th November 2024 and Cabinet Policy Forum (CPF) on 3rd December 2024.

2. PURPOSE AND REASON FOR REPORT

2.1 The purpose of this report is to seek approval to proceed with an extension at Nene Gate Academy to support the additional pupil numbers due to join the school in September 2026. This report sets out the key background information and approach

2.2 This report is for Cabinet to consider under its Terms of Reference No. 3.2.4

To be responsible for budget planning, monitoring and expenditure/savings over £500,000, including Discretionary Rate Relief, with the exception of any time critical, operational, or routine decision, which may be determined by the relevant portfolio holder.

2.3 There is an exempt annex attached to this report that is NOT FOR PUBLICATION by reason of paragraph 3 and 5 of Schedule 12A of Part 1 of the Local Government Act 1972 because it contains commercially sensitive details relating to the Council and which have been provided confidentially. The public interest test has been applied to the information contained within this exempt annex and it is considered that the need to retain the information as exempt outweighs the public interest in disclosing it, as it could prejudice the Council's financial position in any procurement process relating to the works.

3. TIMESCALES

Is this a Major Policy Item/Statutory Plan?	NO	If yes, date for Cabinet meeting	N/A
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4. BACKGROUND AND KEY ISSUES

The Council has a statutory duty to provide a school place for every child living in its area of responsibility who is of school age and whose parents want their child educated in the state sector. To achieve this, the Council must keep the number of school places under review and take appropriate steps to manage the position where necessary. Under the Education and Inspections Act 2006, it will adopt a strategic role, with a duty to promote choice, diversity, and fair access to school provision.

At the current time, 2752 EHC plans are maintained within Peterborough, with 397 (14%) of these issued to children with a main presenting need in social, emotional and mental health (SEMH). This area is one of growing need in the area, with 22% of new initial EHC Plans in 2024 so far having SEMH as their main presenting need.

Peterborough has one specialist setting able to meet the needs of children and young people with significant social, emotional and mental health needs; Nenegate School. The setting admits children from age 8 to 16, with a secondary Published Admission Number (PAN) of 48 and an additional resource allocation for 16 children who are primary aged.

Nenegate School are currently operating at capacity. There are 24 children who require a specialist SEMH placement, and for whom one has not been sought at the current time. This number increases throughout the year – with specialist placement panels being held fortnightly.

As a result of the capacity issues and to comply with statutory obligations to place children in an appropriate setting, children are being placed in 'out of county' independent settings. In October 2024, 12 children with a main presenting need in SEMH were placed as such, at an annual cost the Local Authority of £852,000.

At an annual average placement cost of approximately £70,000 per annum for independent specialist placements, it is likely that the remaining 24 children will cost the Local Authority in excess of £1.5m per annum. Based upon 2023/2024 figures, it is forecast that 46 additional children may be determined to require specialist SEMH placement over the next 12 months. For clarity, although this project will improve the overall SEMH picture and local need, the Local Authority cannot rely on a budget saving. We hope the cost to the Local Authority each year for placements and travel will reduce considerably as a result of additional capacity for local intake, but this will be dictated by future demand for SEMH school places.

Significant work is underway within the Local Authority to develop practice standards within mainstream settings with an increased focus on early intervention aimed at reducing the numbers of children whose needs escalate to requiring an EHC Plan. Alongside this, funding schedules are under review to determine where HNB funding can be devolved differently to mainstream settings to enable short term preventative provisions to be embedded, again to result in fewer requests for EHC needs assessments being submitted. It is anticipated that these works will reduce the demand for specialist provisions from September 2026 onwards.

Planning and engagement with Meridian Trust for an expansion to Nenegate School has been underway for over 12 months, led by the increased demand, evidenced in data. The cost of placing the 40 additional children who could be accommodated at Nenegate School's expansion out of county will exceed £28m in ten years, with additional significant transport costs.

In addition to the pressures this will place upon the HNB, studies evidence that children's outcomes are diminished where they are educated away from their local communities, reducing access to local peer groups and successful preparation for adulthood.

Please note: this is 1 of 4 SEND capital projects we are hoping to proceed with. SEMH, as detailed above, is the most pressing need, causing the biggest financial impact, which is why we are requesting to proceed with this project in the first instance.

4.1 The Meridian Trust (Trust) operates five Schools across Peterborough, including the Nenegate School.

The Trust is a key partner to the Council – successfully running an ASD hub at Nene Park Academy resulting in strong outcomes for children placed within, and the trust are a key supporter of the Local Authority in formal reviews undertaken by Ofsted and the Department of Education (DofE)

The Trust has agreed to accept 40 additional pupils over PAN at Nenegate School but has requested an extension to allow this. This means that the final PAN following the extension will be 96 pupils.

The school have confirmed that it is not feasible or safe to admit all the additional pupils at once and they recommend this is done in two phases, with eight pupils admitted to both primary and secondary in the first year. A further eight pupils will be admitted to both primary and secondary in the second year. This would leave the primary school with a capacity of 32 pupils and the secondary school would accommodate 64 pupils.

As a result of the extension, Nenegate School would then open the primary setting to the whole of KS2 (years 3 – 6), as opposed to the current age range which is from years 4 – 6.

4.2 The Project and Programme

The accommodation required to meet the revised PAN of 96 pupils includes 5 new teaching rooms and a new teaching block.

The total area to build and refurbished equates to 150m², and the budget required is set out in the Exempt Appendix.

The Trust are currently working to an 18 month programme commencing in January 2025, and completing the project in advance of the September 2027 intake of pupils.

4.3 Delivery Options:

The project is to be funded using High Needs Grant Funding, funding already secured by the Local Authority. For clarity this means borrowing is not required for this transaction. This funding allocation is within the gift of the Local Authority as part of place allocation and forms part of a wider strategy of spend to support SEMH needs.

To deliver the project the Council considered its options:

Option 1: The Council lead and fund the extension.

In this option the Council would agree a Licence to build on part of the school site. The design and build contract would be novated to the Trust at practical completion. The Council would instruct a project team to deliver the works. The Council would procure the professional team and principal contractor in line with the Public Contracts Regulations (2015) (PCR) and successor regulations.

The advantage of this route is that the Council would have better control over the budget, spend and quality of build. However, the Council does not have sufficient in-house resource to carry out the work and this would need outsourcing to a third party thus incurring additional cost.

Option 2: The Council fund and the Trust lead on the extension.

In this option the extension would be delivered by the Trust. A Project Manager would be appointed by the Council to monitor the Academies project including reviewing the scheme design, costing and program at key stages to enable staged funding to be transferred to the Trust.

The Council would enter into a Grant Funding Agreement, and Licence to Alter with the Trust, and the Trust would procure the works. The capital funding would be fixed, and the Trust would need to deliver within the budget available.

The Trust would need to comply with the Public Contracts Regulations (2015) (PCR) and successor regulations, in procuring a professional team and principal contractor.

The advantage of this route is that less resource is required from the Council including Property, Legal and Procurement, although this does come with less control over the budget, spend and quality. This would be mitigated through the appointment of a monitoring building surveyor and agreeing a budget ceiling in advance.

Summary:

The Council is seeking approval to proceed with Option 2 given the Trust have the expertise to deliver the project, and to monitor the Academies activity through the appointment of a Council side monitoring role.

The feasibility budget as set out in the Exempt Annex gives assurance that the project can be delivered within budget and sets out the total budget value.

5. CORPORATE PRIORITIES

5.1 The recommendation links to achieving the following Corporate Strategy outcomes:

- Prevention, Independence & Resilience: Education and Skills for All
- Economic & Inclusion Growth, Places and Communities.

Environment & Climate Change

This school extension project will have an impact on carbon emissions for the city principally during the construction phase, but also operationally post construction. Anticipated emissions will come through electricity & heating, travel, water use, waste production and purchase of carbon intensive goods. The Council will encourage the school to implement low carbon construction methods, recycle where possible, and to source materials locally. There will be an item on the agenda around Carbon Impact mitigation measures as an agenda item for monthly project meetings.

6.0 CONSULTATION

6.1 Further consultation is required with:

- Councillor Katy Cole, Cabinet Member for Children's Services.

East Ward

- Councillor Numan Iqbal – Ward Councillor
- Councillor Samantha Hemraj – Ward Councillor
- Councillor Shabina Qayyum – Ward Councillor

6.2 This recommendation has been considered by the Corporate Leadership Team (CLT) on 26th November 2024 and Cabinet Policy Forum (CPF) on 3rd December 2024.

7. ANTICIPATED OUTCOMES OR IMPACT

7.1 The outcome of this decision will allow the Trust to proceed with the project to refurbish and extend the building at Nenegate, which will in turn enable the Council to work towards meeting their statutory duty to provide a school place.

The Council must keep the number of school places under review and take appropriate steps to manage the position where necessary. Under the Education and Inspections Act 2006, it will adopt a strategic role, with a duty to promote choice, diversity, and fair access to school provision.

8. REASON FOR THE RECOMMENDATION

8.1 To enable the Cabinet to approve the recommendation and provide the necessary authority to progress the project and facilitate the expansion of Nenegate SEMH School, providing 40 additional places and avoiding costs outlined above.

9. ALTERNATIVE OPTIONS CONSIDERED

- 9.1 Status quo – ‘do nothing’ – this option was rejected given the number for pupils already on the waiting list and Nenegate being the only SEMH provision within PCC. The Council needs to comply with its statutory requirements to provide school places.

10. IMPLICATIONS

Financial Implications

- 10.1 The project is to be funded using High Needs Grant Funding which is within the gift of the Council to allocate. The grant funding pot exceeds the funding required for this scheme. Borrowing is not required. By investing in local provision this is much more cost effective both on placement cost and reduced transport requirement in the future.

Legal Implications

- 10.2 The Council has a statutory duty to provide a school place for every child living in its area. The Council also has a duty to provide and/or facilitate investment in certain educational services and facilities.

These duties are imposed by section 14 of the Education Act 1996 and section 22 of the Schools Standards and Framework Act 1998. The Council also has powers granted to it under section 111 of the Local Government Act 1972, to do anything which is calculated to facilitate the discharge of its statutory duties.

The grant funding is not subject to compliance with the Subsidy Control Act 2022.

Equalities Implications

- 10.3 Local authorities have a number of statutory duties including securing diversity in the provision of schools, increasing opportunities for parental choices, and ensuring fair access to educational opportunity.

The Public Sector Equality Duty (s149 Equality Act 2010) requires a public authority to have ‘due regard’ to the need to advance equality of opportunity and to take steps to meet the needs of persons.

The design of the extension must be compliant with all relevant legislation and building regulations to ensure accessibility and use for all.

Carbon Impact Assessment

A Carbon Impact Assessment has been completed. -This school extension project will have an impact on carbon emissions principally during the construction phase, but also operationally post construction. The Council will encourage the school to implement low carbon construction methods, to recycle where possible, and to source materials locally. There will be an item on the agenda for Carbon Impact mitigation measures to be considered at monthly project meetings.

11. BACKGROUND DOCUMENTS

- 11.1 None

12. APPENDICES

- 12.1 Appendix 1: EXEMPT INFORMATION