

## EXECUTIVE

### 15<sup>th</sup> February 2024

<b>Report Title</b>	<b>Corby Business Academy SEND Provision</b>
<b>Lead Member</b>	Cllr Scott Edwards, Executive Member for Children, Families, Education & Skills
<b>Report Author</b>	David Watts – Executive Director of Children’s Services (Interim)  Alison Meachem – Head of Access and Sufficiency

<b>Key Decision</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Is the decision eligible for call-in by Scrutiny?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Are there public sector equality duty implications?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Does the report contain confidential or exempt information (whether in appendices or not)?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Applicable paragraph number/s for exemption from publication under Schedule 12A Local Government Act 1972</b>	N/A
<b>Which Corporate Plan priority does the report most closely align with?</b>	Better, brighter futures

### List of Appendices

#### **Appendix A – Climate Change Impact Assessment tool**

#### **1. Purpose of Report**

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- 1.1. To provide Members with the necessary information to consider and approve the capital project of Corby Business Academy SEND Provision.
- 1.2. To advise members that the costs will be funded primarily by Higher Needs Funding.

#### **2. Executive Summary**

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- 2.1. This report will provide details to allow Members to consider the information and decide on the proposal.

- 2.2. The report provides the details relating to North Northamptonshire Council's statutory obligation of providing appropriate learning facilities and spaces for pupils and staff - a safe environment conducive to teaching and learning.
- 2.3. The report provides the details relating to North Northamptonshire Council's statutory obligation of providing appropriate enhancement of an existing school to meet the growing demand of SEND school places in the Council area.
- 2.4. The report also sets out the benefits of progression of this proposal, the cost of the works to extend the SEND provision.
- 2.5. Finally, the report will set out the risks should the proposal not be accepted.

### **3. Recommendations**

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- 3.1. It is recommended that the Executive:
  - a) Approve the proposed Capital Project of Corby Business Academy SEND provision.
  - b) To note the scheme will be funded primarily by Higher Needs Funding.
  - c) Delegate authority to the Executive Member for Children, Families and Education, in consultation with the Executive Director of Children's Services and the Executive Director of Place and Economy, to authorise all necessary legal, property and financial agreements to ensure effective delivery of the scheme.
- 3.2. Reasons for Recommendations:
  - Corby Business Academy has enough physical space that can be utilised to support the severe shortage of specialist spaces in North Northamptonshire as result of falling rolls.
  - This project provides NNC the support to increase sufficiency of SEND places by creating 28 SEND places within the school.
  - School place planning duties (s13-14 Education Act 1996) The Council as an education authority has a duty to promote high standards of education and fair access to education. It also has a general duty to secure sufficient schools in their area, and to consider the need to secure provision for children with SEN. This includes a duty to respond to parents' representations about school provision. These are referred to as the school place planning duties.
  - If we do not provide the Corby Business Academy SEND provision, out of necessity we may need to seek SEND places in the independent sector which will have significant budget implications.

- There would also be implications on home to school transport costs if the pupils are placed out of county or out of area because of not creating these places.
- 3.3. Alternative Options Considered: The other option was to do nothing; this would not support the Council's school place planning duties.

#### **4. Report Background**

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- 4.1. Corby Business Academy is a secondary school who have expressed an interest in expanding the current SEN provision within the existing school. The original school was designed to accommodate a SEN provision of which included complex needs. Over the years the school's intake has been directed at more ambulant students therefore certain areas such as a hydrotherapy pool are no longer required. A refurbishment of these areas together with space re-planning could increase the teaching space footprint and increase pupil numbers.
- 4.2. The school has underused areas such as a Hydrotherapy Pool / Changing Rooms / Hygiene Room which could be refurbished to be used as teaching spaces. Together with some rooms that would benefit from an increase in area such as the Sensory Room. Existing Classrooms CL6 / ML4 / BL4 / DU6 are all slightly undersized but this is reflected in the capacity figures. As the pupils would only spend 50% of their time within the provision the existing toilet provision would be adequate for their use.
- 4.3. The feasibility study shows the project would create Classroom 1 (55.6m<sup>2</sup>) and Classroom 2 (76.8m<sup>2</sup>) which would equate to an additional 28 pupil places.

#### **5. Issues and Choices**

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- 5.1. This proposal relates directly to the Council's duty as an education authority to promote high standards of education and fair access to education.
- 5.2. The Council has a general duty to secure sufficient schools in their area, and to consider the need to secure provision for children with SEN. This includes a duty to respond to parents' representations about school provision. These are referred to as the school place planning duties.
- 5.3. The Council has a statutory obligation of providing appropriate enhancement of an existing school to meet the growing demand of SEND school places in the Council area.
- 5.4. The proposal will assist the Council in fulfilling its statutory obligations, therefore it has a duty to pursue this project approval.

## **6. Next Steps**

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- 6.1. If approved, the Funding Agreement will be finalised, and the school will start the procurement process.

## **7. Implications (including financial implications)**

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### **7.1. Resources, Financial and Transformation**

- 7.1.1. The project proposal would create Classroom 1 (55.6m<sup>2</sup>) and Classroom 2 (76.8m<sup>2</sup>) which would equate to an additional 28 pupil places.
- 7.1.2. The Scheme is being funded by Higher Needs funding.
- 7.1.3. The school and consultant design team have a proven track record of delivering projects on budget and on time. It is proposed that the works will be project managed by the school and their appointed Design Team and the Council will act as the funding body only.
- 7.1.4. Any works progressed will be governed by a legally binding funding agreement between each party, that restricts the Council's maximum financial liability in respect of this scheme.
- 7.1.5. The market is experiencing considerable volatility currently, and we are recommending mitigating the impact of this volatility on tender prices by including 30% client-side contingency on all Education Capital Projects.
- 7.1.6. The sum up to a maximum of £543,900 (including the project Contingent Sum of 30%) or any part thereof to be paid to the recipient in accordance with The Legal Funding Agreement. Payments will be made against an agreed milestone payment schedule.
- 7.1.7. A Business Case has been developed following a Feasibility Study which demonstrates that the proposal is necessary to ensure that NNC fulfils its place planning duties and increase sufficiency of SEND places by creating 28 SEND places within the school.
- 7.1.8. The Estimated Delivery Schedule is showing the project completing in September 2024.

### **7.2 Legal and Governance**

- 7.2.1 Under school place planning duties (s13-14 Education Act 1996), the Council as an education authority has a statutory duty to promote high standards of education and fair access to education. It also has a general duty to secure sufficient schools in their area.

7.2.2 Local authorities must provide appropriate maintenance of the existing school estate and it provides an opportunity to meet our statutory responsibilities to provide sufficiency of school places in the Council area.

### 7.3. Relevant Policies and Plans

7.3.1 These proposals will assist the Council in meeting its commitments in the long term by providing better, brighter futures: We will care for our young people, providing them with a high-quality education and opportunities to help them flourish as well as safe and thriving places to live and learn, work and visit.

### 7.4. Risk

#### Risk(s) Associated with delivering the proposal

Risk	Mitigation	Residual Risk
Costs higher than available budget due Market Volatility	30% Client Side has been included in the project costs to mitigate against the potential market fluctuations resulting in funding gaps and overcommitment of the Capital Programme.	Amber
Works undertaken impact on day-to-day school operation	Works to be planned in conjunction with schools and programmed to minimise impact.	Green

#### Risk(s) associated with not undertaking the proposal

Risk	Risk Rating
NNC has a statutory obligation in respect of the providing safe and fit for purpose school buildings in North Northamptonshire. Taking no action represents a clear and immediate risk to the Council's statutory obligations.	Red

### 7.5. Consultation

7.5.1 Consultation on the new building would be through the planning system so members of the public would be consulted as part of this process.

7.5.2 Ward Members have been consulted as part of the business case process.

## 7.6. Consideration by Executive Advisory Panel

7.6.1 This report has not been considered by the Executive Advisory Panel.

## 7.7. Consideration by Scrutiny

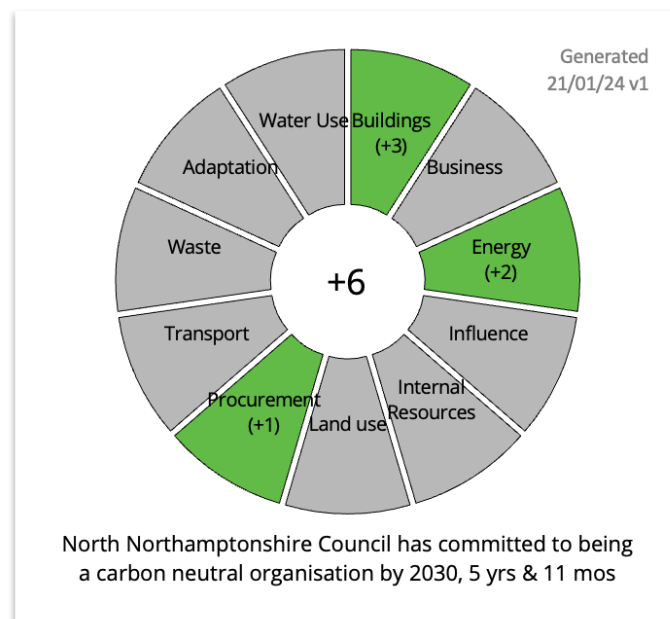
7.7.1 The report is eligible for call in by the Scrutiny Commission.

## 7.8. Equality Implications

7.8.1 An equality assessment form has been completed and confirms no negative impact.

## 7.9. Climate and Environment Impact

7.9.1 The Council, having declared a climate change emergency in June 2021, is committed to reducing its climate impact both within its own Council buildings and in working with businesses and the wider community to achieve net zero energy emissions.



## 7.10. Community Impact

7.10.1 This proposal will lead to improvements of the school allocated from the above funding.

## 7.11. **Crime and Disorder Impact**

7.11.1 This scheme will have no direct Crime and Disorder Impact.

## **8. Background Papers**

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8.1 None