

Report title	Investing in the School Estate	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Chris Burden Education, Skills and Work	
Key decision	Yes	
In forward plan	Yes	
Wards affected	All Wards	
Accountable Director	Emma Bennett, Executive Director of Families	
Originating service	Children's Services	
Accountable employee	Bill Hague	Head of School Business and Support
	Tel	01902 555100
	Email	Bill.Hague@Wolverhampton.gov.uk
Report to be/has been considered by	Education Leadership Team	16 February 2023
	Strategic Executive Board	7 March 2023

Recommendations for decision:

The Cabinet is recommended to:

1. Approve the allocation of £150,000 from the approved capital budget High Needs Capital Programme – Future Schemes to the Aldersley High School Resource Base project.
2. Approve the allocation of £300,000 from the approved capital budget High Needs Capital Programme – Future Schemes to the Penn Hall School project.
3. Delegate authority to the Cabinet Member for Education, Skills and Work and Cabinet Member for Resources and Digital City, in consultation with the Executive Director of Families and the Director of Finance, to approve any future allocations and adjustments to existing budgets from the High Needs Capital Programme – Future Schemes to enable future schemes to be progressed in a timely manner.
4. Approve the allocation of £350,000 from the approved capital budget Primary School Expansion Programme to the Westacre Infant School project.

This report is PUBLIC
[NOT PROTECTIVELY MARKED]

5. Delegate authority to the Cabinet Member for Education, Work and Skills in consultation with the Executive Director of Families to approve the details of all agreements authorised under recommendation 6 of this report.
6. Authorise the Council entering into all legal agreements in relation to the schemes.

1.0 Purpose

- 1.1 This report details the proposed expansion of Resource Base provision at Aldersley High School, the provision of additional school places at Penn Hall School and seeks approval to secure capital funding to support these schemes. These proposals are to help ensure sufficiency of provision and to enhance the local educational offer for children and young people with Special Educational Needs and/or Disabilities (SEND).
- 1.2 The report also details the proposed replacement of temporary classrooms at Westacre Infant School and Christ Church CE Infant School and Nursery and seeks approval to secure capital funding to support these schemes. These proposals will ensure that the pupils are taught in accommodation that is a suitable environment and of a high standard.

2.0 Background

2.1 Special Educational Needs and Disabilities

- 2.2 In order to enable 'Strong families where children grow up well and achieve their full potential', one of Wolverhampton's key council priorities within the Council plan and underpinned by the Special Educational Needs and Disabilities (SEND) Strategy in accordance with the SEND Strategy 2020 – 2023, it is imperative that sufficient good school places are available for all pupils including those with SEND.
- 2.3 Provision of places in a range of schools is necessary to meet the diverse needs of the population and where possible this should be as close to home and within the communities in which the young people live.
- 2.4 Local authorities have a statutory duty in this regard with the Children and Families Act 2014 requiring local authorities to keep provision for children and young people with SEND under review (including its sufficiency).
- 2.5 As outlined within the approved Wolverhampton SEND Joint Commissioning Strategy 2022-2025, the Council have a vision to become a highly inclusive City working with children, young people, and their families with SEND so that they can achieve their full potential.
- 2.6 Autistic Spectrum Disorder (ASD) continues to be the most common primary need for children who have an Education, Health and Care Plan (EHCP). In addition to the high ASD diagnosis there is also an increased demand for specialist provision to address Social, Emotional and Mental Health (SEMH) and in some cases coupled with the addition of speech language and communication needs. This growth in demand, together with a lack of specialist provision for SEMH and ASD locally, still reflects the priorities identified in the Council's sufficiency strategy (Wolverhampton SEND Joint Commissioning Strategy 2022-2025).

- 2.7 Additional places in the resource base provision are required to meet demand for SEND across the City which are commissioned by the Council and Service Level Agreements (SLAs) are in place with individual providers/schools.
- 2.8 There is also a need to increase the number of places on offer in a special school in the City to help meet demand.
- 2.9 The Local Authority receives capital grant funding for High Needs provision (High Needs Capital Fund) from the Department of Education (DfE) to support the provision of places for pupils with SEND.

2.10 Temporary Building Replacement

- 2.11 There is temporary accommodation within the maintained school estate. These consist of a range of different styles and ages of building.
- 2.12 A review of the condition and suitability of temporary buildings that are housed on maintained school sites has been undertaken. It has been identified that due to the age and condition of some temporary classrooms across the City that they require replacement.
- 2.13 The Local Authority receives Basic Need funding from the DfE to support mainstream school places and can support the replacement of temporary buildings.

3.0 Aldersley High School Resource Base Provision

- 3.1 Aldersley High School, part of Amethyst Academies Trust (The Trust), is a secondary academy located within the Oxley Ward. The school received a short inspection from Ofsted in March 2018 where the judgement stated 'This school continues to be good'.
- 3.2 The school have supported the Local Authority with meeting demand for mainstream secondary places previously as part of the Secondary School Expansion Programme (SSEP) 2017-2019 and SSEP 2022-2023. Following consultation with the Council's Commissioning Team the school are supportive of being able to accommodate additional specialist provision due to an increase in demand for SEND places.
- 3.3 The school currently operates a SEND Resource Base which caters for up to 20 pupils, aged 11 to 16 with Autistic Spectrum Disorder (ASD) and Speech, Language and Communication Needs (SLCN). The provision offers specialist support that is tailored for each SEND individual and is also accessible to mainstream pupils that require additional support with their communication and interaction needs. The school currently have 20 pupils in the Resource Base with an additional 19 mainstream SEND pupils accessing the facilities when required.
- 3.4 It is proposed that with effect from 1 September 2023, the capacity of the Resource Base is increased by five places to enable up to 25 students with SLCN and/or ASD to be supported going forward.

- 3.5 Extending the provision will allow learning opportunities and therapeutic interventions to enable more children to make the progress required in all areas of need.
- 3.6 In order to accommodate the five additional pupils in the Resource Base, The Trust have determined that a modular build is required to provide therapeutic, sensory and intervention space. To fund this scheme, The Trust have requested for capital investment from the Local Authority for the modular build. This project would require a budget of £150,000 to include contingency (due to fluctuations in cost of materials and inflation) and professional fees.
- 3.7 In addition, an improved outside area to offer learning opportunities and qualifications in horticulture is required but will be fully funded by The Trust.
- 3.8 The Local Authority has capital funds to support the request for this scheme, with funds being drawn down from the High Needs Capital Fund. The Trust have conducted a feasibility report for the proposal. The Local Authority have received copies of the quotations from potential contractors which have been assessed by the Council's Project and Works Team to ensure value for money. The Trust will be delivering the project, the funding would be provided from the Council via a Grant Agreement.
- 3.9 Full consent Planning Permission is required for this project as the proposed location of the modular build would be on green belt land.

4.0 Penn Hall School

- 4.1 Penn Hall School, also part of Amethyst Academies Trust, is an all through Special academy catering for pupils aged 3 to 19 years old, located within the Penn Ward. Due to its recent conversion to academy status (November 2022) the school has not yet been inspected by Ofsted, but prior to conversion was judged 'Good'.
- 4.2 In September 2019, prescribed alterations were implemented at Penn Hall School following a Local Authority consultation which widened the type of designated needs and increased the capacity of the school from 76 to 100 places.
- 4.3 Most children and young people attending the school have Education, Health and Care Plans maintained by Wolverhampton Local Authority. Currently 15 children and young people have plans maintained by one of the neighbouring local authorities of Dudley, Staffordshire, Walsall and Shropshire.
- 4.4 The Trust has already made some important physical changes such as the introduction of access-controlled doors and new fencing and gates around outside areas to ensure the original building design for pupils with mobility difficulties remains accessible for those with physical disabilities but is also secure and safe for those very mobile pupils who have severe learning difficulties and/or autism.
- 4.5 There has been significant investment in staff training since the expansion in type of Primary Need provision in 2019, especially around Positive Behaviour Support and approaches for teaching children with Autism.

- 4.6 The Trust have agreed to provide 8 additional places with effect from 1 September 2023. In order to accommodate the additional places, The Trust is proposing the creation of an additional Early Years/Key Stage One (KS1) class. This will increase the number of classes to 14.
- 4.7 The following capital works would facilitate a Key Stage Two (KS2) group being moved to the upper floor to free classroom space for the additional Early Years group on the ground floor. This includes:
- A. Two small classroom spaces on the upper floor would be combined to create one appropriately sized classroom space with two small breakout / intervention rooms, necessary to provide space for 1:1 work and for sensory and emotional regulation.
 - B. Refurbishment of existing open plan pupil bathrooms on the upper floor to create two gender specific bathroom areas, each having a hygiene room for pupils requiring changing bed facilities and the use of a hoist in addition to a number of cubicles appropriately adapted to accommodate ambulant pupils and those using wheelchairs.
- 4.8 The Trust have requested capital investment from the Local Authority of £300,000 to fund the alterations this include contingency (due to fluctuations in cost of materials and inflation) and professional fees.
- 4.9 The Local Authority has capital funds to support the request for this scheme, with funds being drawn down from the High Needs Capital Fund. The Trust will be delivering the project and have conducted a feasibility report for the proposal. The Council's Project and Works Team will review the tender package before the scheme goes out to tender. The funding would be provided from the Council via a Grant Agreement.

4.10 Cost per Place

- 4.11 The cost per place for additional places for both schemes is below the national average of £74,920 with the Aldersley High School scheme having a cost per place of £30,000 and the Penn Hall scheme at £37,500. It should be noted that the national average cost per place is based on the National School Delivery Cost Benchmarking exercise (July 2022) and that regional cost differences can be considerably more or less than the national average stated.

4.12 Statutory Processes

- 4.13 As Aldersley High School and Penn Hall School are academies the Department for Education's (DfE) 'Making significant changes to an open academy' guidance needs to be adhered to as the proposals are to increase capacity.
- 4.14 The expansion of the Resource Base at Aldersley High School qualifies as a significant change request with the Trust being required to submit a full business case to the Regional Schools Commissioner to seek approval.

- 4.15 As the location of the modular building will impact on the school playing field/land, the Trust may need to submit a separate application seeking consent from the Secretary of State for a change of use, known as a land transaction (Part 3 of Schedule 1 of the Academies Act 2010).
- 4.16 As the Penn Hall School proposal does not meet the criteria needed to submit a significant change request for a capacity increase i.e. 20% pupils or more, or 20 pupils or more (whichever is the smaller number) no statutory processes need be followed.
- 4.17 Penn Hall School's academy Funding Agreement states the planned number of places is 116. The Trust will seek an amendment to the funding agreement to reflect the increase the capacity.
- 4.18 Although the LA can support, the responsibility for adherence to the applicable regulations in undertaking these building works and planned place changes would lie with Amethyst Academies Trust.

5.0 Future Schemes for Special Education Needs and Disabilities Provision

- 5.1 Due to the high demand for specialist provision across the city, and to reduce the amount of out of city placements or placements in independent schools, it is recommended that delegation from the High Needs Capital Programme - Future Schemes be granted so future projects to increase the capacity of provision across the city can be progressed in a timely manner.

6.0 Temporary Building Replacement

- 6.1 A review of the condition and suitability of temporary buildings that are housed on maintained school sites has been undertaken. There are a limited number of temporary buildings across the City and replacement is prioritised based on condition.
- 6.2 It has been identified that temporary accommodation at two schools; Westacre Infant School and Christ Church CE Infant School and Nursery, require replacement as they are coming to the end of their useful life.
- 6.3 Replacing the temporary accommodation will ensure that the pupils are taught in a suitable environment which is of a high standard.

6.4 Westacre Infant School

- 6.5 Westacre Infant School is a maintained school located in the Tettenhall Wightwick Ward and caters for up to 90 pupils per year group with a 60 place Nursery (30 morning and 30 afternoon places).
- 6.6 The school has one temporary building on site that houses the Nursery provision. It consists of a classroom, kitchenette, quiet area, storerooms, staff toilets, pupil toilets and a staff room.

- 6.7 To ensure the school can continue to provide Nursery provision it has been determined that a replacement modular building is required. The timescales for removal of the existing temporary building and replacement of new are relatively short (compared to traditional build methods which could take 6 to 9 months) which will ensure the provision of Nursery places is not severely affected. It is projected that the delivery of a modular building could be completed over the summer holiday period with the possibility that it may, with agreement of the school, require an extra two weeks prior to the end of the summer term.
- 6.8 Current modular buildings are of a high standard and have a life of up to 40 years if maintained to manufacturers recommendations. These sustainable buildings are well insulated, energy efficient and built to the latest construction standards.
- 6.9 Costings are likely to be in the region of £350,000 and the Council will procure the contract in accordance with the Contract Procedure Rules.
- 6.10 The school are willing to make a contribution from their revenue budget towards to the scheme.

6.11 Christ Church CE Infant School and Nursery

- 6.12 Christ Church CE Infant School and Nursery is a voluntary controlled school located in the Tettenhall Wightwick Ward and caters for up to 60 pupils per year group with a 72 place Nursery (36 morning places and 36 afternoon places).
- 6.13 The school has a temporary building on site used for teaching and learning. It consists of two classrooms, storerooms and pupil toilets. Although some remedial repairs have extended the life of the accommodation it has been determined that this now needs to be replaced in the near future.
- 6.14 Replacement of the classroom provision is complicated due to the severely restricted nature of the site. Unlike the Westacre Infant scheme it is not feasible to remove the current accommodation and erect the new classrooms over the summer holiday period, nor could construction take place off site and the accommodation craned in.
- 6.15 A feasibility study will need to be undertaken so appropriate options can be investigated.

7.0 Evaluation of alternative options

- 7.1 There are limited options to provide additional specialist places by September 2023.
- 7.2 If specialist places are not provided by schools within the City, children would need to be placed out of city or with independent schools (within or outside of the City). This would have significant cost implications as the average cost to the Local Authority is £76,000 per child per annum per place. The cost per place for the schemes proposed in this report (as outlined in paragraph 4.11) demonstrates value for money in comparison.

- 7.3 The alternative option of doing nothing has been discounted as this would lead to a breach in the Council's sufficiency duty.
- 7.4 All temporary buildings in maintained settings have been assessed according to condition. There are no alternative options as the replacement of the temporary accommodation at the two sites has been determined as the highest priority.

8.0 Reasons for decision(s)

- 8.1 Additional school places at Penn Hall School and the increase in the number of places at Aldersley High School's Resource Base will support the increase in demand, ensuring the Council's sufficiency duty is met and to support the vision to become a highly inclusive City.
- 8.2 These schemes align to the key council priority whereby 'Strong families where children grow up well and achieve their full potential', which is also underpinned by the SEND Strategy in accordance with the SEND Strategy 2020-2023.
- 8.3 The Amethyst Trust are passionate about educating children with SEND in their local community and believe that they are ideally placed to extend their existing specialist Resource Base and Special School provision to enhance the wider school communities and life chances of children with special needs in Wolverhampton.
- 8.4 Replacement of the temporary accommodation at Westacre Infant School and Christ Church CE Infant School and Nursery will ensure that the pupils are taught in a suitable environment which is of a high standard.

9.0 Financial implications

Specialist Provision

- 9.1 The currently approved budget for High Needs Capital Programme - Future Schemes is £9.8 million, fully funded by the High Needs Provision capital allocation grant 2021-2024. The required budgets of £150,000 for the scheme at Aldersley and £300,000 for the scheme at Penn Hall, can therefore be funded in full from the approved budget for High Needs Capital Programme - Future Schemes.
- 9.2 In the case of both projects the Council will allocate grant funding to the Trusts and therefore grant agreements will be required to ensure funding is used as per the conditions of the grant.

Temporary Accommodation

- 9.3 The current approved capital budget for the Primary School Expansion programme is £9.3 million, funded in full by Basic Needs capital grant. Therefore, the required budget of £350,000 for the scheme at Westacre Infant School can be met in full by allocating funds from the approved Primary School Expansion programme budget. In the case of

Christ Church CE Infant School and Nursery, a capital budget will be allocated via existing approvals once the required budget level is determined.

[JB/24022023/L]

10.0 Legal implications

- 10.1 Under Section 14 of the Education Act 1996, a local authority shall secure that sufficient schools for providing primary and secondary education are available in their area. Sufficient means sufficient in number, character, and equipment to provide for all pupils the opportunity of appropriate education. In meeting this duty, a local authority must do so with a view to securing diversity in the provision of schools and increasing opportunities for parental choice
- 10.2 In accordance with The DfE's 'Making significant changes to an open academy' departmental guidance, January 2022, the addition of 5 places at Aldersley High Schools' Resource Base would qualify as a significant change request. This requires the undertaking of consultation and the submission of a full business case to the Regional Schools Commissioner (RSC) for decision (on behalf of the Secretary of State). Responsibility for undertaking due process lies with Amethyst Academies Trust.
- 10.3 In accordance with the Part 3 of Schedule 1 of the Academies Act 2010, The Trust will be responsible for submitting a separate application seeking consent from the Secretary of State for a change of use of school playing field/land at Aldersley High School (known as a land transaction) if applicable.
- 10.4 As the Penn Hall School proposal does not meet the criteria needed to submit a significant change request i.e. 20% pupils or more or 20 pupils or more (whichever is the smaller number), no statutory processes need be followed.
- 10.5 Academies must comply with their statutory guidance and the contractual obligations within their funding agreements when there is the proposition to increase the planned number of places and/or primary type of need provision. Responsibility for this undertaking would lie with the Academy Trust and the school.
- 10.6 For Capital works, academies must comply with their tender and procurement processes which should be written to ensure compliance with regulations which govern academy trusts and schools. Responsibility for this undertaking would lie with the academy trust and the school.
- 10.7 That all necessary legal agreements are entered into in order to protect the Local Authority. The agreements will include but not be limited to agreements for the grant of funds and any ancillary agreements necessary for the scheme to progress at Aldersley High School and Penn Hall School.
- 10.8 Any Contracts for Westacre Infant School and Christ Church CE Infant School and Nursery will be procured in accordance with the Council's Constitution and relevant legislation. Where possible the Council will look to procure works supporting the

Wolverhampton Pound where appropriate, but the procurement will need to be conducted in accordance with relevant legislation and the Council's Constitution.
[SZ/21022023/P]

11.0 Equalities implications

- 11.1 This report has equal opportunity implications as the contents have direct reference to educational provision for children and young people in the City. Section 149 of the Equality Act 2010 requires that public bodies, in exercising their functions, have due regard to the need to (1) eliminate discrimination, harassment, victimisation and other unlawful conduct under the Act, (2) advance equality of opportunity and (3) foster good relations between persons who share a protected characteristic and persons who do not share it.
- 11.2 The proposed increase in the number of places at the Resource Base at Aldersley High School and Penn Hall School will provide additional school places in the city for children and young people with specialist needs, thereby enabling families to attend a school near to where they live.
- 11.3 The additional resource base places give the opportunity for children with SEND to learn alongside their peers and siblings in a resourced facility attached to a mainstream school where they can benefit from the expertise of a wider range of educators and support services. This is in line with the corporate Equality, Diversity and Inclusion Strategy 2022-2024.
- 11.4 The additional places at Penn Hall School will ensure that more children have access to specialist provision and a curriculum to suit their individual needs and to enhance their outcomes.

12.0 All other implications

- 12.1 The Amethyst Academies Trust would be responsible for the delivery of the schemes at both Aldersley High School and Penn Hall School; City Assets will review the tender package at Penn Hall school, ensure both schemes are value for money, manage the grant sums, and the reimbursement for costs incurred to The Trust.
- 12.2 Full Consent planning permission is required for the Aldersley High School scheme and is the responsibility of Amethyst Academies Trust to follow due process.
- 12.3 There is likely to be a need for the schools to employ additional staff to support the increased number of pupils, however, the future organisation of employees within the schools is the responsibility of Amethyst Academies Trust.
- 12.4 The building works will be geared to promote improvement to the physical environment.

13.0 Schedule of background papers

- 13.1 Making significant changes to an open academy. Departmental guidance for all types of academy trust [Academies: making significant changes or closure by agreement - GOV.UK \(www.gov.uk\)](#)