

Report title	Stow Heath Primary School Proposed Resource Base	
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 Service	
Accountable employee	Bill Hague	Head of School Business and Support
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Report to be/has been considered by	Education Leadership Team	27 October 2022
	Strategic Executive Board	1 November 2022

Recommendations for decision:

The Cabinet is recommended to:

1. Delegate authority to the Cabinet Member for Education, Skills and Work, in consultation with the Executive Director of Families, to approve the allocation from the High Needs Capital Fund to the Stow Heath capital project in order that it may be progressed in a timely manner.
2. Approve the commencement of a period of Initial Consultation required under statutory processes on the proposed establishment of a Special Educational Needs and/or Disabilities (SEND) Resource Base at Stow Heath Primary School.
3. Delegate authority to the Cabinet Member for Education, Skills and work in consultation with the Executive Director of Families, to consider the outcome of Initial Consultation on the proposed establishment of a SEND Resource Base at Stow Heath Primary School and to determine whether to proceed to Formal Consultation (Representation).
4. Authorise the Council entering into all legal agreements in relation to this scheme.

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 4 of this report.

Recommendation for noting:

The Cabinet is asked to note:

1. That the outcomes of both Initial and Formal Consultation on the establishment of Resource Provision at Stow Heath Primary School will be presented at a future Cabinet Meeting for a final decision.

1.0 Purpose

- 1.1 This report details the proposed establishment of resource base provision at Stow Heath Primary School and seeks approval to secure capital funding to support this scheme.
- 1.2 The proposal is to enhance the local educational offer for children and young people with Special Educational Needs and/or Disabilities (SEND).

2.0 Background

- 2.1 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 SEND Strategy accordance with the SEND Strategy 2020 – 2023 it is imperative that sufficient good school places are available for all pupils including those with Special Educational Needs and Disabilities (SEND).
- 2.2 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,
- 2.3 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).
- 2.4 As outlined within the approved Wolverhampton SEND Joint Commissioning Strategy 2022-25, 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.
- 2.5 Autism Spectrum Disorder (ASD) has been the most common primary need in each of the last five years for children who have an Education, Health and Care plan (EHCP). There has been a consistent growth in demand for specialist provision for ASD and Social, Emotional and Mental Health (SEMH). This growth in demand, together with a lack of specialist provision for SEMH and ASD locally, has informed the Council's sufficiency strategy (Wolverhampton SEND Joint Commissioning Strategy 2022-25).
- 2.6 Additional resource base provision is required to meet demand for SEND across the City and is commissioned by the Council and service level agreements (SLAs) are in place with individual providers/schools.
- 2.7 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.
- 2.8 The DfE is currently undertaking a national school rebuilding programme with 161 projects in the pipeline currently. The programme carries out major rebuilding and refurbishments projects at school and sixth form college buildings across England, with buildings prioritised according to their condition, at no cost to the Local Authority. The

Programme was launched in June 2020 with the first 50 schools announced in February 2021.

3.0 Stow Heath Primary School

- 3.1 Stow Heath Primary School is a maintained school located in the East Park Ward and caters for up to 60 pupils per year group. The school was last inspected by Ofsted in May 2017 and was judged to be 'Good'.
- 3.2 In July 2021, the DfE announced the second round of the School Rebuilding Programme for a further 50 schools; Stow Heath Primary School was included in this tranche of the programme.
- 3.3 Due to the number of pupils in Stow Heath Primary that require support (3.5% have an EHCP with a total of 23% receiving SEND support), the school currently operate an unofficial base to ensure the pupils are receiving the best possible education and specialist support required (Source ONE).
- 3.4 As the school is being rebuilt the opportunity has arisen for the Local Authority to help shape this scheme. Discussions with DfE have been positive around the inclusion of accommodation within the design of the new school building to house resource base provision.
- 3.5 The Governing Body at Stow Heath Primary School are supportive of the establishment of a Resource Base with a resolution to this effect on 12 October 2022.
- 3.6 It is proposed for a 20 place Resource Base (anticipated to be for ASD or SEMH) to be established at the school. A contribution of capital funding from the Local Authority would be required for the base as this is not in scope of the Schools Rebuilding Programme.
- 3.7 In order for inclusion of the Resource Base in the rebuild design, confirmation will need to be provided to the DfE that the Local Authority has capital funds to support the Resource Base. The funds will be drawn down from the High Needs Capital Fund.
- 3.8 Designers and Architects involved with the School Rebuilding Programme have indicated that the addition of a SEND Resource Base built into the current structure is feasible and provided indicative costings of £1 million.
- 3.9 In accordance with The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, the addition of a Resource Base at Stow Heath Primary would qualify as a significant change and require the undertaking of prescribed consultation and decision-making processes. Responsibility for undertaking due process would lie with the local authority.
- 3.10 Due to timescales, it is recommended that Cabinet approve the commencement of a period of Initial Consultation required under statutory processes on the proposed establishment of a Special Educational Needs and/or Disabilities (SEND) Resource Base at Stow Heath Primary School.

- 3.11 A planning application for the original design has already been approved at Planning Committee and will therefore (subject to approval) need to be resubmitted with the resource base included in a new the design.

4.0 Evaluation of alternative options

- 4.1 In order to meet the timescales set by the DfE, there are no alternative options as the establishment of resource base provision at Stow Heath Primary School is linked to the rebuild under the DfE's Schools Rebuilding Programme.

5.0 Reasons for decision(s)

- 5.1 This is a unique opportunity for additional SEND Resource Base provision to be incorporated in the design of the rebuild of Stow Heath Primary School which will support the increased demand for specialist places.

6.0 Financial implications

- 6.1 The building of the proposed resource base would have a capital expenditure implication for the Council, and current indicative cost is in the region of £1.0 million. This cost can be met in full from the High Needs Capital Fund budget which is forecast to be £9.8 million at quarter 2 2022-2023 and is fully funded from the High Needs Capital Fund grant.
- 6.2 This report requests that approval to allocate budgets to specific projects is delegated, and therefore an IEDN will be required to establish a budget once consultation is finalised and the required budget is finalised.
[JB/27102022/P]

7.0 Legal implications

- 7.1 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.
- 7.2 In accordance with The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, the addition of a Resource Base at Stow Heath Primary would qualify as a significant change and require the undertaking of prescribed consultation and decision-making processes. Responsibility for undertaking due process would lie with the local authority.
- 7.3 A statutory process is required when it is proposed to establish, remove, or alter provision recognised by the local authority as reserved for pupils with Special Educational Needs.

- 7.4 Such processes require compliance with the prescribed provisions to ensure sufficient consultation is undertaken and that relevant stakeholders are notified of proposals or decisions in a timely manner.
- 7.5 It is recommended that authority is delegated to the Cabinet Member for Education, Work and Skills in consultation with the Executive Director of Families, to consider the outcome of Initial Consultation on the proposed establishment of a SEND Resource Base at Stow Heath Primary School and to determine whether or not to proceed to Formal Consultation (Representation).
- 7.6 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.
[TC/27102022/A]

8.0 Equalities implications

- 8.1 Subject to approval to proceed, an initial equality implications analysis will be completed with regard to the proposed establishment of resource base at Stow Heath Primary School. This assessment will be informed by the outcome of consultation and subject to progression presented to decision makers.
- 8.2 This proposed resource base will provide additional school places in the city for children and young people with ASD and/or SEMH, thereby enabling families to attend a school near school to where they live, give them the opportunity 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.

9.0 All other implications

- 9.1 There are no other implications arising from this report.

10.0 Schedule of background papers

- 10.1 None