

OFFICER DECISION RECORD 1 FORM

This form should be used to record Officer Decisions in Excess of £100k (but below the key decision threshold), or where required by Financial, Contract or other Procedure Rules or following formal delegation from Cabinet or a Cabinet Member or a Council Committee.

Decision Reference No: 1819054

BOX 1**DIRECTORATE:CYPS****DATE: 22 January 2019****Contact Name: Neil McAllister****Tel. No.: 01302 735283****Subject Matter: Bader School – Entering Into Contractual Agreement With Wilmot Dixon****BOX 2****DECISION TAKEN**

Agree to release the capital budget for the delivery of the Bader School (SEN Free School) to enter into contract with Willmott Dixon in two stages with delegated authority for spend to the Director of People and the Chief Financial Officer in consultation with the Mayor:-

Stage 1: For the construction of new road and associated services to the red line boundary;

Stage 2: For the construction and delivery the School within the red line boundary following receipt of Capital Approval from the Department for Education.

BOX 3**REASON FOR THE DECISION**

Doncaster Council has submitted a bid to self-deliver a new special school Bader School (SEN Free School) on the vacant land behind Hungerhill School.

The Department for Education had previously offered a fixed budget for within the red line boundary of the proposed school and as part of Doncaster's commitment to the wider site and predicted receipts have agreed to commit £245k for the access road and services up the red line boundaries to support both projects.

At its meeting on 18 July 2017 Cabinet resolved to delegate authority to the Director of People and Chief Financial Officer in consultation with the Portfolio Holder for Children, Young People and Schools to negotiate terms with the Education and Skills Funding Agency [Now Department for Education] to self-deliver the building of the school as well as the set-up of an effective school delivery model in conjunction with the agreed provider; and that once the financial envelope is agreed for the capital budget, it be released via an Officer Decision Record (ODR) with delegated authority for spend to the Director of People and the Chief Financial Officer in

consultation with the Mayor.

The Heads of Terms were formally agreed between the Department for Education and Doncaster Council on 18 January 2019 and contained a financial commitment of £7,137,357 in addition to a £95k contribution towards services, a total of £7,232,357.

This sum is in addition to Capital Resources identified by the Council noted in ODR 1819030, signed on 10/10/18 (approval of £150,000 to provide for the access road) and ODR 1819043 (approval of £95,000 for the provision of services up to the red line boundary of the allocated site).

The total identified budget for the build, access road and services up to the Red Line Boundary of the site being £7,477,357.

The contract with Willmott Dixon will be delivered in two stages with the second stage only entered into once the DfE have provided confirmation of the release of funding for the delivery of the school. The works will therefore be delivered in the following stages:-

Stage 1: For the construction of new road and associated services to the red line boundary;

Stage 2: For the construction and delivery the School within the red line boundary following.

The aspirational opening date of the School is 1 September 2020 this will be confirmed once the final schedule is complete and contracts are entered into for the delivery of the school.

BOX 4

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

The Council and its partners were instrumental in the initial design work carried out to determine a budget figure which was approved within the Heads of Terms. The delivery through the SCAPE Framework has allowed early engagement with the contractor and is OJEU compliant.

Alternative delivery options could remove the Council's direct input in the design work and could result in an increase to the budget which would require re-negotiation with the Department for Education and would further extend the delivery of the school. This approach is not recommended.

BOX 5

LEGAL IMPLICATIONS

Section 1 of the Localism Act 2011 provides the Council with the general power of competence which allows the Council to do anything with a person may generally do.

S111 Local Government Act 1972 states that a local authority shall have power to do anything (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions.

Section 175 of the Education Act 2002 the Council must exercise its functions as a local education authority with a view to safeguarding and promoting the welfare of children.

Under the Children and Families Act 2014, the local authority must always think about how the child or young person can be supported to facilitate their development and to help them achieve the “best possible educational and other outcomes”.

There are no specific legal implications in agreeing the draw down from Capital Programme to the project.

Compliance with the terms of the funding agreement should be monitored to ensure the funds are spent in accordance with the approved schemes of work.

Name: Wahid Khan **Signature:**  **Date:** 04/03/19

Signature of Assistant Director of Legal and Democratic Services (or representative)

BOX 6

FINANCIAL IMPLICATIONS:

The estimated cost for the self-delivery of the SEN Free School is £7,477,357. This project is to be funded as follows.

The DfE have confirmed that a specific capital grant of £7,232,357 will be made to Doncaster MBC for this project. Final approval from the DfE for the payment of the grant is expected to be received by the 31st March 2019. Stage 2 of the works will not commence until there has been formal written approval of the grant from the DfE.

The remaining £245,000 payable towards the building of the access road and services up to the red line boundary is subject to 2 separate Officer Decision Records as detailed below.

ODR1819030 has been signed to agree to pay £150,000 towards this project payable from Capital Receipts.

ODR1819043 has been signed to agree to pay £95,000 towards this project also payable from Capital Receipts.

At a meeting on the 18 July 2017 Cabinet resolved to delegate authority to the Director of People and Chief Financial Officer in consultation with the Portfolio Holder for Children, Young People and Schools for the capital budget to be released via an Officer Decision Record (ODR) with delegated authority for spend to the Director of People and the Chief Financial Officer in consultation with the Mayor.

Revenue

Under the current funding arrangements for 2018/19, place funding of £10k per place for Special Free Schools is currently provided by the Education Funding Agency directly and not paid for directly from the LA's High Needs Dedicated Schools Grant (DSG). Only the top up element, confirmed at the bid stage of £7.5k per pupil, would be paid for by the LA from the High Needs DSG for places.

Based on average current place funding and top up element costs for pupils in a PRU (£15k), Special School (£18k), mainstream school (£18k) or Out of Authority (OOA) placement for ASD (£54k) the current estimated cost for these pupils is £1.45m. The cost of £7.5k per pupil outlined above for 80 pupils is £600k and therefore the potential saving per pupil to the DSG would be between £7.5k and £46.5k. The estimated overall cost savings when the provision is open, being fully utilised and assuming 80 places filled by Doncaster pupils, with an estimated 30 of those otherwise being placed in PRU, 38 otherwise placed in Special School or mainstream school (including Educated at Home) and 12 otherwise placed OOA would be approximately £0.85m per annum.

The overall DSG High Needs Block Medium Term Financial Plan is currently being reviewed with these savings being utilised against growth in pupil numbers and inflation.

Name: David Armistead/Stephen Boldry **Signature:** [REDACTED] **Date:** 07/03/19
Signature of Chief Financial Officer and Assistant Director of Finance (or representative)

BOX 7

OTHER RELEVANT IMPLICATIONS

Name: _____ **Signature:** _____ **Date:** _____

Signature of Assistant Director (or representative)

ANY IMPLICATIONS SENT TO DEPARTMENTS SHOULD GENERALLY BE SUBMITTED AT LEAST 5 WORKING DAYS IN ADVANCE TO ENSURE THESE CAN BE GIVEN THE RELEVANT CONSIDERATION.

BOX 8

EQUALITY IMPLICATIONS: (To be completed by the author).

The provision of a Special School for Communication and Interaction will allow for 100 children and young people with social communication needs aged 5-19, whose needs are assessed and cannot be met within a mainstream environment, to receive suitable education within the local area. This will increase and strengthen our Local Offer and support our obligations under the Equality Act 2010.

The Council's duty under section 149 of the Equality Act 2010 when exercising its functions to advance equality of opportunity and foster good relations between those who have a protected characteristic and those who do not share that protected characteristic, ensure fair access to learning and opportunities for all Doncaster children and young people.

Name: Neil McAllister **Signature:** [REDACTED] **Date:** 22/01/19

BOX 9

RISK IMPLICATIONS: (To be completed by the author)

Reputational Risk: There is a risk to the council that not achieving the outcomes of the new special school or not pursuing this opportunity and withdrawing from the process would result in a lack of appropriate provision within the Borough. Children and young people would remain within less appropriate provision increasing the risk of social isolation and loneliness and not

enabling them to reach their full potential. There is a risk of delay in the opening of the new school which may mean this being achievable by September 2020.

Financial Risk: There would be a risk of increasing pressure on the High Needs Block due to higher cost of out of authority placements and transport costs. There is an additional financial risk of the financial envelope not meeting the required costs to build the school.

Name: Neil McAllister Signature: [REDACTED] Date: 22/01/19

**BOX 10
CONSULTATION**

Discussions have been held with colleagues within Finance, Property and Construction Services, Regeneration and Environment and Asset Board regarding the provision of a site for the school.

Following discussions with colleagues within the region the proposal includes provision for other LAs to be offered places at the school. Rotherham, Sheffield and Barnsley LAs have supported the bid and are expected to take up to 20 of the 100 places. Sheffield were also successful in their bid supported by Doncaster to undertake reciprocal arrangements as their special school has a different focus.

A number of consultation events have been held and it is intended that Officers and representatives of the new sponsor will continue to consult and coproduce with parents, children and young people and other stakeholders throughout the delivery of the project.

Name: Neil McAllister Signature: [REDACTED] Date: 22/01/19

**BOX 11
INFORMATION NOT FOR PUBLICATION**

It is in the public's interest to be aware of this decision record under the Freedom of Information Act 2000, therefore this decision will be published in full redacting signature only.

Name: Neil McAllister Signature: [REDACTED] Date: 22/01/19

Signature of FOI Lead Officer for service area where ODR originates

**BOX 12
BACKGROUND PAPERS**

Please confirm if any Background Papers are included with this ODR NO

(If YES please list and submit these with this form)

**BOX 13
AUTHORISATION**

Name: Damian Allen **Signature:** [REDACTED] **Date:** 06/03/2019

Director of People

Does this decision require authorisation by the Chief Financial Officer or other Officer

YES

If yes please authorise below:

Name: Steve Mawson **Signature:** [REDACTED] **Date:** 08/03/19

Chief Finance Officer & Assistant Director of Finance

Consultation with Relevant Member(s)

Name: _____ **Signature:** _____ **Date:** _____

Designation _____

(e.g. Mayor, Cabinet Member or Committee Chair/Vice-Chair)

Declaration of Interest NO

If YES please give details below:

PLEASE NOTE THIS FORM WILL BE PUBLISHED ON THE COUNCIL'S WEBSITE IN FULL UNLESS IT CONTAINS EXEMPT OR CONFIDENTIAL INFORMATION.

Once completed a PDF copy of this form and any relevant background papers should be forwarded to Governance Services at Democratic.Services@doncaster.gov.uk who will arrange publication.

It is the responsibility of the decision taker to clearly identify any information that is confidential or exempt and should be redacted before publication.