

## 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:** 1920020

### BOX 1

**DIRECTORATE:** Learning &  
Opportunities – Children & Young People

**DATE:** 26<sup>th</sup> July 2019

**Contact Name:** Neil McAllister

**Tel. No.:** 01302 735283

**Subject Matter:** Bader School Site Set Up Costs

### BOX 2

#### DECISION TAKEN

To make a payment to Wilmott Dixon Construction of up to £200,000 for site set up costs in August 19 for the delivery of the 'Bader School' (SEN Free School) - a new 100 place Communication and Interaction (C&I) Special School with an age range of 5 – 19. This will be achieved by a variation to the existing pre-construction services agreement PCSA with the agreement of Wilmott Dixon.

### BOX 3

#### REASON FOR THE DECISION

Doncaster Council are self-delivering the new SEN school on vacant land behind Hungerhill School, with funding from the DfE, following a successful free school bid.

The DfE will make funds available for drawdown to deliver the project following the granting of planning permission. The aspirational opening date of the school is 1 September 2020, which requires work to begin as soon as possible should planning permission be granted at the Extraordinary Planning Committee meeting scheduled for 30 July 2019.

Following the receipt of the project funds from the DfE, the £200,000 will be reallocated back to the Basic Needs Allocation.

### BOX 4

#### ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

To not make payment to Wilmott Dixon and run the risk that the project delivery date will slip, resulting in the school not opening on 1 September 2020.

**BOX 5****LEGAL IMPLICATIONS**

Section 1 of the Localism Act 2011 provides the Council with a general power of competence, allowing the Council to do anything that individuals generally may do.

Section 111 of the Local Government Act 1972 gives the Council the power to purchase goods and services.

The procurement of the works must be in accordance with the Council's Contract Procedure Rules and the Public Contract Regulations 2015.

A deed of variation to the existing PCSA is required so that Wilmott Dixon can engage in additional pre-construction activities to meet the aspirational opening date.

The variation will need to be documented.

**Name: Wahid Khan**

**Signature:** 

**Date: 30/07/19**

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

**BOX 6****FINANCIAL IMPLICATIONS:****Capital**

The LOCYP Capital Programme contains an allocation of £7.23m for the construction of a new Special School during 2019-20 and 2020-21 with an opening date estimated for September 2020. It is anticipated that the DfE will fund the above construction costs however final confirmation is still to be confirmed with this expected in August 19.

This ODR for £200k will fund site set up costs during August 2019 and is included within the overall total cost of the project above and is expected to be funded from the DfE's Special School Grant once confirmed.

A financial risk remains that no confirmation or grant will be received from the DfE for this purpose and therefore this £200K cost will have to be funded by Doncaster MBC from the LOCYP Capital Programme.

A further risk remains that should no final confirmation be received from the DfE prior to September 19 then a further report could be presented to commit Doncaster MBC to further construction costs whilst awaiting final DfE approval.

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 2019/20, 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. These savings have all been factored into the DSG High Needs Block budget based on a September 2020 opening date and any change to this could impact on the overall position of the DSG.

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:** Stephen Boldry    **Signature:**     **Date:** 26<sup>th</sup> July 2019  
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.

#### **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 unachievable 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.

#### **BOX 10**

##### **CONSULTATION**

Discussions have been held with colleagues within Finance, Property and Construction Services and Legal.

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.

#### **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 signatures only.

**Name: Neil McAllister**

**Signature:** 

**Date: 26<sup>th</sup> July 2019**

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: Riana Nelson**

**Signature:** [REDACTED]

**Date: 01/08/2019**

Director of Learning, Opportunities and Skills

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

**YES**

**If yes please authorise below:**

**Name: Faye Tyas**

**Signature:** [REDACTED]

**Date: 02/08/19**

Chief Financial Officer (Deputy Section 151) \_\_\_\_\_

**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](mailto: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.**