

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:

3954

Author:

Lucy Juby

Department:

Children and Adults

Contact:

Lucy Juby

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Subject:

To create a specialist enhanced provision at Fernwood Primary and Nursery School and to allocate S106 funding to the expansion of the Fernwood School

Total Value:

£447,000 (Type: Capital)

Decision Being Taken:

For full details of the decision to be taken, see below.

Decisions to be taken:

- 1. To apply £0.212m of S106 education contribution to create a specialist enhanced provision at Fernwood Primary and Nursery School. This is subject to the Portfolio Holder with responsibility for education being satisfied that the statutory consultation has been successfully concluded. This figure is an estimate, and will be finalised when the second instalment of the S106 education contribution linked to the Radford Bridge Allotments development (detailed below) is index linked prior to receipt. The £0.212m is therefore comprised of £0.035m from the first instalment already received, and c.£0.177m which is the estimated sum of the second instalment when it is due to be paid to the Council.**
- 2. To allocate £0.382m of Basic Needs Grant to the Fernwood Primary and Nursery School scheme in the first instance. When the instalment of S106 monies have been received, this will be allocated as per point 1 above, and c.£0.177m Basic Needs Grant will be released for use elsewhere. The sum of Basic Needs Grant to be utilised for this project is therefore c.£0.205m.**
- 3. To apply £0.030m Accessibility Fund monies towards the Fernwood Primary and Nursery School scheme. This has been allocated towards the provision of a hoist in the disabled toilet facilities.**
- 4. To retrospectively apply the sum of £0.142m (subject to final indexation) received from the s106 agreement linked to the Radford Bridge Allotments developments (details below) to the expansion of Fernwood Academy (The Fernwood School), details of which are contained in DDM 3015 dated 28.11.2017. This will release the c.£0.142m of Basic Needs Grant used in advance of the subsequent receipt of the S106 contribution so that it may be used in another scheme.**
- 5. To approve the procurement of the contractor for the Fernwood Primary and Nursery School project through the SCAPE Regional Framework which is a fully OJEU compliant procurement route.**
- 6. To delegate authority to the Corporate Director for People (Children & Adults) to enter into contracts for the services and works as long as they are within the overall approval.**

Reasons and circumstances leading to the need for the decision

A section 106 agreement linked to the Radford Bridge Allotments, Russell Drive family housing development (planning reference 12/01583/POUT varied by 15/03129/PVAR3 secures a total education contribution calculated to be £0.354m (exact amount subject to index linking on the final payment). The trigger points for receipt of funding are: 50% paid prior to occupation of 50% of the dwellings and the remaining 50% paid prior to occ. of 75% of the dwellings.

The Council received the first instalment of £0.177m on 20/11/2019, which is the first 50% of the total amount guaranteed. The remaining £0.177m is payable on reaching the 75% occupation trigger. In the interim period until the second S106 instalment is received, Basic Need funding will be used, then reimbursed on receipt of the full S106. The full cost of the project is estimated to be £0.447m. Accessibility funding of £30,000 has been allocated towards the provision of a hoist in the disabled toilet facilities.

The relevant s106 agreements oblige the Council "to use the education contribution towards additional or improved educational facilities at Fernwood Primary School and Fernwood Academy" (now known as The Fernwood School) with obligations specifying a split of the contribution to be spent on each school. Therefore, the approval required in this report is for the identification of the specific projects at the named schools, i.e. precisely how the funding will be spent at the named schools. The obligation to invest this funding at Fernwood Primary and The Fernwood School is already determined by the s106 agreements between the Council and the landowner, which the Council must adhere to.

An expansion of The Fernwood School has very recently been completed (in June 2020), therefore a decision is required to retrospectively allocate £0.142m of the S106 funding so that it can be spent in accordance with the Council's obligations in the s106 agreements. This anticipated receipt of s106 monies is also referenced in point 10 of DDM 3015 to approve the allocation of funding to support a DfE bid for the proposed expansion of Fernwood Secondary School.

A Council Plan priority is to support all schools and settings to be inclusive and to ensure that children with additional needs can progress well. Which is also underpinned in the Nottingham City Special Educational Needs (SEND) Strategy 2018-2023, which prioritises developing additional specialist or enhanced provision within mainstream schools, to support the growing number of young people with Autism.

A detailed consultation process was undertaken involving relevant stakeholders in 2017/18 to enable the co-production, development and implementation of the Nottingham City SEND Strategy 2018-2023. The local authority met with parents and carers, children and young people, schools, early years settings and colleges of further education to identify the shared priorities for the development of services and provision in Nottingham City.

The development of an enhanced resource provision at Fernwood Primary School is one of a range of measures developed by the LA in partnership with settings to ensure that the SEND Strategy commitments are delivered for young people in Nottingham. The proposed provision at Fernwood Primary and Nursery School would be located within the existing school grounds, in the area formerly occupied by a local Scout group, which has now disbanded and no longer requires the site. The Scout Hut is an old, temporary building which is in disrepair and not fit for purpose; it needs to be demolished and the proposal is for a new building (of a very similar footprint) to be constructed to locate the specialist provision.

The specialist provision will accommodate approximately 10 pupils. Four of these places will be allocated to the School by the NCC Special Educational Needs & Disability Team, and will be for pupils with high level, complex needs, primarily related to autism. Within this provision, which pupils will attend daily, they will receive a programme of learning which will stimulate and engage them safely and securely. These four places will be in addition to those allocated by the normal admissions process and they will therefore be in addition to the Published Admission Number (PAN) for the School. No other places will be available as NCC allocated SEN places until one of those four pupils leave the school.

It is proposed that the other six pupils using the enhanced provision unit will be pupils already on roll at the School with such high level and complex needs. These places will be allocated by the School and pupils will also access space and facilities within the main school indoor and outdoor areas.

A feasibility study has been undertaken by the Council's Design Services which outlines options considered for delivering the space and sets out high level indicative costs. The cost analysis includes all technical and design service fees for delivery, surveys and indications of any Planning and Building Control fees in relation to the work. The purpose of the study is to provide an informed scope of works and establish the preferred option before detailed design work takes place. In the event formal approval is not given to progress with the scheme the £15,702 cost associated with the feasibility study, which includes fees and survey costs, will be met from revenue funding.

The SEND team and other provisions at Rosehill Special School have been consulted about best practices for developing the design and future proofing the provision to be as flexible as possible for the range of needs it is likely to manage. The school have been involved in developing the design to meet their current need and their school governors have been consulted and are very supportive of the project. The preferred option has been agreed with the project sponsor and the school.

The project team have given careful consideration to both traditional and off site construction methods. An evaluation of these comparative routes has been undertaken and advantages and disadvantages have been highlighted for both. Works will be procured through the SCAPE Regional Framework which fully complies with the OJEU procurement regulations. The framework will allow early collaboration with the contractor so that the design and cost can be developed in parallel.

Both the school and the City Council are keen for this to be progressed as soon as possible so that pupils can be taught in this setting. The aim is for the facility to be completed for the summer term 2021.

Details of the proposed project including design, cost and programme are included in the attached Business Case (Appendix A).

Other Options Considered:

Do nothing - this option has been considered but rejected. The shortfall in provision for pupils with Autism Spectrum Disorder (ASD) across the City needs to be addressed in order to mitigate an increase in the revenue costs for sourcing specialist provision from other providers that is not sustainable in the long term.

If this project does not progress, it will remove the opportunity to develop a specialist provision which will provide additional places for young children with ASD. This S106 contribution is required to be invested at the two named schools as described in this report. If this legal obligation is not adhered to, the Council risks clawback of the funds from the landowner who made the payment.

Background Papers:

None

Unpublished background papers:

Appendix A_Fernwood Business Case_Final.doc

Published Works:

DD3015 Allocation of funding to support a Department for Education bid for the proposed expansion of Fernwood Secondary School

Affected Wards:

Lenton and Wollaton East, Wollaton West

Colleague / Councillor Interests:

None

Any Information Exempt from publication:

Yes

Exempt Information:

Description of what is exempt:

Exempt legal advice - Planning and Commercial law

An appendix (or appendices) to this decision is exempt from publication under the following paragraph(s) of Schedule 12A of the Local Government Act 1972

5 - Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

The public interest in maintaining the exemption outweighs the public interest in disclosing the information because disclosure would impede the Council's full consideration of the proposal and might adversely affect its ability to protect its position in the event of a dispute.

Documents exempt from publication:

Exempt legal advice - planning and commercial law.pdf

Consultations:

Date: 22/07/2020

Area Committees: Lenton and Wollaton East, Meadows, Wollaton West

Area Committee representatives consulted by email on 22/7/20 with details of the proposal. No responses received by the specified required date.

Those not consulted are not directly affected by the decision.

Crime and Disorder Implications:

None

Equality:

Please login to the system to view the EIA document: equality-impact-assessment - Fernwood Enhanced Provision - V1.docx

Decision Type:

Portfolio Holder

Subject to Call In:

Yes

Call In Expiry date:

18/08/2020

Advice Sought:

Legal, Finance, Equality and Diversity

Legal Advice:

Non-Exempt Advice provided by Jon Ludford-Thomas (Senior Solicitor - Employment & Education Team) on 31/07/2020.

Exempt Advice Provided by Judith Irwin (Senior Solicitor - Planning and Environment Team) and Andrew James (team Leader - Commercial Employment and Education Team) on 31/07/2020

Advice documents: 2020-07-31 legal obs (ed law).pdf

FINANCIAL COMMENTS - CAPITAL

As detailed in the body of the report, the Council secured £0.177m of S106 agreement 12/01583/POUT (as varied by 15/03129/PVAR3) on 20/11/2019 and is expecting a further c.£0.177m when the final payment is triggered, probably in financial year 2020/21. The conditions for expenditure contained within the S106 agreement state that the final sum shall be "applied towards the provision of additional or improved education facilities", and further stipulates that the portion of the contribution represented by "B" in the calculation be applied to Fernwood Primary School, and that represented by "D" be applied to Fernwood Academy. The draft calculation (which will be finalised for inflation when the second and final contribution is due) shows that Fernwood Primary ("B") will benefit from c.£212,444, and Fernwood Academy ("D") c.£142,268.

Fernwood Primary: the proposed £0.447m expansion scheme is to be initially funded from £0.035m secured S106 (12/01583/POUT as varied by 15/03129/PVAR3), £0.030m Accessibility Fund and £0.382m Basic Need Grant. Once the second tranche of the S106 contribution has been received (estimated at c.£0.177m), this will be allocated to the Fernwood Primary scheme, releasing the equivalent sum of Basic Need Grant for use in future schemes. The final funding of the scheme will therefore be £0.212m S106 (15/03129/PVAR3), £0.030m Accessibility Fund and £0.205m Basic Need Grant.

Fernwood Academy: £0.142m Basic Needs Grant was used to fund this scheme in advance of the anticipated S106 Education Contribution. Having received the first tranche of this contribution, £0.142m of is to be retrospectively applied to the expansion at Fernwood Academy. This will release £0.142m of Basic Need Grant Funding for the works at Fernwood Primary as contained within this decision.

The proposed use of S106 within this decision is considered to meet the grant conditions.

All Basic Needs Grant commitments within this decision have been secured by the Council.

On approval of this decision, a capital project will be created for the Fernwood Primary scheme to the value of £0.447m funded as outlined above. The funding for the capital project for Fernwood Academy will be amended as outlined above.

Advice provided by Tom Straw (Senior Accountant - Capital Programmes) on 24/07/2020 and by Sarah Baker (Commercial Business Partner - Projects) on 29/07/2020.

FINANCIAL COMMENTS - REVENUE

Revenue implications will be met by the Dedicated Schools Grant (DSG) funded high needs budget. Nottingham's high needs funding allocation will receive a significant 12% uplift for 2021/22 meaning that any incremental revenue costs arising from this proposal can be managed.

Under national high needs funding arrangements, occupied places at specialist resourced provision are funded at £6000 per place plus top-up funding. It is anticipated that funding provided from the high needs budget for the 6 existing high needs pupils already on roll at the school will be unaffected by this proposal. The overall level of funding required for the 4 additional SEND commissioned places will be agreed between the LA and the school taking into account the costs of staffing and running the unit. The place plus top-up funding for 4 places if similar to Rosehill Special School would be around £0.070m.

The number of pupils in the City with high level complex needs primarily relating to autism requiring support from the high needs budget is increasing significantly year on year. The proposed specialist resourced provision has potential to offer better value for money compared to supporting 4 individual pupils in alternative settings.

Advice provided by Kathryn Mair Stevenson (Senior Commercial Business Partner) on 28/07/2020.

**Equality and Diversity
Advice:**

There are no impacts on any of the protected characteristics. Happy to sign off. Advice provided by Rosie Donovan (Equality and Employability Consultant) on 30/07/2020.

Signatures

David Mellen (Leader/ PH Regeneration, Schools, Communications)
SIGNED and Dated: 11/08/2020
Catherine Underwood (Corporate Director for People)
SIGNED and Dated: 06/08/2020

Nottingham City Council

Business Case

**Project Title: Fernwood Primary and
Nursery School Enhanced Provision**

Lead Department: Children and Adults



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DOCUMENT CONTROL

BC Author	Sarah Lake	
Project Sponsor (contact details)	Janine Walker – Head of SEND and Vulnerable pupils	
Project Manager (contact details)	Sarah Lake	
Date	20.07.20	
Document ID	Final V0.6	

Version	Status	Revision Date	Summary of Changes	Sign-Off
V0.1	Draft	10.07.20	First Draft	
V0.2	Draft	15.07.20	Amendments	
V0.3	Draft	16.07.20	Amendments	
V0.4	Draft	17.07.20	Amendments	
V0.5	Final draft	20.07.20	Final draft	
V0.6	Final	21.07.20	Final for approval	

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1.0 PURPOSE OF DOCUMENT

This document sets out the business case for investment in an enhanced provision for Special Educational Needs pupils at the maintained Fernwood Primary and Nursery School, in Wollaton, Nottingham. The provision is also referred to as 'SRP' or Special Resource Provision which aims to provide targeted support to enable children to make progress, achieve their identified outcomes and continue to access the mainstream curriculum while being provided with a specialist intervention programme

This facility is part of the City Council's developing Special Education Needs and Disability (SEND) strategy to provide a number of enhanced provisions across the city. The facility will accommodate up to 10 pupils with high level complex needs, primarily related to Autistic Spectrum Disorder (ASD).

2.0 EXECUTIVE SUMMARY

Fernwood Primary and Nursery School over recent years has welcomed many children with complex, high level, special educational needs and disabilities (SEND). These children have joined the school from the catchment and from elsewhere across the city. The children are all individuals with specific need but the overriding need is autism, presenting as non-communication or little communication, very short concentration levels, frustration leading to violent outbursts injuring themselves and or others.

These children currently utilise a room within the main school building known as "the lighthouse". This room is shared with other curricular and extra-curricular activities and as such, the school struggles for appropriate SEND teaching space.

The new provision will be within the existing school grounds located in the area formerly occupied by a local Scout group, which has now disbanded and no longer requires the site. The Scout Hut sits adjacent to the school's entrance and will be demolished to make way for a new building to house the new provision. The Council has received a Section 106 education contribution from the agreement linked to the housing development at Radford Bridge Allotments in Wollaton. The obligation to invest this funding at Fernwood Primary is already determined by the legal agreement between the Council and Avant Homes (the developer/owner).

It is proposed that the enhanced provision will accommodate up to ten pupils. The school currently have six children who utilise the current "Lighthouse" and will move to the new building. Four places will be allocated by the NCC SEND Team and the NCC Admissions Team, to Fernwood Primary & Nursery School as a named school under the statutory SEN regime and will be for pupils with high level, complex needs, primarily related to autism. Within this provision pupils will spend the majority of their school day here, receiving a programme of learning which will stimulate and engage them safely and securely. These four places will be in addition to those allocated by the normal admissions process.

Whilst there is no set timescale for delivery of the facility, both the school and the City Council are keen for this to be progressed as soon as possible so that pupils can be taught in this setting. The aim is for the facility to be completed for the summer term 2021.

3.0 STRATEGIC FIT

3.1 Background of Business Need

Nottingham City Council has a statutory duty to provide a sufficient number of places in schools to meet local need, including provision for children and young adults with additional needs. Following extensive consultation with a wide group of stakeholders, the City Council has published a Special Education Needs and Disability (SEND) strategy¹. This strategy document sets out the principles for SEND provision across the City to improve the outcomes for children and young people with SEND from ages 0-25 years, focusing on a five year period from 2018.

The development of this strategy involved looking at the type and number of places required and reviewing options for increasing provision at schools both mainstream and SEND. Analysis of the demand indicates there is an urgent need for additional SEND provision, particularly for children and young people with ASD across the city.

3.2 Strategic Objectives and Outcomes

Both the NCC SEND Strategy 2018-2023 and Nottingham City Childrens & Young Peoples Plan 2016-2020 outline key objectives relating to SEND ambitions and outcomes by the Council for Nottingham city.

The following paragraphs outlines how the project contributes to relevant objectives and outcomes in these strategic documents as well as how the project aligns with the NCC 2019-2023 Council Plan.

The City Council has a statutory duty to provide sufficient school places. One of the key objectives of the Council Plan is to ensure that every child in Nottingham is taught in a school that is judged good or outstanding by Ofsted. Fernwood Primary & Nursery school is an inclusive school, key member of the Nottingham Schools Trust and is Ofsted rated 'Good'.

This project also supports the Council's priorities of providing access to a good school close to home for every young person in Nottingham and to guarantee a choice of places for every child at a local primary school. By expanding the amount and types of places, parents have a wider range of choice for a school place.

This also extends to the vision of Nottingham City Children's and Young People's Plan, 2016-2020 which aims to create "a city where every child and young person can enjoy their childhood in a warm and supporting environment...a city where every child grows up to achieve their full potential". By providing a suitable environment for those with additional needs such as the SRP, children and parents are given the opportunity at an early age to develop their potential.

The new provision of Fernwood Primary meets the requirement to expand good or outstanding schools and meets the requirements of the Special Education Needs and Disability (SEND) strategy that sets out the principles for SEND provision. One of the objectives of the strategy is to address the projected shortfall of ASD provision by creating sufficient places across all needs and settings across the City.

Within the Council Plan 2019-2023, the Council has set out to 'reduce permanent exclusions by 50% and campaign against permanent exclusions and 'off-rolling' to make sure every Nottingham child is in school'. The new provision at Fernwood will support the outcome that sufficient and appropriate places are available in the City for children with a variety of needs. It is recognised that there are an increasing number of children and young people with complex needs and that some of these require a higher level of specialist support. The Council Plan also outlines the ambition to support children with SEND in mainstream schools. This project will provide places for those children who need a higher level of support and this should limit the risk of these children being excluded by not having the appropriate level of support. This project also forms part of a wider SEND strategy that will address the needs of all children with SEND needs, supporting them to stay in mainstream schools where possible.

This project will support the reduction of childhood obesity in two ways as per the Council Plan commitment to 'reduce childhood obesity by 10%'. Children and young people will have access to more specialist support around healthy eating by attending a specialist provision. This is important as many children and young people with ASD have restrictive diets and, depending on their circumstances, can be at risk of obesity. The design process for the project will also consider how the external environment can be developed to support children and young people with ASD.

3.3 Scope

A feasibility study has been undertaken by Design Services which outlines options for delivering the space and sets out high level indicative costs. The purpose of the study is to provide an informed scope of works and establish the preferred option before detailed design work takes place. The preferred option has been agreed with the Project Sponsor and school.

The provision will accommodate up to 10 children with staff on a 1 to 2 or 1 to 3 basis. The room areas are based on the recommendation of Building Bulletin 104, 2015; an allowance has been made for a mix of ambulant and physically disabled pupils. The facility will provide additional specially resourced provision to the mainstream school site, with children attending for specialist support and learning. Whilst they will spend the majority of their time in the facility, the children will be allocated to a class within the main school and continue to partake in some school activities in their class.

The enhanced provision will be within the existing school grounds located in the area formerly occupied by a local Scout group, which has now disbanded and no longer requires the site. The Scout Hut is an old, temporary building which is in disrepair and not fit for purpose; it is proposed to demolish the hut and for a new building (of a very similar footprint) to be constructed to locate the specialist provision.

Discussions with the school and stakeholders has established the project will deliver:

- Demolition and removal of the scouts hut and their storage containers
- A new building which will incorporate;
 - one large classroom space which can be divided appropriately;
 - two disabled WCs, one with a hoist and space for a changing bed;
 - life-skills kitchen, for learning cooking, washing etc in a domestic environment;
 - a sensory room for light and sound therapy to accommodate at least one pupil and one adult;
 - a small group room to provide quiet, discrete facilities away from the classroom for a pupil to have “time out” or to work 1 to 1 with a teacher, teaching assistant or peripatetic teacher or counsellor;
 - storage space; and
 - cleaner’s room to store appropriate cleaning materials;
- Retaining wall at back of hut due to the proximity to Tottle Brook
- Statutory consultation exercise to install the new provision – this will be managed by the Education team
- Possible integration of energy efficient solutions, e.g. solar panels. This will be discussed and agreed with the school and NCC Energy team in the next stages.

As agreed with the school, staff will utilise the DWC at the provision and all other staff facilities such as staff room, space to undertake PPA work etc, will be in main school thus freeing up learning space within the building.

The provision will also have a separate outdoor space, which is separate to the main school play space. The detail for this outdoor space will be developed further with the school as part of the next stage of detailed design. Early discussions with the school has established they would prefer a much more fitted out play space however, this has had to be scaled back due to cost. The play space does however need to be enclosed to meet the needs of the children using the facility.

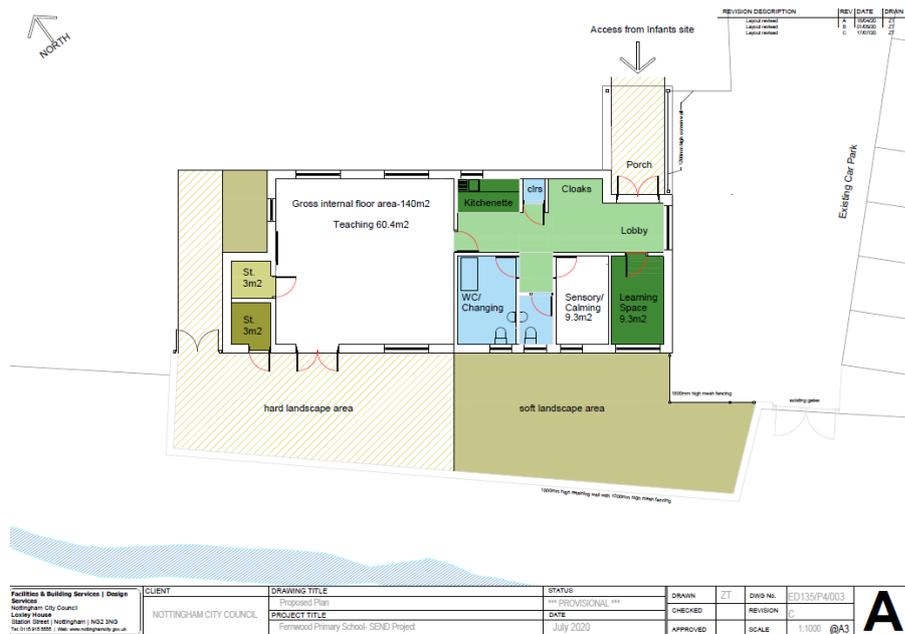
Children will use facilities within the main school and also the main schools external play space under supervision. Children will move across to the main school accompanied by staff.

Out of scope:

- Any improvements to the highway or improvements to the car parking facilities;
- Any changes to current Lighthouse room to re-purpose the space;
- Arrangements with the Scouts Hut regarding their vacation from the site – this has been managed to date by the Property department;
- No off-site roadworks (section 278) and external services and drainage beyond the site demise have been planned for (as advised by Design Services).

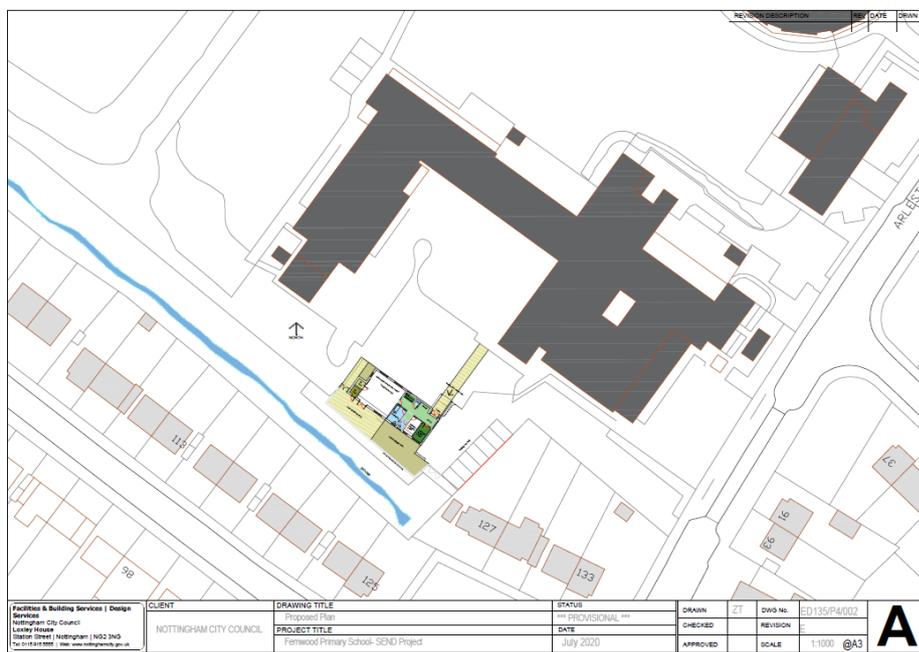
Proposed option

The option shown below meets the scope of the project and provides a solution that will meet the needs of the school:



The school have indicated that the building should look and feel like part of the existing estate although this will be subject to cost.

The plan below shows the provision in relation to the existing school and route in from the road:



3.4 Constraints

Programme:

- Building works will be carried out whilst the school is in operation and will be managed carefully to limit any negative impact on the school. The works will be programmed to minimise disruption on site and there will be clear and robust

demarcation between the construction site and the school.

Legal/regulations

- There is a statutory procedure to consult on the enhanced provision as the proposal relates to provision for SEN in a mainstream school, and the establishment of a provision that is recognised by the local authority as reserved for children with SEN. The formal consultation for this process will commence once formal approval is given. This business case is submitted on the assumption that this approval is successful. It should be noted that the City Council SEND strategy has been through full consultation with all stakeholders including members, officers, education settings and children and families.

Financial

- The project scope and delivery is dependent on the formal approval of funding sources noted within this Business Case. A Section 106 agreement linked to the Russell Drive family housing development in Wollaton secures a total education contribution calculated to be £0.354m. This is subject to index linking on the final payment and the receipt of funding is triggered by % occupancy of the dwellings. The Council is currently in receipt of £0.177m of the total amount guaranteed (which is the first 50%), the remaining £0.177m (subject to index linking) is payable on reaching the 75% occupation trigger. Approval is being sought to use Basic Needs funding to bridge the gap until receipt of the final Section 106 funding, and the shortfall in project budget cost of £0.63m.

3.5 Dependencies

There are a number of project dependencies:

- **Consultation:** At the time of writing this business case the City Council are going through the statutory procedure to consult on the prescribed alteration of the school. It is anticipated that this will be in place by September 2020 at the latest.
- **The handing back of the scout hut to the City Council:** Whilst the scout group disbanded in November 2019, the clearance and formal handover of the building back to the City Council has been delayed due to lockdown restrictions imposed as a result of the Covid 19 pandemic. The City Council Property Team are liaising with the District Scouts to secure clearance and handover of the building.
- **Planning:** The project is dependent on planning permission being granted by Nottingham City Council. Early discussions with the Planning team on the proposals have taken place and recommendations will be considered as part of the detailed design process.

3.6 Key Risks

Risks, issues, actions and decisions will be logged on the live RIAD (Risk, Issue, Action, Decision) log and assessed by the Project Manager in consultation with the project team. The Project Manager is responsible for working with stakeholders to agree corrective action.

Risks which could have a significant impact on the cost, benefits or timetable of the project will be escalated to a Programme Manager in Major Projects, Education Project Manager or Project Sponsor by the Project Manager for action, decision or escalation dependent on the impact of the risk.

The key risks identified with the project are below:

Risk Number	Risk Description	Likelihood Rating	Impact Rating	RAG Rating	Risk Response
1	Consultation on the new provision is not successful.	Unlikely	Major		The expansion of the school aligns directly with the required outputs of the SEND strategy and is a Council Plan priority for focused provision within the City. Consultation has taken place with key stakeholders and ward councillors who support the expansion.
2	Covid 19 restrictions impact on delivery of the project	Possible	Major		Lockdown restrictions imposed either nationally or locally could delay delivery of the project either through delay to procurement, delivery of materials or availability of workforce. This will be measured and managed appropriately by working with contractors and liaising with the Programme Manager.
3	Delay in obtaining approval of the works from planning which will have an impact on the programme of works.	Possible	Moderate		Ensure planning application is submitted early enough to allow the contractor to start works on site. Planning officer has already been engaged in the development of the designs.
4	Receipt of total S106 funding which is subject to index linking	Possible	Moderate		The trigger points for receipt of funding are: 50% paid prior to occupation of 50% of the dwellings and the remaining 50% paid prior to occupancy of 75% of the dwellings. The council is in receipt of the first 50% and approval is being sought to utilise Basic Need funding to bridge the gap until the final 75% is triggered.

5	Project costs exceed the budget allocated.	Possible	Moderate		Indicative costs have been received and both reviewed and challenged in order to ensure that a robust budget is set. A contingency amount has been allocated to allow for any future events or circumstances that may not be accounted for including Covid19. Value engineering of the works will be carried out during and after the detailed design stage to ensure the project is delivered within the agreed budget.
6	Day to day operational management of the school is negatively impacted during construction	Unlikely	Moderate		The project team and contractor will work closely with school to ensure that day to day school operations are not impacted negatively and that the school environment remains safe. The school specific brief will form part of the contract documents and will stipulate that the contractor has a responsibility to manage the construction site effectively, with guidance from the school to understand what impact activities could have on school operations.
7	The new provision is delivered late	Possible	Moderate		The SEND team will be kept up to date with project progress and any risk of slippage will be highlighted at an early stage so that plans can be made to manage any children who may be affected by a delay in the building being completed. This is the same for the school who will be undertaking necessary recruitment of staff for the new space. A programme will be developed with the contractor and the milestones shared with key stakeholders.

3.7 Benefits

The benefits for a new provision at Fernwood Primary & Nursery School is detailed in the table below:

Benefits	Observable	Measurable	Quantifiable	Financial	Expected	Owner
Financial Benefit	Possible commercial opportunity to sell any vacant spaces to neighbouring Local Authorities.	Revenue increase		£35,000 per place estimated	On completion	Janine Walker, Head of SEND & Vulnerable Pupils; Kathryn Stevenson Senior Commercial Business Partner
Financial Benefit	No requirement to procure places through external providers or out of the City compared to providing places in the City	Difference in cost between in-house provision and independent providers		£30,000 per place estimated	On completion	Janine Walker, Head of SEND & Vulnerable Pupils; Kathryn Stevenson Senior Commercial Business Partner
Quality Gain	Provision of required space in order to deliver effective and appropriate curriculum to children and young people with ASD. The provision could be a model of how to deliver additional places in NCC.	Maintain high quality of education and educational outcomes	Ofsted ratings, test and exam performance, improvement in quality of life for children and young people. Parent and pupil surveys. Education Improvement Board measurements/KPI's		Two years post-completion	Janine Walker, Head of SEND & Vulnerable Pupils; Headteacher of Fernwood Primary & Nursery School
Quality Gain	Provide a high quality building and improve existing resources including contribution to Carbon Neutral agenda of NCC by 2028	Satisfaction of children, young people, parents, carers and staff; reduction of carbon output from the school	Reduction in condition liability at schools and capital investment required to address maintenance issues; Reduction in running costs (tbc)	Starting at £20,000 per annum depending on existing issues (est.)	Five years post-completion	Janine Walker, Head of SEND & Vulnerable Pupils; Headteacher of Fernwood Primary & Nursery School
Health Gain	Improvement in quality of care provided in school environment	Satisfaction of children, young people, parents, carers and staff ; Health statistics to be collated by partner organisations	Survey information to measure (parents and pupils); Education Improvement Board measurements/ KPI's Public Health considerations/		Two years post-completion	Janine Walker, Head of SEND & Vulnerable Pupils; Headteacher of Fernwood Primary & Nursery School

			measurements (obesity)			
Equality Gain	Children and young people given suitable educational opportunities to achieve and choose	Maintain high quality of education and educational outcomes	Ofsted ratings, test and exam performance, improvement in quality of life for children and young people.		Two years post-completion	Janine Walker, Head of SEND & Vulnerable Pupils; Headteacher of Fernwood Primary & Nursery School
Political Gain	Provision of a wide range of suitable places ensuring parental choice	Additional SRP places made available	Increase in capacity		Two years post-completion	Janine Walker, Head of SEND & Vulnerable Pupils and Portfolio Holder for Education
Political Gain	Expansion of special school places	Additional SRP places made available	Increase in capacity		Two years post-completion	Janine Walker, Head of SEND & Vulnerable Pupils and Portfolio Holder for Education
Quality Gain	Expansion of popular and successful schools	Additional school places made available in schools that are good	Increase in capacity		Two years post-completion	Janine Walker, Head of SEND & Vulnerable Pupils and Portfolio Holder for Education
Financial & Quality Gain	Reduce permanent exclusions by 50% and campaign against permanent exclusions and 'off-rolling' to make sure every Nottingham child is in school	Statistics on exclusions	Baseline exclusions for 2019 and compare to exclusions in 2024 to track improvement	Unknown – a number of strategies are being put in place to reduce exclusions therefore cannot be directly attributable to the new provision	Two to five years post completion	Janine Walker, Head of SEND & Vulnerable Pupils; Kathryn Stevenson Senior Commercial Business Partner

4.0 OPTION APPRAISAL (Economic Case)

A feasibility study covering RIBA stages 0 – 1, has been undertaken by Design Services. This study outlines options for delivering the space required in relation to BB104, and provides a high level cost analysis for each options. The cost analysis includes all technical and design service fees for delivery, surveys and indications of any Planning and Building Control fees in relation to the work. The purpose of this study is to provide sufficient practical information to allow a decision to be made by the Project Sponsor regarding options to progress.

The SEND team and other provisions at Rosehill Special School have been consulted about best practices for developing the design and future proofing the provision to be as flexible as possible for the range of needs it is likely to manage. The school have been involved in developing the design to meet their current need and their school Governors have been consulted and are very supportive of the project.

Three options for delivering the space were developed. The initial option fulfilled the general wish list in almost every area, however the costing estimates for this were far greater than the funding available. This was reviewed to determine what part of the design could be scaled down whilst maintaining the effectiveness of the areas to the greatest extent. The overall gross floor area has been reduced however is still comparable to the scout hut it is replacing. The scope of works to the overall play area have been scaled back as it is felt that these can be developed at a later date as funding allows. This option has been agreed by the school and the sponsor and approval is being sought to progress this.

A third option was discounted as although the cost analysis was closer to the available Section 106 funding it did not deliver the space needed by the school for the facility to function.

A do nothing option has also been considered but rejected as the Section 106 funding is allocated to improve the educational facilities at Fernwood Primary and Nursery School. To not progress the project would remove the opportunity to enhance the school and provide additional places for young children with ASD across the city.

5.0 COMMERCIAL ASPECTS (Financial Case)

The project team have given careful consideration to both traditional and off site construction methods. An evaluation of these comparative routes has been undertaken and advantages and disadvantages have been highlighted for both, as shown in the table below:

Comparison of Framework and Traditional Tender Benefits, Risks and Issues

	Framework		Traditional Tender	
	Benefits	Risks or Issues	Benefits	Risks or Issues
Compliant Procurement/ financial regulations	Compliant route to market in line with public regulations. Already in place, so no risk.	Often attracts large and national suppliers, may not be suitable for this size of project	Compliant route to market in line with public regulations assuming proper process is followed	Risk of lack of interest if not attractive to the market. Contractors may dispute contract award and lead to delays.
Social Value	Already procured in line with public regulations. Benefits often agreed to align with strategic objectives of partners. Monitored as part of the framework	Unable to amend social value and other targets included, although 'local' additions can be made if agreed.	Can specify as part of tender in line with strategic objectives. More control and options.	Requires local monitoring to ensure these are delivered. Difficult to penalise if the contractor does not comply.
Supply Chain management	Predetermined supplier list, building strong working relationships and required to engage with local companies and Small to Medium Enterprises (SMEs). Should help quality and improve communications and benefit local people.	Can create barriers to new companies entering the market	Potential to attract a wider supplier base, including new entrants, local companies or Small to Medium Enterprises (SMEs) and benefit local people.	Risk if the supply chain are not familiar with the working methods of the lead contractor in terms of quality, time and cost.
Terms and conditions/ flexibility of contract	Predetermined terms and conditions, no need for time to negotiate and therefore should be quicker to enter into contract	Lack of flexibility for those entering into contract and if one party insists on changes, can lead to issues. Sometimes set rates have already been agreed and must be paid as part of the contract, even if not applicable to a particular project.	Contract tailored to meet individual requirements, may be more suitable for smaller projects.	Contract preparation may be lengthier, extending time frame required. Able to set your own award criteria including price/ quality ratios.
Cost and fees	Predetermined rates, should give cost certainty at an early stage and give comfort of value for money. Most projects delivered for contract sum.	Adds another 'layer' of fees to the project. When frameworks are set up, bidders will may have built in a 'risk premium' for the uncertainty of receiving work which may reduce value for money	Should limit fees on the project and give value for money based on what is happening in the market place.	Dependent on market activity and may increase costs/ rates. More risk for the Council in relation to quality, to provide detailed and accurate specifications in order to ensure cost certainty.
Timescale	Reduced timescale for procuring works.	Reopening a competition can be as onerous as running your own tender, requiring documents to be checked, depending on contractual route.	More control over timescale as this is not predetermined by a framework.	Takes longer to procure through a traditional tender process and more work required by the Quantity Surveyor and Design Team.
Additional benefits	Early engagement with the contractor to advise on 'buildability' should help minimise risk and ensure the appropriate solution is found at an early stage. Free feasibility offered by some frameworks to help give a clearer understanding of cost at the outset Strong reputation for delivering large scale and complex projects, proving valuing for money.	Frameworks are generic, rather than project specific when they are set up, so there may be a supplier who would have been better placed to provide the solution to the requirement.	Can agree the design and delivery process with the contractor depending on the needs of the project. Not driven by the needs of the framework. May be more appropriate for smaller scale projects.	Does not allow for early engagement with a contractor that might help manage risk and give greater cost certainty at an early stage.

Taking all of the above into consideration, and bearing in mind the relatively small scale of this project, the decision has been made to adopt the SCAPE Regional Framework route of procurement which fully complies with the OJEU procurement regulations. This will allow early collaboration with the contractor so that the design and costs can be developed in parallel.

6.0 AFFORDABILITY (Financial case)

The scheme is presently in the early design phase and therefore costs are indicative at this stage. It is anticipated that this work will cost £447,101. An overview of the project budget at this stage is provided below:

Fernwood Primary Enhanced Provision – overview of project budget	
Element	
Feasibility work done to date including fees and surveys	£15,702
New Build Cost including demolitions	£311,713
Fees (Design Services and Major Projects)	£35,389
Planning & Building Control fees	£1,500
Surveys	£3,000
Direct costs	£1,600
Risk Allocation	£35,197
Tender Inflation 0%	0
Construction Inflation 0%	0
Client Contingency 7%	£30,000
IT Equipment (provisional sum - requirements to be discussed with school)	£8,000
FF&E (provisional sum - requirements to be discussed with school)	£5,000
Total project cost exc. VAT	£447,101

It is acknowledged that the funding available to the City Council is very limited. Within the indicative cost allowances have been made for client risk contingency and are inclusive of preliminaries of 12 – 15%, construction fees of 5% and pre-construction fees of 1%. Cost estimate has been carried out using m2 rates from BCIS data and other historical cost information of buildings of similar nature. If the costs from the successful contractor are returned and over the indicative costs it will be the project manager's responsibility to carry out a value engineering exercise in conjunction with the project sponsor.

Funding and approvals

This business case is an appendix to the approval being sought to deliver the scheme. The report will include several recommendations that allows the project to proceed, within a set of defined parameters.

The funding will be a combination of Section 106, Accessibility funding and Basic Need grant.

A Section 106 agreement linked to the Radford Bridge Allotments, Russell Drive family housing development, secures an education contribution of £0.212m (subject to index linking on the final payment) for Fernwood Primary & Nursery School. The trigger points for receipt of funding are: 50% paid prior to occupation of 50% of the dwellings and the remaining 50% paid prior to occupancy of 75% of the dwellings.

The £0.212m is therefore comprised of £0.035m from the first tranche received, and c.£0.177m which is the estimated sum of the second tranche when it is due to be paid to the Council.

£0.382 of Basic Need funding will be used to fund the balance in the first instance, then reimbursed with the second tranche of the S106 monies on receipt. The sum of Basic Needs Grant to be utilised for this project is therefore c.£0.205m.

Accessibility funding of £30,000 has been allocated towards the provision of a hoist in the disabled toilet facilities.

A feasibility study has been undertaken by Design Services to understand the options, budget required and timescales for the proposals. In the event formal approval is not given to progress with the scheme, the £15,702 cost associated with the feasibility study, which includes fees and survey costs, will be met from revenue funding.

Fernwood Primary Enhanced Provision – overview of proposed budget		
Total Project Cost	£0.447	
Funding sources and amount:	Temporary funding	Final funding
S106 Funding	£0.035	£0.212
Basic Need grant	£0.382	£0.205
Accessibility funding	£0.030	£0.030

7.0 ACHIEVABILITY (Project Management case)

The project will be delivered by Major Projects on behalf of the Head of SEND and Vulnerable Children. The Major Projects team have considerable experience in delivering school projects and specifically SEND projects, and already have a strong working relationship with the school.

A project management plan (internal document) is being developed and will be kept live throughout the various stages of the project. The plan defines the project and explains the journey the project will take and how it will be managed. Reference is made to the supporting documents necessary to ensure the project is managed

effectively and efficiently and how quality will be assured. The project management plan sits alongside this business case and has clear interdependencies.

Delivery Team

Internal resources:

The project will be managed by an Assistant Project Manager reporting to a Senior Project Manager within Major Projects. The project will be delivered in conjunction with Design Services who will act as the technical lead. Design Services will act as the Principal Designer to ensure the Council fulfils Construction and Design Management (CDM) requirements until the end of RIBA Stage 4. Design Services will provide support to manage the quality of the design during the development and delivery of the project. An Employer's Agent/ Technical Advisor will be appointed to monitor design quality and an inspections team will be appointed to manage quality onsite.

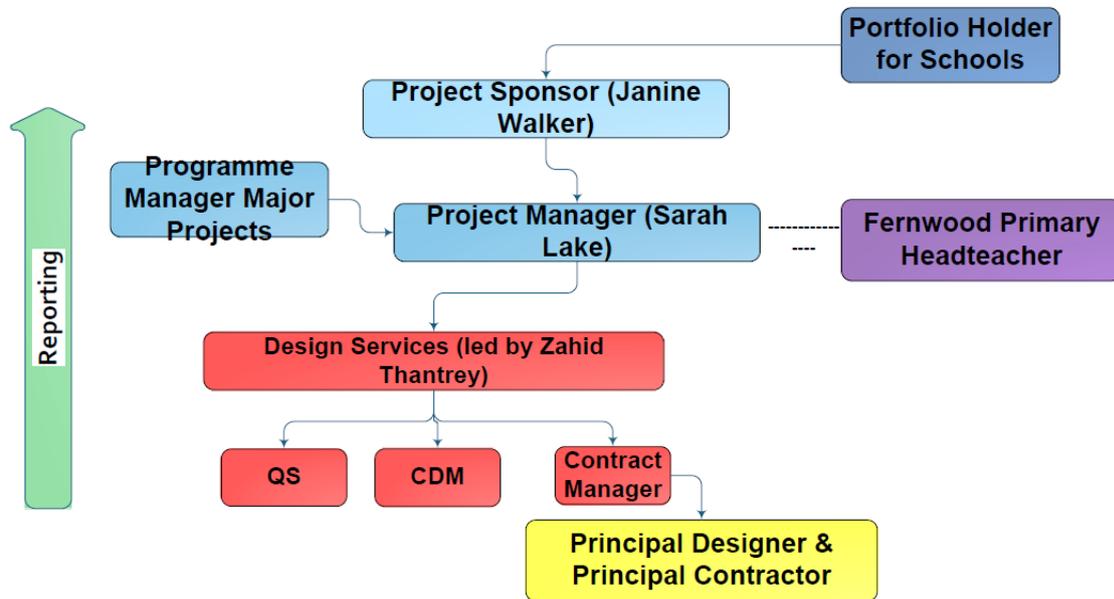
External resources:

The main contractor who is appointed to deliver the works will also be appointed as the Principal Contractor and Principal Designer under the CDM requirements. The contractor will be responsible for other aspects of design, including structural, mechanical and electrical and will need to ensure that the design complies with the Authority's Requirements documents and any additional requirements set out by the City Council during the procurement process.

Reporting Structure:

The project reporting structure for the new provision at Fernwood Primary and Nursery School is shown below:

New Provision at Fernwood Primary School



Programme:

Subject to approval to deliver the scheme being given and no further delays due to Covid or Brexit, for example, key milestones for the project are as follows:

- NCC Design Services feasibility and costing period (June 2020) Complete.
- Confirm scheme design with sponsor and school (early July 2020) Complete
- Obtain DDM approval (Aug 2020)
- Public Consultation (Aug/Sept 2020)
- Framework contract collaboration commences (Aug/Sept 2020)
- Planning approval (Aug/Oct 2020)
- Agree target cost and appoint contractor (Oct/Nov 2020)
- Start on site (January 2021)
- Completion and handover to the school for fit out of furniture (June 2021)

Equality Impact Assessment Form

[screentip-sectionA](#)

1. Document Control

1. Control Details

Title:	Fernwood Primary & Nursery Enhanced Provision
Author (assigned to Pentana):	Sarah Lake
Director:	Catherine Underwood
Department:	Children and Adults
Service Area:	Major Projects
Contact details:	0115 8763409 Sarah.lake@nottinghamcity.gov.uk
Strategic Budget EIA: Y/N	N
Exempt from publication Y/N	N

2. Document Amendment Record

Version	Author	Date	Approved
1	Sarah Lake	22.07.20	

3. Contributors/Reviewers

Name	Position	Date
April Corey	Senior Project Manager – Major Projects	
Janine Walker	Head SEND and Vulnerable pupils	

4. Glossary of Terms

Term	Description
ASD	Autistic Spectrum Disorder
SEND	Special education needs and disability

[screentip-sectionB](#)

2. Assessment

1. Brief description of proposal / policy / service being assessed

To build an enhanced provision facility at Fernwood Primary and Nursery School, Wollaton, Nottingham

The facility will accommodate up to 10 pupils with high level complex needs, primarily related to Autistic Spectrum Disorder (ASD). This will be built on the site of a former scout hut which is within the grounds of the school. The provision aims to provide targeted support to enable children to make progress, achieve their identified outcomes and continue to access the mainstream curriculum while being provided with a specialist intervention programme.

This facility is part of the City Council's developing Special Education Needs and Disability (SEND) strategy to provide a number of enhanced provisions across the city. The development of this strategy involved looking at the type and number of places required and reviewing options for increasing provision at schools both mainstream and SEND. Analysis of the demand indicates there is an urgent need for additional SEND provision, particularly for children and young people with ASD across the city.

[screentip-sectionC](#)

2. Information used to analyse the effects on equality:

The detailed design phase will take into consideration the specific needs of the children using the space and ensure that this is compliant with Building Regulations and the Equality Act by incorporating statutory design requirements. In addition, the recommendations set out in the Building Bulletin Building Bulletin 104 will be taken into consideration. The school will support the design process and advise on how it should be developed to meet the needs of those children using the space.

3. Impacts and Actions:

screentip-sectionD	Could particularly benefit X	May adversely impact X
People from different ethnic groups.	<input type="checkbox"/>	<input type="checkbox"/>
Men	<input type="checkbox"/>	<input type="checkbox"/>
Women	<input type="checkbox"/>	<input type="checkbox"/>
Trans	<input type="checkbox"/>	<input type="checkbox"/>
Disabled people or carers.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy/ Maternity	<input type="checkbox"/>	<input type="checkbox"/>
People of different faiths/ beliefs and those with none.	<input type="checkbox"/>	<input type="checkbox"/>
Lesbian, gay or bisexual people.	<input type="checkbox"/>	<input type="checkbox"/>
Older	<input type="checkbox"/>	<input type="checkbox"/>
Younger	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other (e.g. marriage/ civil partnership, looked after children, cohesion/ good relations, vulnerable children/ adults).	<input type="checkbox"/>	<input type="checkbox"/>
<i>Please underline the group(s) /issue more adversely affected or which benefits.</i>		

<p style="text-align: right;"><u>screeentip-sectionE</u></p> <p>How different groups could be affected (Summary of impacts)</p>	<p style="text-align: right;"><u>screeentip-sectionF</u></p> <p>Details of actions to reduce negative or increase positive impact (or why action isn't possible)</p>
<p>Provide details for impacts / benefits on people in different protected groups.</p> <p>These works will positively impact on younger people, providing additional space for them in an environment that is more appropriate for their needs.</p> <p>Fernwood Primary and Nursery School over recent years has welcomed many children with complex, high level, special educational needs and disabilities (SEND), The children are all individuals with specific needs but the overriding need is autism,. These children currently utilise a room within the main school building which is shared with other curricular and extra-curricular activities and as such, the school struggles for appropriate SEND teaching space.</p> <p>The new provision of Fernwood Primary meets the Council Plan commitment to expand good or outstanding schools and meets the requirements of the Special Education Needs and Disability (SEND) strategy that sets out the principles for SEND provision. One of the objectives of the strategy is to address the projected</p>	<p>1 Actions will need to be uploaded on Pentana.</p> <ul style="list-style-type: none"> • Close engagement with the school and consideration of best practice/ guidance information will be used to ensure that the space is suitable for the needs of those using it. • Consultation with exemplar ASD units have been undertaken by the project manager to capture good practice design. • Lessons Learned from previous SEND projects have been captured and will be taken on board. • Extensive research has taken place by the project manager to understand the needs of children with ASD and how the design of a building can impact on this. • Consultation has occurred with the Head Teacher, Head of Service for SEND and the Autism Lead for the City Council. All of these parties will be involved throughout the design process. • Inclusivity will be paramount to the design. • All works will be assessed through collaborative working with the school and key stakeholders. A post occupancy survey will be completed. The survey would take place following an agreed period of time of usage with the school.

shortfall of ASD provision by creating sufficient places across all needs and settings across the City. The new provision will accommodate the six children currently at the school and provide places for an additional four to be allocated by the NCC SEND Team and the NCC Admissions Team.

4. Outcome(s) of equality impact assessment:

<input checked="" type="checkbox"/>	No major change needed	<input type="checkbox"/>	Adjust the policy/proposal
<input type="checkbox"/>	Adverse impact but continue	<input type="checkbox"/>	Stop and remove the policy/proposal

5. Arrangements for future monitoring of equality impact of this proposal / policy / service:

Once the works are complete, a post-occupancy review will be undertaken to ensure that the project has met the needs of those using the space.

6. Approved by (manager signature) and Date sent to equality team for publishing:

<p>Approving Manager: April Corey – Senior Project Manager Tel: 0115 876 5521 Email: april.corey@nottinghamcity.gov.uk</p> <p>The assessment must be approved by the manager responsible for the service/proposal. Include a contact tel & email to allow citizen/stakeholder feedback on proposals.</p>	<p>Date sent for scrutiny: 22.07.20 equalityanddiversityteam@nottinghamcity.gov.uk</p>
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SRO Approval: Janine Walker – Head of SEND and Vulnerable pupils.

Date of final approval:

Before you send your EIA to the Equality and Community Relations Team for scrutiny, have you:

1. Read the guidance and good practice EIA's
<http://intranet.nottinghamcity.gov.uk/media/1924/simple-guide-to-eia.doc>
2. Clearly summarised your proposal/ policy/ service to be assessed.
3. Hyperlinked to the appropriate documents.
4. Written in clear user-friendly language, free from all jargon (spelling out acronyms).
5. Included appropriate data.
6. Consulted the relevant groups or citizens or stated clearly, when this is going to happen.
7. Clearly cross-referenced your impacts with SMART actions.

DELEGATED DECISION

BY THE PORTFOLIO HOLDER FOR REGENERATION, SCHOOLS & COMMUNICATIONS

To create a specialist enhanced provision at Fernwood Primary and Nursery School **Legal observations (education law)**

The school organisation regime is set out in the Education and Inspections Act 2006 (“EIA”), regulations made under the EIA and guidance made by the Secretary of State, both statutory (using powers in the EIA) and non-statutory.

Under section 19 of the EIA, a local authority is required to publish a proposal to make a prescribed alteration to a maintained school. In essence, a prescribed alteration is one designated as such by regulations. Currently, the relevant regulations are the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 (“the Prescribed Alterations Regulations 2013”).

The proposal referred to in this delegated decision form to add a specialist Special Educational Needs (“SEN”) unit at Fernwood Primary and Nursery School within the existing school grounds is a prescribed alteration within the meaning of the EIA and regulation 5(1) of and paragraph 8(a) of Schedule 2 to the Prescribed Alterations Regulations (“the Proposed Prescribed Alteration”). This is because the Proposed Prescribed Alteration is a proposal in relation to provision for SEN in a mainstream school (i.e. Fernwood Primary & Nursery School) for the establishment of a provision that is recognised by the local authority as reserved for children with SEN. Therefore, the statutory school organisation regime is engaged in relation to the Proposed Prescribed Alteration. The other proposals described in this delegated decision form are not potential prescribed alterations to maintained schools and are not therefore covered by the school organisation regime.

Whilst the school organisation regime no longer has a ‘pre-publication’ consultation period, in public law terms such consultation is advisable. Indeed, this is reflected in the current statutory guidance entitled *Making significant changes (‘prescribed alterations’) to maintained schools* (October 2018) which states at page 26: “*Although there is no longer a statutory ‘pre-publication’ consultation period for prescribed alteration changes, there is a strong expectation that schools and LAs will consult interested parties, in developing their proposal prior to publication, to take into account all relevant considerations...*” Therefore, it is advisable that the Proposed Prescribed Alteration is consulted upon before being published. Nottingham City Council (“NCC”) officers have already conducted such informal consultation in relation to the Proposed Prescribed Alteration.

Therefore, the Proposed Prescribed Alteration is ready for publication if it is to be taken forwards, with a four week representation period for objections or comments. It should be noted that the school organisation regime requires a proposer to state a proposed implementation date for the proposal; even if implementation is proposed to take place in stages, publication of the proposal should make clear when these stages would be. The report for this delegated decision states: “*The aim is for the facility to be completed for the summer term 2021*”, although the writer of these legal observations is aware that NCC officers are proposing an implementation date for the Proposed Prescribed Alteration of 1 April 2021.

Lastly, it is advisable that on-going legal advice is taken in relation to all the proposals set out here.

Jon Ludford-Thomas
Senior Solicitor
Commercial, Employment and Education Team
Legal Services
Nottingham City Council
31 July 2020
Tel: 0115 87 64398

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