

Grant agreement - Co-op Academy Nightingale SEN Partnership Provision for September 2023

Date: 03/03/23

Report of: Senior Project Officer - Project and Programmes Team

Report to: Director of Children and Families

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

Brief summary

In December 2022 the Director of Children & Families approved authority to spend and incur expenditure up to £3.6m from capital scheme number 33471/NTG/000 for the building works associated with the new Special Educational Needs (SEN) partnership provision at Coop Academy Nightingale for September 2023.

The capital scheme is being self-delivered by the Co-op Academies and overseen by a Project Manager from Projects & Programmes in City Development.

The purpose of this report is to seek approval to enter into a Grant Agreement with The Co-op Academies Trust.

Recommendations

- a) Approve entering into a grant funding agreement with the Co-op Academies Trust to deliver the new specialist provision at Co-op Academy Nightingale, including design and contract management fees, to the maximum sum of £3,270,000 as part of the overall expenditure. Note that the maximum sum includes a client contingency of £400,000 for dealing with unknown project risk and where not required will be retained by the Council.
- b) Note that the officers responsible for implementation are the Head of Service, Learning Systems, Children and Families Directorate.

What is this report about?

- 1 The purpose of this report is to seek approval to enter into a Grant Agreement with the Co-op Academies Trust regarding the self-delivery of the capital scheme.

What impact will this proposal have?

- 2 The specialist provision at Co-op Nightingale Academy will provide school places for children with Special Educational Needs (SEN). Pupils accessing the partnership provision will be on the roll of the planned new special free school; Co-op Academy Brierley and will attend the mainstream primary school. This partnership provision incorporates dedicated accommodation within the main school building to maximise on inclusive learning opportunities.
- 3 A good quality school place also contributes towards delivery of targets within the Children and Young People's Plan such as the 3As strategy to improve attendance, achievement, and attainment.
- 4 The recommendations contained in this report do not have any direct nor specific adverse impact on any of the groups falling under equality legislation and the need to eliminate discrimination and promote equality. A screening document has been prepared capturing the scheme and the outcome of the screening is that an independent impact assessment is not required for the proposal set out in this report.

How does this proposal impact the three pillars of the Best City Ambition?

Health and Wellbeing

Inclusive Growth

Zero Carbon

- 5 The scheme will be delivered under the City Council's Learning Places Programme and is required to fulfil the Local Authority's statutory duty to ensure sufficiency of school/learning places including Special Educational Needs and Disabilities (SEND) places.
- 6 The new SEN provision at Co-op Nightingale Academy contributes to the 2020-2025 Best Council Plan outcomes for everyone in Leeds to 'Do well at all levels of learning and have the skills they need for life'; 'Be safe and feel safe' and 'Enjoy happy, healthy, active lives. It also supports the vision in the supporting Children and Young People's Plan 2018-23, 'Leeds to be the best city in the UK and the best city for children and young people to grow up in. We want Leeds to be a child friendly city'. The dedicated SEN provision will provide children with a safe learning environment and quality teaching spaces in which to flourish and thrive.

What consultation and engagement has taken place?

Wards affected: Harehills

Have ward members been consulted?

Yes

No

- 7 Consultation has taken place with Co-op Academies Trust, senior officers in Children's & Families and City Development, planning, highways and legal regarding the creation of a partnership provision at Co-op Academy Nightingale for September 2023.
- 8 The Executive Member and Ward Members have been briefed and further updates will be provided throughout the process.

- 9 The Co-op Academies Trust are currently conducting a Section 10 public consultation as the sponsor of the new school.

What are the resource implications?

- 10 The budget allowance for the project is up to £3.6m inclusive of construction costs, furniture and equipment, fees, and contingency and was previously agreed via a Design and Cost report in December 2022.
- 11 The project will be funded through the Local Authority's High Needs Provision Capital Allocation (HNPCA) funding. However, Coop Academies will be contributing to the cost associated with the loose furniture and equipment (and there is an allocation for furniture and equipment already within the £3.6m)
- 12 The capital scheme is being self-delivered by the Co-op Academies and overseen by a Project Manager from Projects & Programmes in City Development.

What are the key risks and how are they being managed?

- 13 Completion of the capital scheme detailed in this report is essential to deliver the additional accommodation associated with the future SEN partnership provision and the interim solution for Co-op Academy Brierley special school from September 2023. Without the extension to Co-op Academy Nightingale Children and Families will not be able to provide a school place for 56 vulnerable children and will therefore fail to meet their statutory duty in providing a school place for every child.
- 14 A joint risk log has been developed with the appointed contractor to ensure all construction related risks for the project are identified together with the relevant owner of the risk. The project risk log will continue to be maintained and updated throughout the project and escalation of any risks that sit outside of the agreed tolerances will be managed via the Head of Projects and Programme, City Development, Programme Risk and Control Group and School Places Programme Board.

What are the legal implications?

- 15 The legal teams of both parties, The Co-operative Academies Trust and Leeds City Council, have agreed the terms of the grant agreement which includes sums up to the maximum value of £3,270,000, including a Client contingency of £400,000 and a Trust contribution towards furniture and equipment.

Options, timescales and measuring success

What other options were considered?

- 16 In terms of the interim solution for Co-op Academy Brierley, creating a temporary school on the permanent site for the Department for Education Free School was considered but ruled out due to the constrained nature of the site and the risk of incurring further delays should the works to the permanent building need to be re-sequenced to accommodate an interim solution.

How will success be measured?

- 17 The accommodation being delivered for the start of the new academic year and pupils accessing their new specialist place in September 2023, will be the measure of success.

What is the timetable and who will be responsible for implementation?

18 The decision to enter into a grant agreement with Academy Trust needs to be made at the soonest opportunity as the capital scheme is already underway.

Appendices

- None

Background papers

- None