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**Dudley Schools Forum - 21<sup>st</sup> June 2022**

**Report of the Director of Childrens Services**

**Rebuilding of Pens Meadow School**

**Purpose**

1. This report seeks the views of the Schools Forum on the proposal to support the rebuilding of Pens Meadow School through DMBC's General Fund. This proposal is a one-off approach to resolving the longstanding issues within the school's estate and does not set a precedent for future school funding.

The paper summarises the rationale for this proposal.

**Recommendations**

2. It is recommended that Schools Forum:
  - notes the current challenges with the Pens Meadow school site.
  - notes the Council's proposal to resolve the issues through allocation of revenue through the Council's General Fund as a one-off action.
  - provides feedback on the proposal to DMBC

**Background**

3. Pens Meadow is a split site special school. The Ridge Hill site offers 65 places for children aged 3 to 14 and 40 places for young people aged 14 to 19 at the Pensnett site. The school provides a quality education for pupils with complex needs, severe learning disabilities, including autism, and pupils with profound and multiple learning difficulties.

The school estate creates challenges to the delivery of education to pupils. The split site creates challenges in oversight; classroom provision is unsuitable for the complex needs of pupils; site access creates traffic management risks to pupils, and key provision is not available to meet pupils' needs. There has been a longstanding strategic ambition to rebuild the school on one site to respond to these challenges and ensure that modern facilities are available to pupils.

All available school capital options have been explored and it has not been possible to source the resource required.

DBMC administration are committed to rebuilding the school as one of their priorities and alternative ways of funding have been considered, leading to the current proposal

### **Condition of the school sites**

4. Work has been undertaken to assess the condition of the suitability of the Pens Meadow sites in comparison with other Dudley schools. This analysis has been undertaken through assessing:

- Suitability
- Health and safety
- DDA enhancement
- Security enhancement
- Split site
- Suitable outdoor learning environment
- Vehicular and pedestrian access
- Suitable internal social space
- Adequate internal learning spaces
- Sustainability and energy efficiency.

Pens Meadow scored the highest of DMBC schools with a score of 101 out of 116. The second highest school scored 81. The detail is attached as an appendix. This supports the view that Pens Meadow is the top priority for redevelopment.

### **Options for funding**

All options for funding the school rebuilding have been explored, including Department for Education capital, private donations, and various forms of borrowing. The Department for Education are not providing capital to enable the rebuilding of special schools and the routine general needs funding is not sufficient to support the project.

The only viable option to fund is to borrow the capital required and support the repayments through the Council's General Fund.

## Finance

5. The current estimated cost for rebuilding the school is £15.6m. These costs are for a 115 place school and include allowances for:
- Building works
  - Loose furniture and equipment
  - Play and kitchen equipment
  - Hoists
  - Hydrotherapy pool
  - External play areas and soft landscaping
  - Contingencies and professional fees
  - Planning, Building Control and Site Investigation.

These costs are subject to the outcome of formal procurement and completion of the specification work and there is currently significant uncertainty around construction supply chains, so costs are likely to vary.

There would be a value from release of the existing site, currently estimated at £1.7m, leaving a net capital cost of £13.9m. The indicative revenue cost to finance this loan would be £750k per year.

DBMC's administration is minded to meet this cost through the General Fund, subject to formal approval by Cabinet and Full Council. There would be no charge to the Dedicated Schools Grant and all available DfE capital to improve school facilities would be available to other borough schools and not committed to Pens Meadow.

The Council's financial position is such that there is no realistic prospect of being able to repeat this approach with any other schools. This would be a one-off decision in recognition of the specific and significant challenges faced by Pens Meadow.

## Law

6. Public bodies, such as Dudley Metropolitan Borough Council (the Council), may only act in a manner that is authorised by the law & their constitution and that is reasonable in the circumstances, i.e., fair and consistent.

Therefore, when deciding whether to pursue a particular course of action the Council must be able to demonstrate its legal and constitutional authority to perform that act by collating relevant evidence, consulting with pertinent individuals & bodies and giving appropriate consideration to the action being proposed.

In this case, the Council's Constitution outlines the actions required to authorise such funding, whilst legal authority for the proposal is provided by:

- The Education Act 1996, which obliges local authorities secure sufficient school places to meet the needs of their population; and

- The Localism Act 2011, which gives local authorities a general power of competence, which entitles them to act in the best interests of their residents, provided that the intended act is not prohibited by some other law.

Therefore, as this report is endeavouring to obtain the views of the Schools Forum, it demonstrates that the Council is seeking to comply these duties.

### **Risk Management**

7. The proposal will mitigate risks for pupils inherent in the current unsuitable facilities at the school.

### **Equality Impact**

8. The proposal to ensure that the school is suitable to meet the needs of pupils with Special Educational Needs and Disabilities will have a positive impact. There will be an additional 10 places to meet the needs of more pupils with SEND to ensure that the Council can meet its Public Sector Equality Duty.

Rebuilding the school will improve outcomes for pupils at the school.

### **Human Resources/Organisational Development**

9. There are no Council staff implications.

### **Commercial/Procurement**

10. All procurement regulations will be followed in the sourcing of the developers of the new school's site.

### **Council Priorities and Projects**

11. This proposal supports the Council's SEND strategy and its Child Friendly Dudley priority.

The design of the new school would include consideration of how this could support the Council's carbon reduction strategy.

This proposal supports the Council's property management approach.



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