

22 February 2016

Agenda Item: 5

REPORT OF SERVICE DIRECTOR ENVIRONMENT, PROPERTY & TRANSPORT

PETITION RE: ORCHARD SPECIAL SCHOOL

Purpose of the Report

1. This report advises the Committee about a Petition which has been received in respect of rebuilding Orchard Special School.

Information and Advice

2. A petition has recently been received signed by 1064 people, requesting that the Orchard Special School be rebuilt onto one site. They consider that the existing school is not fit for purpose due to: -
 - a) Condition issues including leaking roofs and rotten window frames.
 - b) Suitability issues including limited wheelchair movement around school, narrow doorways and uneven playgrounds.
3. The petition states that its target is The Department for Education and refers to the government, however the petitioner has confirmed that the petition is presented to the County Council.
4. Orchard Special School occupies two sites, one in Newark town centre and the other in New Balderton. The buildings on both sites are of CLASP construction dating back to 1961 and 1971 respectively. Since that time medical advances have achieved higher survival rates and sustained children with a wider range of complex needs, more of whom are now able and entitled to access formal education. This has significantly increased the demand for places and the requirements of special schools. The split site presents operational problems for the school. The town site is sloping and constrained; the individual buildings whilst close together at different levels to each other making the provision of ramps to facilitate immediate access impossible. The County Council accepts that the current buildings do not offer the ideal environment for the challenging needs of the pupils.
5. The structural form CLASP of construction is lightweight and dependent on strategic bracing, corridors and doorways are often narrow. Asbestos will be present and whilst managed in its current state would require removal through any change to the fabric of the building. In summary, the ability to remodel and upgrade CLASP buildings to meet the complex needs is limited.

6. The school was to be replaced as part of the sample project under the County Council's Building Schools for the Future programme funded by Central Government. A change of Government and policy in 2010 brought this programme to an end.
7. The Council has embarked on an extensive five year capital programme involving some £90m of spend utilising funding that had been identified to support the cancelled Building Schools for the Future programme. This Schools Capital Refurbishment Programme (SCRPR) undertakes essential works, on a prioritised basis, to all of the Council's maintained schools in order to maintain them in a condition that is suitable for their continued use. This clearly represents a significant financial commitment from the County Council at a time of financial contraction. The remit of the programme, approved by Full Council, is not to address issues of suitability such as split level sites, narrow doorways. SCRPR work is underway at Orchard School. The proposed works at the school have been moderated against the potential outcomes of the Priority School Building Programme 2.
8. The Priority Schools Building Programme 2 (PSBP2) is a government funded and managed programme to replace or refurbish the worst school and academy buildings across the country. The programme is managed and delivered by the Education Funding Agency (EFA). The criterion for eligibility to the programme is condition. Submissions in respect of suitability were not permitted. Bids were made for individual buildings on the site and each assessed by the EFA against their own condition data. The condition survey data held by the County Council suggests that all the buildings are of a similar poor condition.
9. The County Council submitted bids to PSBP2 for the replacement of all the buildings on both Orchard Special School sites proposing a single site replacement. The EFA judged only the bid in respect of one block on the school's Town site to be successful. An initial feasibility visit by officers from the Education Funding Agency (EFA) to understand the scope of their proposed project raised significant questions as to why only one block was successful and the sites capacity for a new build. The EFA recommended a revised feasibility be undertaken.
10. A meeting took place with the Secretary of State and Mike Green (EFA) on 14 October, County Council officers and Robert Jenrick MP were present. Mike Green reiterated EFA's commitment to relook at the Town site and also offered to make cost data and professional advice available. He confirmed that there is currently £1.03m allocated for the successful block which could be diverted to contribute to a larger County Council solution. The County Council are in continuing discussions with the EFA.
11. Current estimates to replace the school to current guidelines and regulations are approximately £10m.
12. A series of meetings chaired by Robert Jenrick MP have taken place with the school, the Friends of Newark Orchard and the trustees of Lilley & Stone charitable trust including County Councillor representatives to discuss the potential of rebuilding or relocating the school on the former Lilley & Stone site in Newark town. The County Council are grateful of this offer but are unable at this stage to offer any commitment to the trust to acquire the site. It may well be that it is not the best option in terms of access etc.

13. The County Council receives a capital grant from central government to address the need for additional school places and has a statutory duty to provide sufficient school places at schools where parents want to send their children to. The grant is based on pupil data returns but there is no provision within the returns to provide data on Special Educational Needs places. There are currently no capital grant or additional funding streams available to address issues of suitability.
14. Children, Families & Cultural Services have recently launched a full review of the County's Special Educational Needs provision. This review is expected to take 12 months and will cover location, need, function, and size of future provision across the County.
15. Ideally, the County Council would wish to be in a position to be able to replace Orchard Special School, and ensure that its other schools across the authority provide the ideal learning environment for the challenging needs of these young people. However, any solutions will require significant capital and should be informed by SEN review.

Other Options Considered

16. The establishment of any new Capital Initiative runs the risk of the County Council failing to meet its statutory duty to provide sufficient school places.

Reason/s for Recommendation/s

17. Given the current financial constraints and the budget available, the County Council must ensure that its statutory duties and high priority repairs are prioritised.

Statutory and Policy Implications

18. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, sustainability and the environment and ways of working and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Implications for Service Users

19. The implications for the service users are set out above in paragraph 3 above.

RECOMMENDATION/S

- 1) It is recommended that the Committee notes the petition and recognises that the Council alone is not in a position to rebuild the Orchard Special School on one site for the reasons detailed in the report.
- 2) It is recommended that the Committee recognises that Children, Families & Cultural Services have commenced their SEN review and note that officers continue their discussions with the EFA to explore potential funding streams.

- 3) It is further recommended that Committee agrees that a response to this effect be sent to the petitioner.

Jas Hundal

Service Director, Environment, Property & Transport

For any enquiries about this report please contact: Sara Williams ext. 72359

Constitutional Comments (CEH 29.01.16)

20. The recommendations are within the remit of the Finance and Property Committee. A report back to Council on the outcome of the consideration of the petition should be made at the next meeting of Council.

Financial Comments (SES 29/01/16)

21. There are no specific financial implications arising directly from this report.

Background Papers and Published Documents

22. Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Redacted version of petition (on request).

Electoral Division(s) and Member(s) Affected

23. Ward(s): Newark, Balderton
Member(s): Stewart Wallace
Tony Roberts
Keith Walker

C0728
File ref.: /SB/SB/
Ward(s): Balderton
Member(s): Councillor Keith Walker
SP: 2997
Properties affected: 01874 & 01875 – Orchard Special School