

<b>Report to:</b>	<b>EXECUTIVE CABINET</b>
<b>Date:</b>	26 April 2023
<b>Executive Member:</b>	Councillor Leanne Feeley – Executive Member (Education, Achievement and Equalities) Councillor Jacqueline North– First Deputy (Finance, Resources and Transformation)
<b>Reporting Officer:</b>	Julian Jackson, Director of Place Ali Stathers-Tracey – Director, Children’s Services
<b>Subject:</b>	<b>NEW HAWTHORNS SCHOOL</b>
<b>Report Summary:</b>	This report provides members with a progress update on the Hawthorns SEND school scheme including the latest design solution, cost plan, programme, value for money assessment and grant funding bid submission to the Football Foundation. This report also seeks approval to progress the scheme including the development of standard BSF Design and Build Contract with the LEP now all the final construction costs are known for the school building. Further reports will be required in relation to (a) the construction and costs of the Football pitches following a grant application to Football Foundation and (b) the use of the current Hawthorn School site.
<b>Recommendations:</b>	That Executive Cabinet be recommended to: <ul style="list-style-type: none"> <li>(i) Approve £9.762m additional budget allocation from the Education Capital funding budget to deliver the overall school project, £13.000m has previously been approved, and the capital programme be increased accordingly.</li> <li>(ii) Agree any increase in cost variations to the scope or design will need to be met by the Academy or the Education and Skills Funding Agency.</li> <li>(iii) Approve entering into the standard Design &amp; Build contract with the Inspired spaces (the LEP).</li> <li>(iv) Approve entering into a Deed of Appointment with the LEP and Currie &amp; Brown for the appointment of an Independent Certifier for the new school scheme.</li> <li>(v) Agree that any variations to the project that involve an increased cost for the scheme implication will be approved by the S151 officer in the first instance and the S151 will be the Council’s authorised officer for executing any project variations.</li> <li>(vi) Approve entering into an agreement for lease and thereafter a lease with the Academy on the terms set out in the report including a surrender of their existing lease.</li> <li>(vii) Approve entering into any incidental agreements to facilitate the project subject to agreement by the S151 Officer and the Head of Legal.</li> <li>(viii) Approve the advertisement of any proposed loss of open space due to the lease to the academy (in accordance with</li> </ul>

the provisions of Section (2A) of the Local Government Act 1972 and the Open Spaces Act 1906)

- (ix) Approve the submission of a grant funding application to the Football Foundation as set out in section 6 of this report including the appointment of a grant bid specialist to make this application at an estimated cost of £6k.
- (x) To receive a further report to advise on the delivery of the football pitches and resolve any funding for the football pitches following the outcome of the application to the Football Foundation for the grant in recommendation (ix).
- (xi) Note that a further report will follow in relation to the use/occupation of the former Hawthorns school subject to a sufficiency review referred to in paragraph 2.6.
- (xii) To note that the progress of this project will be reported through Strategic Planning & Capital Monitoring.

**Corporate Plan:**

The proposals contained within this report will support the delivery of the Community Strategy, through the delivery of sufficient and suitable school places to meet anticipated increased demand in 2022/23.

**Policy Implications:**

In line with existing policy.

**Financial Implications:  
(Authorised by the  
statutory Section 151  
Officer & Chief Finance  
Officer)**

An initial budget of £13m was approved by Executive Cabinet in June 2021 to build the school. Total unallocated Education capital funding is available of £12.445m which gives a total available budget of £25.445m.

The total estimated cost of the project is £22.762m. This includes the additionality of the football pitches development into the overall demisement of which it is modelled to be offset by additional funding of £0.770m from the Football Foundation and £0.075m from S106 monies. If these are achieved the total budget required for the project is £21.917m.

If this project was approved the remaining Education capital budget would be £3.528m and would limit the ability to deliver further capital projects through Education capital budgets.

There are a number of financial risks associated with the project which are detailed in Section 9 of this report. The primary risks relate to failure to secure Football Foundation funding, and further unquantified costs. Any programme slippage (not re-profiled budget) or approved overspend relating to this project would reduce the remaining available Education capital budget.

The programme at the New Hawthorns school must be contained within the overall Education capital funding envelope. The programme cannot cause an adverse impact to the General Fund or the Dedicated Schools Grant positions.

**Legal Implications:  
(Authorised by the  
Borough Solicitor)**

As set out in the main body of the report work has already been undertaken via the contract with the LEP to facilitate the design stage of the programme.

In order to progress to the build stage of the design work has already been undertaken via the LEP and permission is now sought to move

to the delivery stage of the project again using the Council's existing contract with the LEP for the delivery of projects of this nature.

Included within the contract is the appointment of an Independent Certifier, the person appointed jointly by the Authority and the LEP to act as independent certifier in relation to the works in accordance with the Independent Certifier's Deed of Appointment.

The progress of the works will also be overseen by the Council's Capital Monitoring Board and the budgetary issues as set out in the financial implications can be closely monitored by Members through that forum.

In addition, the planning application for the works has been submitted and consultation has been undertaken, as planning permission is a critical milestone for the delivery of this project.

An Agreement for Lease followed by a lease will be required with the Academy. As the lease will be for 125 years it will constitute a disposal for the purposes of the Open Space Act 1906 and therefore should be published and the usual procedure be adopted.

As the project progresses other legal arrangements may also be required including the entering into leases and licences, funding arrangements relation to the football pitches, planning related agreements and other incidental agreements. Therefore support from legal and financial services will be ongoing.

**Risk Management:**

The high level risks have been identified in the report and will require management through the construction phase.

**Background Information:**

The background papers relating to this report can be inspected by contacting Catherine Moseley, Head of Access Services



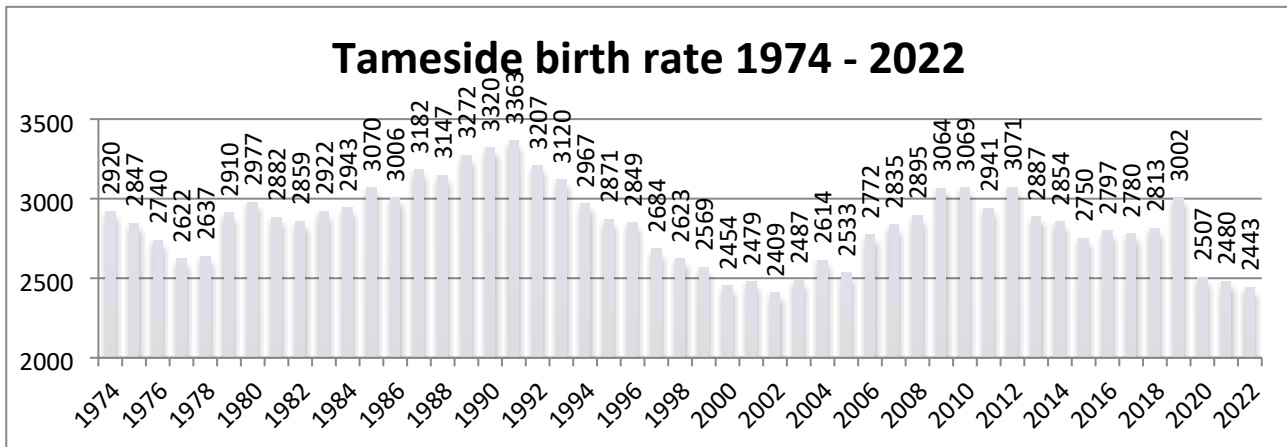
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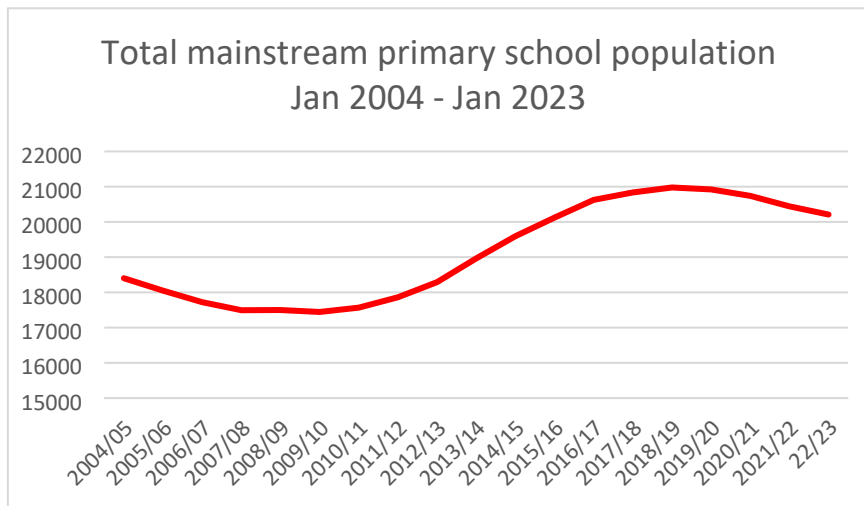
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## 1. INTRODUCTION AND BACKGROUND

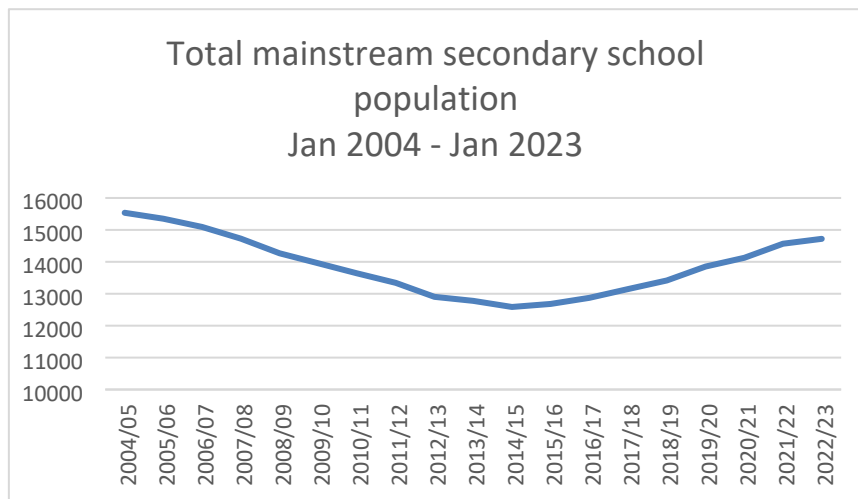
- 1.1 All local authorities have a statutory duty to ensure that there are sufficient school places to meet demand in their area. Planning for fluctuations in demand for school places is an important function, which needs to be carried out at a local level and will differ depending on the phase of learning, for example, pupils will travel further to secondary schools than primary schools. The compact geography of the borough and the mix of types of school, for example, single sex, are also relevant and mean that place planning happens at a level higher than wards or towns.
- 1.2 School place planning is a complex process that takes account of a range of factors including the number of births in the borough, in year movement and cohort survival rates (how many children move from one year to the next) as well as parental preference and planned housing development. With rapid shifts in economic conditions for families and changing patterns of migration, planning for basic need for school places requires a proactive approach to best respond to both short and medium-term demand for places.
- 1.3 The Published Admission Number (PAN) has been increased at many primary schools and overall by almost 18% from 2734 places in 2009/10 to 3195 places currently and the Council is now seeing increasing secondary school places. In 2010, there were 2582 pupils in Year 7 and for September 2021, there are 3239 places available. Major new housing developments may require additional places to be factored over a number of years.
- 1.4 As shown in the following graph, the birth rate in the borough has been falling for a number of years, and so the number of pupils coming into primary education has fallen and this will lead to significant levels of surplus capacity in the phase. This surplus capacity can be repurposed to meet other needs, for example, as some schools have done, to establish new resource bases.



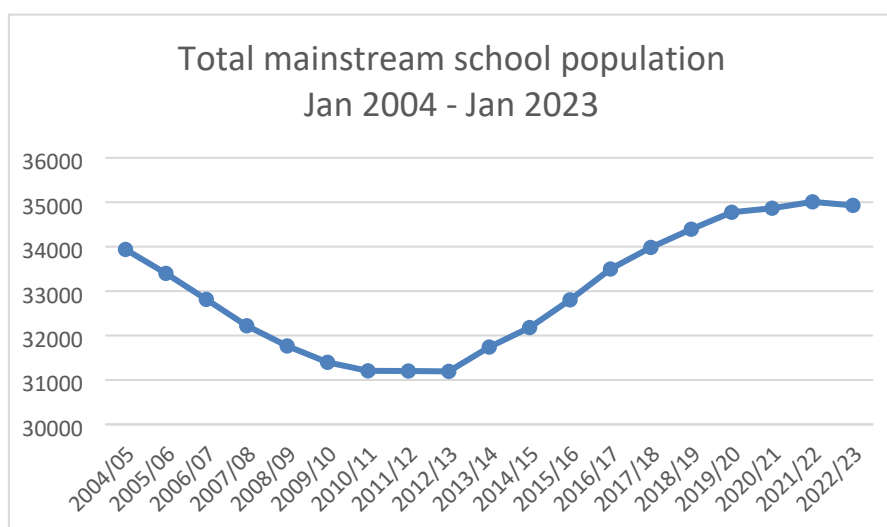
- 1.5 Inevitably, the pupil numbers will flow through to secondary schools within seven years. In 2021, the secondary sector experienced their highest number going into year 7. The numbers are now predicted to fall on an on-going basis in line with primary school numbers.
- 1.6 The total number of pupils in the primary sector has been falling for the last five years as set out in the graph below. Taking into account the number of births in the borough, this will continue for at least six years.



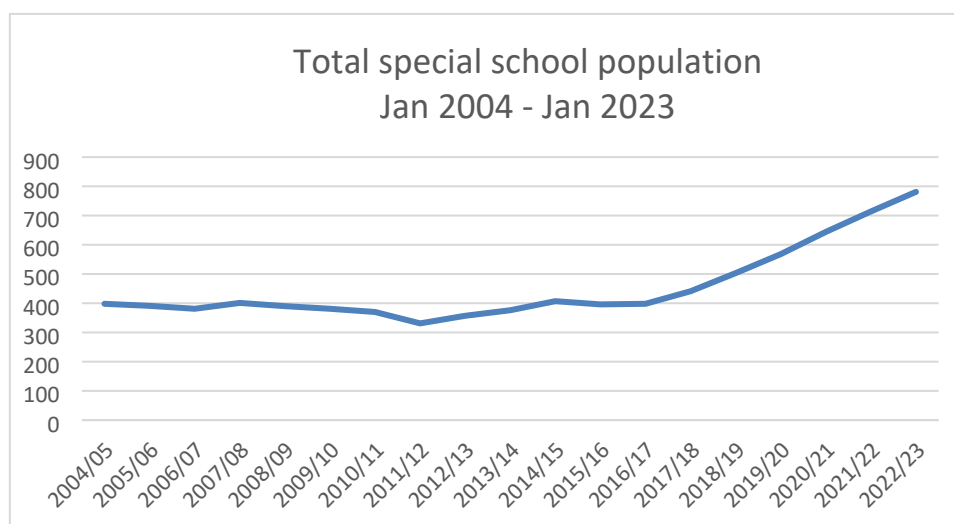
1.7 The total number of pupils in the secondary sector is still increasing as larger year groups come into year 7 and smaller groups leave in Year 11. This will begin to reverse in two years with smaller groups coming into Year 7 than those leaving in Year 11.



1.8 Overall, the number of pupils in mainstream schools in the borough is falling and this is predicted to carry on for at least 10 years. This means that the Council has not been allocated basic need funding from the DfE for a number of years. Given the predicted decreases in pupil numbers, it is not foreseen that any additional places will be needed in mainstream education for at least 15 years.



- 1.9 As the numbers of pupils in mainstream schools increases, so does the number of pupils in specialist provision. Tameside currently (as at Easter 2023) maintains over 2600 Education Health and Care Plans (EHCPs). The number of plans maintained has been rising steadily since 2017. The number of EHCPs in Tameside has more than tripled since 2017, when the Local Authority maintained 823 plans. However, Tameside is now more in line with our statistical neighbours, with EHCPs representing approximately 3.64% of the population. As a consequence, there has been some expansion of specialist provision in the borough but more is needed to ensure that needs are met appropriately and within the borough if possible.
- 1.10 The recent rapid growth in EHCP's was appropriate and necessary. It has however, placed significant additional strain on specialist providers and resource bases across Tameside especially as funding has not followed. The rapid rate of the growth in EHCPs in Tameside has been such that it was never going to be possible to plan and deliver provision sufficiency at the same rate. This has inevitably created pressure on placements for children with EHCPs, and particularly across the specialist sector, where all schools are currently oversubscribed. This is also true of our specialist resource bases.
- 1.11 Following a relatively stable period of 13 years, the number of pupils in the five special schools in the borough has increased significantly over the last six years in line with the increase in the number of EHCPs as shown in the graph below.



- 1.12 The Council has received High Needs Capital Allocation funding from the DfE for years 2021 – 2024 to support an increase in places to meet the needs of children with additional needs. Whilst the majority of children with EHCPs will have their needs met within mainstream settings, work to establish additional specialist SEND capacity has been underway for some time and the number of places available in borough has increased significantly as demonstrated in the table below:

Special	Sept 18	Sept 22	Increase Nos	Increase %
Hawthorns	106	194	88	83%
Thomas Ashton	56	92	36	64%
Cromwell	72	138	66	92%
Samuel Laycock	141	215	74	52%
Oakdale	117	148	31	26%
Tameside Pupil Referral Service	18	36	18	100%
<b>Totals</b>	<b>510</b>	<b>823</b>	<b>313</b>	<b>61%</b>

<b>Resourced places</b>	<b>Sept 18</b>	<b>Sept 22</b>	<b>Increase Nos</b>	<b>Increase %</b>
Corrie	0	9	9	0%
Greenside	0	16	16	0%
Hyde	1	5	4	400%
Linden Road	5	2	-3	-60%
Oakfield	9	17	8	89%
Rosehill	0	13	13	0%
Russell Scott	1	3	2	200%
St John Fisher	11	10	-1	-9%
St Thomas More	16	16	0	0%
<b>Totals</b>	<b>43</b>	<b>91</b>	<b>48</b>	<b>112%</b>

- 1.13 In June 2021, Executive Cabinet received a report, which explained the need to increase specialist school places for primary aged children at Hawthorns School. Cabinet approved an initial budget of £13 million to expand and relocate Hawthorns School to create 220 specialist places on the Longdendale Playing Field site by instructing the LEP to develop a design for the new building.
- 1.14 For the first time, in summer 2023, the DfE are collecting information on the capacity of specialist provision in the borough and a forecast of future numbers through the annual school capacity survey. Previously, the school capacity return has been used to assess the need for basic need capital funding. Whilst not formally confirmed, the DfE has indicated that the return may be used to allocate high needs provision capital funding.
- 1.15 The strategy around managing ongoing demand for Specialist Provision will be aligned to the Delivering Better Value and SEND sufficiency work. In the main, there will be a much stronger focus to place future SEND pupils in mainstream schools reducing the need for additional places in specialist schools.

## **2 THE NEED TO INCREASE SPECIAL SCHOOL PLACES FOR PRIMARY AGED CHILDREN AT HAWTHORNS SCHOOL**

- 2.1 Hawthorns School is an outstanding primary special school currently located within the Audenshaw area of Tameside and caters for pupils with a range of complex special educational needs aged between 4-11 years old. The school is an academy and part of New Bridge Multi Academy Trust.
- 2.2 The main school building was originally constructed in 2006/07. The main building and site is shared between Hawthorns School and Aldwyn Primary School, a mainstream primary school.
- 2.3 The area of the school building designated as Hawthorns School was originally designed to accommodate 60 pupils. In 2015, it was identified that additional accommodation was needed and so a joint scheme to expand both Hawthorns School and Aldwyn Primary School was developed. The scheme for Hawthorns School included internal remodelling to create an additional classroom and a new build classroom. The internal remodelling work was completed. A four classroom demountable extension is currently on the site to accommodate additional pupils.
- 2.4 Since Executive Cabinet approved the expansion of Hawthorns School in 2021, the number of parents requesting that their children are placed at the school has increased significantly. The school now has 192 pupils on roll as at Easter 2023 and in order to accommodate these preferences, the school has opened two satellite classrooms. These bases are at Discovery Academy in Hattersley and at Wild Bank Primary School in Stalybridge. Executive Cabinet recently approved an outline budget for the New Bridge Trust to explore options for additional

accommodation to be made available to Hawthorns School from September 2023 that will take the number of children on roll at the school to 220. This is most likely to be in the form of demountable classrooms on the Samuel Laycock School site. These demountable classrooms can then be repurposed for additional secondary age provision when the new Hawthorns Building opens and the primary age children move there.

- 2.5 The additional temporary accommodation at Samuel Laycock School will mean that, from September 2023 until the new school building is open, Hawthorns School will be operating from its current Lumb Lane base and three additional satellite sites. The school advise that this cannot be a permanent solution to the issue of additional places. The satellite provision is on the same site as other primary schools; Wild Bank Primary School; Discover Academy and from September, Samuel Laycock School. The Hawthorns School pupils and staff are sharing facilities and resources with the host schools and some of the provision is in temporary accommodation. Experienced staff are required in satellite sites to ensure their smooth running and to operate in the Hawthorns' ethos. This has resulted in experienced staff and their expertise being spread across sites. The school has an on-going recruitment campaign to enable it to have sufficient teaching and support staff for the additional pupils on roll. Many of the new staff are new to teaching and do not benefit from being with experienced staff on site as they are dispersed to satellite sites. There are also additional running costs that the school are experiencing with admin and management support needed across all sites. The new building will enable the school to come together again on one site and expertise and good practice to be shared amongst all staff. It will also give the school and the Trust the capacity to support inclusive practice across the mainstream school system.
- 2.6 The current Lumb Lane site will be vacated by Hawthorns School when the new building opens. The future of the site will be subject to discussion in the new SEND Sufficiency Strategy that is in the process of being developed. The New Bridge Trust currently has a lease for the site and are actively involved in the SEND Sufficiency Strategy. The Trust is happy to discuss all options pertaining to the lease including surrendering it or retaining it and running additional provision either through Hawthorns School or another provider within the Trust. It is highly unlikely that the site will be left empty as the number of children and young people with EHCPs and additional needs continues to increase. The need that is to be met and the school that will deliver from that site is yet to be determined.

### **3 PROGRESS TO DATE**

- 3.1 In June 2021 Executive Cabinet, considered an options appraisal for a new building and approved a project to allocate an initial £13m of Basic Need funding to the expansion and relocation of Hawthorns School to 220 places on the Longdendale Playing Field site.
- 3.2 Since that date the Capital Projects Team and colleagues in Education have worked with the LEP and the school to produce designs to RIBA Stage 4 at which point the significant majority of work packages have been tendered (98% of the measured works (by value) have been market tested accordingly to the independent Value for Money consultant) or priced by the LEP's sub-contractor – **Appendix 3** refers..
- 3.3 The planning application for the new school was submitted in July 2022. Several community consultation events were held including with a representative group of parents from Hawthorns School and planning permission was granted on 21 December 2022. The pre-commencement planning conditions were discharged by the planning authority on 22 March 2023.
- 3.4 Following the granting of planning, the LEP have produced the 4<sup>th</sup> updated cost plan, which includes additional works that are needed to ensure planning conditions are met and an updated programme to deliver the new school.



3.5 Site enabling works have already commenced, including site clearance, access and boundary protection.

#### **4. CONSTRUCTION PROJECT, INCLUDING, COST AND DELIVERY TIMESCALES AND MILESTONES**

4.1 The new school is a single storey, steel framed building with a brick outer skin and a flat roof. The building is circa 4000m<sup>2</sup>.

The scheme includes for

- 4 Early Years classrooms (to be interconnecting in pairs)
- 12 ASD (autistic spectrum disorder) classrooms (complete with 1 to 1 teaching and respite areas)
- 9 MLD (moderate learning difficulties) classrooms (with shared respite areas)
- Additional specific teaching spaces for Art, Drama, ICT and life skills
- A library
- A large and small sports/multi use hall, also to be used for dining arrangements
- A commercial kitchen and servery area
- A large training / family room that can be split into 2 using a folding partition
- All necessary office spaces, staffroom, toilets (for both staff and pupils), hygiene facilities and storage spaces.

4.2 The Council declared a Climate Emergency in February 2020 and committed to ensure energy efficiency of buildings is maximised with better smart building controls and embrace new low energy alternatives as we work towards Tameside Net Zero 2038. Therefore, the building is now being constructed to achieve BREEAM Excellent rating. BREEAM stands for the Building Research Establishment Environmental Assessment Method and sets best practice standards for the environmental performance of buildings through design, specification, construction and operation. BREEAM Excellent is the second highest assessment and is considered to be best practice, and the top 10% of UK non-domestic buildings achieve this standard. However, whilst there is a significant initial capital cost to achieving this rating, this is reflected in improved sustainability, and for example a reduction in carbon emissions of 33% is predicated for an Excellent rated building. The Council's Climate Change and Environment Strategy recognises the need for fundamental changes to respond to the declared climate change emergency. The Hawthorns school project is also ambitious in respect of responding to the requirement for further in-borough pupil places and reduce travel to out of borough placements. On completion of this project, the Council seeks to have a flagship project both in terms of educational provision and also sustainability.

4.3 In respect of what this means for construction, it includes these elements:

- PV panels to supplement the electricity demand
- External air source heat pumps & MVHR units within the classrooms to deliver ventilation and heating during the winter months
- Lighting that is PIR operated
- Sprinkler system
- 30nr EV charging points
- Power and data (final co-ordination to be tied into the FF&E design/layouts)

4.4 The design of the school has been agreed with the school and addresses the Council's requirements. However, the current school has 'swings' in the ASD classrooms, which are required by the school to help pupils self-regulate and whilst the swings are a Council requirement, the design does not include for them as they cannot be designed and delivered as requested, however, it will be possible to consider as a variation during construction through the reviewable design process with a different solution.

4.5 The table below provides the latest cost plan figure and a summary of additional estimated costs and fees which are not included in the cost plan. There are some further costs that are still to be confirmed at this stage. Since project inception, a number of external market factors have led to an inflationary increase in materials costs which have impacted on overall project prices. There have also been considerable changes to the scope of the project from the Stage 2 cost estimate these are detailed in the cost plan and referred to later in this report.

Line	Cost Details	£m	Additional Information
1	Construction costs	19.660	From cost plan
2	Associated design fees	0.958	From cost plan
2	Value for Money Review	0.003	Cost confirmed by assessor
3	Quantity Surveyor Fees	0.019	Cost confirmed by Currie & Brown
4	Independent Certifier	0.050	Cost confirmed by Currie & Brown
5	Council Project Manager	0.085	Costs incurred to date and cost a Project Manager for the Council through to project completion
6	Provisional sum, held by S151 officer to address any variations	0.500	This is an amount that it is required to cover insurance costs that are still being finalised, with the balance held with the S151 officer in the event of further variations
7	Highways Improvements	0.170	To be confirmed (if required), including cost to a crossing on the A57 when it is de-trunked
8	Estimated cost of pitches and changing rooms	1.100	Refer to Paragraph 6.7; excludes Robertson Construction Group (RCG) and LEP Fees
9	Potential Contribution from Football Foundation and S106 Money	(0.845)	Refer to Paragraph 6.8
10	Estimated LEP Fee (1%)	0.207	Assumed 1% on lines 1 to 6
11	Engineers and Estates Charges	0.010	Costs incurred to date
	<b>Estimated Total Cost</b>	<b>21.917</b>	

*Note: All figures in Table 1 have been rounded to the nearest £1,000*

For detailed information of the latest cost plan, please refer to **Appendix 1**. A VFM report has been received, the conclusion of which is detailed below.

4.6 The cost of the project has changed significantly whilst being developed. When Executive Cabinet first considered the project in June 2021 an initial budget of £13m was allocated to the construction of the school. This was informed by a provisional estimate from the LEP for a SEND school of 220 places. This estimate identified a number of exclusions, including highways, abnormal ground conditions, furniture, pitches, solar panels, etc. These exclusions have then been addressed as greater certainty about the project has become clear. At April 2022 and RIBA Stage 3, the construction cost excluding fees was £16.520m. This has increased to £19.660m at March 2023, RIBA Stage 4. The reason for the increase in cost is a change in client requirements and inflation, the main components of which are:

Project Cost Driver	Cost (£m)
<i>RIBA Stage 3 Costing (a)</i>	16.520
Enhancement to achieve BREEAM Excellent assessment	1.012
Sprinkler installation	0.329
Works linked to pitches, including ground levelling	1.052

Planning requirements, S278 & vehicle charging	0.216
Change to fixtures (canopies, pocket doors, RSD to kitchen)	0.166
Inflation	0.247
Other minor changes/variatioins	0.118
<b>TOTAL (b)</b>	<b>3.140</b>
<i>RIBA Stage 4 Costing (a + b)</i>	<i>19.660</i>

- 4.7 The provisional key dates of the programme are as follows:
- Commencement of enabling works April 23
  - Enter into contract May 23
  - Start on site May 23
  - Synthetic turf Pitch construction due to start Spring 24
  - Completion of project September 24
  - Date of school occupation From September 24

For detailed information, a provisional programme is attached at **Appendix 2**.

- 4.8 In June 2022, Building Regulations were revised. The new Buildings Regulations came into effect in June 2022, save for projects that were already in progress and construction was due to commence before June 2023. The new school fell within this exemption and has been designed to reflect Building Regulations prior to June 2022. Accordingly, to maintain this exemption it is important that construction work starts before 15 June 2023 and *meaningful progress* is made by that date. It is understood that meaningful progress is defined as sizeable capital expenditure, such as the construction of building foundations. If meaningful progress does not start by that date, the design of the school will need to be revisited adding further delay and cost to the project.

- 4.9 A Value for Money review has been undertaken by LMW Consulting, this is attached at **Appendix 3**. The conclusions are that:

**“5. CONCLUSION AND RECOMMENDATION**

*Following our review against the BCIS benchmark data and internal benchmark date the proposed construction costs are above average for a project of this size and nature, however the submitted costs are still reasonable and fall within the expected ranges. As noted in the body of the report 98% of the measured works (by value) have been market tested. With the allowances outside of the measured works deemed to be within expected ranges LMW considers that the construction costs alone appear to represent current market rates and value for money.”*

**5 TENURE**

- 5.1 On completion the school will be provided with a new 125 year lease, as is standard for Academy schools. The Academy’s current occupation and lease may also be surrendered at Lumb Lane, as detailed earlier in the report.
- 5.2 A management arrangement will be required with the football club and school operator as detailed later in the report.
- 5.3 There is a small area of and adjacent to 24 Kennedy Road which the Council has agreed to acquire from Onward Homes for a nominal sum plus costs to facilitate access to the site. In advance of the purchase a licence to enable access has been agreed.
- 5.4 A security fence will be erected around the school in accordance with planning permission, however, following consultation with residents and the school, the planning permission is

intended to be varied to accommodate more land outside the school to create a wider walkway around the boundary of the school.

## 6. FOOTBALL PITCHES

- 6.1 The following section provides information on the current position with respect to the football pitches. This will be the subject of a further report to Executive Cabinet following the outcome of an application to the Football Foundation for grant funding.
- 6.2 The location of the proposed new school is the former Longdendale Playing Field, which historically was used as public open space and for the provision of four natural turf football pitches until the site became unusable in the winter months due to poor drainage. Accordingly, in order to support the planning application for the new school the provision of a 9v9 floodlit synthetic turf pitch, a full sized natural turf pitch and basic toilet and changing accommodation was included as adequate mitigation for the loss of the area to the school footprint and the surrounding infrastructure. The provision of the new sporting facilities is supported by the Local Authorities Playing Pitch Strategy, the Football Associations Local Football Facilities Plan and the Football Foundation. The Football Foundation have also expressed an interest in supporting the football related development at the site with a significant grant.
- 6.2 The proposal to develop football facilities on the Longdendale Playing Field site has been included as a “pipeline” scheme by the Football Foundation. This means that they, the Football Foundation and Manchester Football Association support the development in principle subject to a detailed funding application and the provision of match funding by the applicant, in this instance Tameside MBC. Indications are that they will support the project with a funding grant of circa 70% with the Council contributing 30%.
- 6.3 The development of facilities such as this require the involvement of an “anchor” football club, in this instance Hollingworth Juniors, who are based in the locality. This anchor is a requirement for the bid to the Football Foundation. Hollingworth Juniors will be a joint applicant and will manage the facilities once complete at no cost to the Council or the school operator. Once completed the football facilities will be managed for community benefit by the club and will be made available for the school between 9am till 4pm Monday to Friday term time only to meet the needs of the curriculum. The main use will be to use the synthetic pitch. The management arrangements will be set out in a Community Use Agreement based on the Sport England model. The operational costs of the facility will be met by the club. Parties to the agreement will include Hollingworth Juniors, the new School operator and the Council.
- 6.4 If the bid to the Football Foundation is successful and the Council’s capital match funding contribution is approved then the scheme will be delivered as follows:  
**Synthetic Turf Pitch** – The 9v9 synthetic turf pitch will be delivered through the Football Foundations framework contract.  
**Natural Turf Pitch** – The natural turf pitch will be delivered by the LEP as a variation to the main school build contract.  
**Changing and toilet accommodation** – The changing and toilet accommodation, to support the community use of the pitches, will involve the updating of the existing outdoor changing room block at the site. This element will be delivered by the LEP.
- 6.5 In order to continue with the planning and development of Football Facilities at the site the following requires in principle support in advance of a further report to Executive Cabinet, once final costs have been established. The following are the issues that are anticipated to be considered in more detail.
- Developing and submitting a grant funding application to the Football Foundation.

- To use the s106 funding earmarked for the site as part of the Council's match funding contribution.
- To identify the match funding for the bid to the Football Foundation at a likely value of £0.330m.
- To establish heads of terms for a lease of the football facilities to Hollingworth Juniors.
- To establish a community use agreement between Hollingworth Juniors, the school operator and the Council.
- To agree to a legal charge on the pitch development areas as required by the Football Foundation grant condition.
- To enter in to a framework contract with the Football Foundation for the delivery of the synthetic turf pitch.

6.6 The programme for the development of the new school and the delivery of the football facilities has been synchronised to ensure that planning conditions are met in a timely manner and that both elements of the scheme are completed and become operational at the same time. In terms of the football element the key dates are as follows:

- Application submission to the Football Foundation July 2023
- Outcome of the application announced October 2023
- Governance to proceed established November 2024
- Work on the synthetic Turf pitch and grass pitch begins Spring 2024
- Changing room and toilet facility development begins Spring 2024
- Facilities complete and operational September 2024

6.7 **Table 2** illustrates the estimated cost of the scheme and the likely match funding requirement. The cost estimates are based on current pricing but are subject to chance once elements of the scheme are tendered. The match funding contribution is based on indications from the Football Foundation that they are likely to support the scheme with a grant contribution of 70%.

<b>Table 2</b>		
<b>Element</b>	<b>Estimated cost (£m)</b>	<b>Comments</b>
Bid development fees	0.010	Bid development costs can be added to the overall cost of the scheme and attract a contribution from the Football Foundation.
Synthetic Turf Pitch	0.725	This element of the scheme will be tendered through the Football Foundation's framework contract.
Natural Turf Pitch	0.160	This element will be delivered as a variation to the main school contract.
Changing and toilet accommodation	0.130	This element proposes bringing back into productive use the former playing field changing room accommodation situated to the rear of adventure Longdendale.
Other infrastructure elements	0.025	This element includes a notional contribution to fencing and footpaths required to support access to the pitches.
Contingency	0.050	
<b>Total Cost</b>	<b>1.100</b>	

6.8 The total cost of the scheme is estimated to be £1.100m. A 70% contribution from the Football Foundation of £0.770m would require a funding match of £0.330m from the Council. How the Council would fund this match-funding contribution will be the subject of further reports to Cabinet upon submission of the application to the Football Foundation, however there is a small earmarked Section 106 fund of £0.075m available to support this.

- 6.9 The scheme is now in the Football Foundations “pipeline” for grant support subject to the submission of a funding application. The scheme has strong strategic support due to the significant outcomes envisaged particularly in relation to women/girls football and disability football with the use of the facilities by a progressive SEND school. The Council has successfully delivered a number of significant schemes in partnership with the Football Foundation with a 100% success rate for schemes that have achieved “pipeline” status. There is a risk, albeit considered to be a small risk, that the scheme will not be supported by the Football Foundation at application stage. This would mean that the cost of the football facilities would need to be fully met by the Council.
- 6.10 The Council has an excellent track record of delivering schemes in partnership with the Football Foundation, County FA and local junior football clubs. The scheme proposed for the Longdendale site mirrors a number of other successful schemes delivered over the last 10 years including Denton Youth and Curzon Ashton all of which operate at no cost to the Council with all liabilities, including sinking funds, being met from income generated by the clubs at each of the centres. Each of the schemes have been supported with significant grant funding from the Football Foundation with applications being led by the Council. Each site is leased to the anchor club once the development has been completed. The Council and the Football Foundation manages the construction risk with all operational risk and liability resting with the club. The anchor club for the Hawthorns scheme is Hollingworth Juniors FC who have been in existence since 1988. They have been put forward as the anchor club by the County FA who recognise them as a progressive and developmentally minded organisation providing a range of opportunities for local young people in the Hollingworth, Longdendale and Hattersley areas of the Borough. For information, access to both pitches will operate independently from the school, although the school will have its own access, which enables free use during the day, term time only.
- 6.11 Part of the grant application to the Football Foundation includes the development of a detailed operational business plan which demonstrates ongoing viability. The Football Foundation will not support any application that does not demonstrate a need for the development in any locality or its ability to operate as an ongoing, viable entity.

## **7 HIGHWAY ISSUES**

- 7.1 To support the development, S278 works will be required in close proximity to the site. These will be undertaken in collaboration with the Highway Authority. It should also be noted that the new school build programme may overlap with proposed improvements to the A57(T). Whilst National Highways are responsible for that scheme and any traffic management arrangements, the two projects will create some disruption to residents in the area. Any disruption to the highway network will be co-ordinated with the Highway Authority to minimise the impact on the local community.

## **8 CONTRACTING ARRANGEMENTS FOR THE NEW BUILDING**

- 8.1 The Council intends to deliver the scheme by entering into the standard Design & Build contract with the Inspiredspaces Tameside Limited (LEP) for the new Hawthorns SEND school.
- 8.2 The Council will also be required to enter into a Deed of Appointment with the LEP and Currie & Brown for an Independent Certifier.

## 9 FINANCIAL IMPLICATIONS FOR THE NEW BUILDING

### Capital Implications

- 9.1 An initial budget of £13.000m from Basic Need funding for the expansion and relocation of Hawthorns School was approved at Executive Cabinet in June 2021. To date there has been actual capital expenditure of £1.036m. Should the Council decide to halt the project, these costs will become abortive and no longer consider capital in nature. This would place pressure on the General Fund and in particular the service budgets this relates to that would require further mitigating actions to be found.
- 9.2 As stated in Section 4 of this report the estimated cost to deliver the scheme has significantly increased to £22.762m. Capital funding available is detailed in the table 3.

<b>Table 3 – Capital Funding</b>	<b>£m</b>
<b>Estimated Cost of Project</b>	<b>22.762</b>
<b>Funding Streams:</b>	
Basic Need previously approved	(12.462)
Special Provision previously approved	(0.316)
High Needs Provision previously approved	(0.222)
Estimated Football Foundation Funding	(0.770)
S106 Monies (identified for football pitch)	(0.075)
<b>Balance to Fund</b>	<b>8.917</b>
Basic Need - Unallocated	(6.099)
High Needs Provision - Unallocated	(6.346)
<b>Balance of Education Funding Remaining</b>	<b>(3.528)</b>

- 9.3 This unallocated grant funding is to support the Local Authorities additional capacity requirements and improve existing provision for children with special education needs and disabilities (SEND). Delivering this scheme will restrict the amount of grant available for any future demand and additional schemes. Table 4 below illustrates the value of grant agreements that have supported recent additional places projects. 143 places have been created for approximately £1.845m. Whilst the current economic climate may mean increased costs for future projects, this does give an illustration of what can be achieved with the funding available.

<b>Table 4 – recent specialist places capital projects</b>					
<b>School</b>	<b>Phase</b>	<b>Resource base or expansion</b>	<b>Number of places created</b>	<b>Date places operational</b>	<b>Value of capital grant agreement (£m)</b>
Hawthorns	Primary	Expansion	88	September 18 onwards	1.020
Greenside	Primary	Resource base	10	Sep-21	0.022
Rosehill	Primary	Resource base	10	Sep-21	0.019
Dane Bank	Primary	Resource base	10	Easter 2023	0.063
St James' Ashton	Primary	Resource base	10	Sep-23	0.070
Longdendale	Secondary	Resource base	15	Sep-23	0.650
			<b>143</b>		<b>1.845</b>

9.4 As discussed in Section 1, there is no predicted demand for additional mainstream places in the borough in the next 10 years. The demonstrable demand is for specialist places. The Government have indicated that high needs provision capital funding will be made available for 2024-25 although these allocations have not been confirmed. Should the estimated cost of the Hawthorns project be as per the report there would be capital funding remaining of £3.528m. Based on the current estimated cost there would be sufficient funding available to support a significant expansion of places in the borough in either mainstream or specialist schools. The SEND Sufficiency Strategy will inform member decisions on capital projects to support any expansion of places. However, there are a number of risks detailed below.

**Risks**

9.5 A high level risk register is produced in tables 6a and 6b below, detailing the risk of proceeding or not proceeding with the project.

9.6 Match funding for the football pitches has been assumed at 70% from the football foundation, requiring the Local Authority to fund at least £0.330m based on the total estimated cost. There is a risk that the bid is not successful. Should this come to pass, a further decision report will be presented to Cabinet outlining the Council’s options.

**Revenue Implications**

9.8 As our special school sector is already full to capacity, without a Hawthorns new build any new specialist placements would need to be found out of borough or in an independent setting as we don’t have sufficient in borough provision. In total, the new school provides the Council with 80 additional places. Since the June 2021 report, 52 of these additional places have been provided for in temporary accommodation with the existing Hawthorns School. These 52 additional places have enabled the council to avoid more expensive independent or out of borough placements. The average cost of an independent setting is £52,720 vs the average cost of a placement in Hawthorns of £19,820. A net extra cost of £32,900. Due to the additional capacity created in anticipation of the new school the council has therefore avoided additional annual expenditure of circa £1.711m in the High Needs Block (HNB) of the Dedicated Schools Grant (DSG).

9.9 The completion of Hawthorns would provide a further additional 28 places which would enable the council to avoid further expenditure of circa £0.921m per year in the DSG.

9.10 Increased out of borough and independent placements would also increase expenditure on SEND transport. The average daily cost of out of borough SEND transport is £25.68 higher than in borough. If the school build did not go ahead the council would incur estimated additional SEND transport costs of £0.390m per annum in the General Fund (GF), with school transport. This is summarised in the table 5 below:

<b>Table 5 – Education revenue implications</b>			
<b>Savings Per Annum</b>	<b>DSG (£m)</b>	<b>GF (£m)</b>	<b>TOTAL (£m)</b>
Placements	2.632	-	2.632
SEND Transport	-	0.390	0.390
Total	2.632	0.390	3.022

9.11 The financial pressures on the High Needs Block of the Dedicated Schools Grant (DSG) continue and were last reported at the January 2023 meeting of the Schools Forum and a recovery plan has been developed. The financial benefits that an expanded Hawthorns School would bring have been accounted for in the High Needs recovery plan so it is not additional to that which we are already aware. If the school did not proceed this would further increase the DSG deficit position.

9.12 There are potential revenue implications for the lease of the football pitches if the relationship between the Council and Hollingworth Juniors were not to continue. This is referred to in 6.10 and Table 6a.



## 10 RISK & INSURANCE

- 10.1 The LEP has been asked initially to provide £30m Public Liability insurance, which is currently being reviewed to be in line with £10m given the location and security of the site. Construction All Risk insurance will be put in place by the LEP as required in the standard Design and Build contract.
- 10.2 A number of risks have been referred to in the report, for ease these are reproduced below in Table 6, this includes risks of proceeding and not proceeding with the new school:

**Table 6a – Risk of Proceeding with the new school**

Risk Area	Detail	RAG Rating	Mitigation	RAG Rating
<b>Title – Land adjacent to 24 Kennedy Road</b>	The Council is required to acquire an area of land from Onward Homes. Whilst terms have been agreed, the purchase has not been completed and could fall through. Onward Homes are a partner to the Council and this risk is considered to be low		Terms have been agreed for the purchase from Onward Homes who are a partner to the Council.	
<b>Financial – Cost of the new school</b>	Estimated scheme costs continue to increase as a result of delay.		Utilise existing arrangements with the LEP to ‘fix’ the price of the school on the basis of Council’s current requirements.	
<b>Financial – Funding of Football Pitches</b>	The football pitches are requirements of the planning permission. The new pitches are also the subject of a bid to the Football Foundation for funding. There is risk that the Football Foundation will not support the bid or pay a reduced sum. In which case the Council would have to pay for their construction.		Throughout the development of the project, there has been extensive dialogue with the Football Foundation in respect of the proposals and the requirement for funding. The scheme is in the Football Foundations pipeline for determination in October 2023. A further report will be brought to the Executive Cabinet to advise on the delivery and funding of the pitches.	
<b>Construction – Football Pitches</b>	The Football Foundation has indicated that it will tender the synthetic turf pitch element through its framework contractors. To enable this to happen the LEP are required to hand over that part of the site at the appropriate time.		Generally, having two contractors on site is to be avoided and this will need to be managed carefully through the construction phase.	
<b>Football Pitches operational Revenue risk</b>	All revenue liabilities, including a sinking fund, will be met from income generated by the club. The club will be responsible for all the		Part of the grant application to the Football Foundation includes the development of a detailed operational business plan which demonstrates ongoing viability. The	

Risk Area	Detail	RAG Rating	Mitigation	RAG Rating
	operational costs set out in the lease - draft heads of terms.		Football Foundation will not support any application that does not demonstrate a need for the development in any locality or its ability to operate as an ongoing viable entity.	
<b>Size of school – current demand</b>	When the new school building was first proposed, there were 141 children at the school on a site originally designed for 60 pupils. In 2021, it was envisaged that the new building would provide 80 additional places.		The size of the new building will be sufficient for current demand for places. Whilst the number of children with EHCPs has increased significantly, there are plans being developed to meet the needs of as many children as possible in mainstream settings reducing the need for further specialist places.	
<b>Size of school – future demand</b>	A 220 place special school is already large. Increasing capacity beyond this may compromise the quality of provision.		Hawthorns School is an outstanding school and the Council would wish it to remain so. The new school building would release accommodation at the Lumb Lane site for additional provision if identified through the SEND Sufficiency Strategy. Work is underway with mainstream schools so that more children with EHCPs can have their needs met in mainstream provision. Reducing birth rates in the borough will release surplus accommodation in schools over the next few years which could be used for specialist provision for example resource bases.	
<b>Availability of accommodation for additional provision</b>	The current Lumb Lane site will be vacated leaving accommodation for 60+ pupils		This accommodation will enable the SEND Sufficiency Strategy to have scope to meet highlighted needs that aren't currently catered for in borough and will further increase specialist provision in the borough	
<b>Planning Permission</b>	Before first use of the school and to comply with planning permission requirements		Planning issues to be addressed by the Council, before the school can be used: artificial pitch design and specification; construction of natural turf pitch; an agreed community use agreement; and a Green Travel Plan.	

Risk Area	Detail	RAG Rating	Mitigation	RAG Rating
<b>Construction risk</b>	A risk arises because the LEP is not responsible for managing both the building and football pitch construction and therefore this creates a potential risk of prolongation claims		This will need to be addressed and carefully managed in the report addressing the construction and delivery of the pitches.	
<b>BREEAM Excellence</b>	Achieving BREEAM excellence status is not just about how the building is constructed but also how it is operated		Requirements will need to be drafted into any leases and agreements with the Academy to ensure they maintain compliance.	

**Table 6b – Risk of Not Proceeding with the new school**

Risk Area	Detail	RAG Rating	Mitigation	RAG Rating
<b>Financial – Abortive Costs</b>	The Council has incurred costs of over £1.000m in developing the new school to date and further abortive costs would be payable to the LEP, e.g. prelims, fences, procured, etc.		Abortive and ‘sunk’ costs not lost if project continues	
<b>Reputation – If Council does not proceed</b>	A Hawthorns parent group has actively lobbied for a new school for a number of years and has been involved in developing plans for the new school building.		Proceeding with the new school will fulfil the expectations of stakeholders and parents at the school.	
<b>Temporary satellite provision - Financial</b>	Hawthorns School is currently operating on two satellite sites and is proposing a third for September 2023. There are additional running costs that the school are experiencing with admin and management support needed across all sites. These cannot be sustained.		The new building can accommodate all pupils who are or will be in the satellite provision.	
<b>Temporary satellite provision - unsuitability</b>	The satellite provision is in temporary accommodation which cannot be used on a permanent basis. Hawthorns School pupils and staff are sharing facilities and resources on satellite sites and some of the provision is in temporary demountable classrooms. Experienced staff are required in satellite sites to ensure		The new building will enable the school to come together again on one site with expertise and good practice to be shared amongst all staff.	

Risk Area	Detail	RAG Rating	Mitigation	RAG Rating
	their smooth running and to operate in the Hawthorns ethos. This has resulted in experienced staff and their expertise being spread across sites. This cannot be sustained	Yellow		Green
<b>Failure to meet statutory duty to provide sufficient places</b>	The Council has a statutory duty to ensure that there are sufficient school places to meet demand in their area. Without the new school building, the Council may fail to meet this duty	Red	The new building will enable the Council to meet this duty and create capacity for additional provision in the Lumb Lane site,	Green
<b>Cost of providing 80 pupil placements</b>	The Council has to provide out of borough or independent placements, as in borough is insufficient. These were also incur additional SEND transport costs.	Red	The new building will enable the Council to avoid circa £3.022m (pa).	Green

## 11 CONCLUSION

- 11.1 A new school building for Hawthorns School is essential to meet the needs of primary age children in the borough who have SEND needs outlined in Education, Health and Care Plans. When the project began to build a new school, Hawthorns had 140 pupils on roll and it was envisaged that the new school building would provide an additional 80 places when it opened. This would enable the Council to avoid circa £3.022m (pa), which against a project cost of £22.762m represents a pay back of circa 7.5 years. The growth in EHCPs in the borough since then has meant that Hawthorns School has already had to implement many of these places in the knowledge that a bigger school building had been agreed by the Council. However, these places are in temporary, satellite provision which is not sustainable or desirable in the long term for our primary aged children in need of specialist provision.
- 11.2 Since Executive Cabinet approved the original scheme, colleagues in the Council, at Hawthorns School, in the New Bridge Trust and the LEP have worked together to produce designs for the building which received planning permission in December 2022. This has led to cost plan 4 being issued. There have been significant increases in cost since the original estimate from the LEP in 2021 due to the economic climate and additional design requirements which are outlined in the report, mainly the construction of football pitches to meet the planning requirements of Sport England and looking to achieve carbon neutral status. The total cost is now predicted to be £22.762m.
- 11.3 Whilst there is sufficient headroom in the education capital budgets to accommodate this increase, the impact of the increased costs is that there is a reduction in residual funding to support other capital projects that may be needed to increase school places in the borough in line with PAN. The Council may receive further capital allocations from the DfE to support high needs provision places, or general places in line with PAN, but this will not be before the 2024/25 financial year and cannot be guaranteed.

## 12 RECOMMENDATIONS

- 12.1 As set out at the front of the report.