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A separate report is submitted in the private part of the agenda in respect of this item, as it contains details of financial information required to be kept private in accordance with Schedule 12A of the Local Government Act 1972. The grounds for privacy are that it contains information relating to the financial and business affairs of any particular person (including the authority holding that information). The public interest in maintaining the exemption under Schedule 12A outweighs the public interest in disclosing the information.

Cabinet  
Council

12<sup>th</sup> October 2021  
18<sup>th</sup> October 2021

**Name of Cabinet Member:**

Cabinet Member for Education and Skills – Councillor Dr K Sandhu

**Director Approving Submission of the report:**

Director of Education and Skills – Kirston Nelson

**Ward(s) affected:**

All

**Title: SEND proposal for the use of the Woodlands site**

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**Is this a key decision?**

Yes – the proposals within the report will affect all wards of the city and has financial implications in excess of £1m.

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**Executive Summary:**

Under Section 14 of the Education Act 1996, Coventry City Council has a statutory duty to ensure sufficient school places and fair, appropriate access to education for all. It is the Council's role to plan, commission and organise school places in a way that raises standards, manages supply and demand and creates a diverse infrastructure.

On 30<sup>th</sup> October 2018, Coventry City Council Cabinet approved in principle the refurbishing of the existing Woodlands School site to provide a new home for the existing Woodfield Primary and Secondary Schools and the potential subsequent relocation of the Woodfield Schools to the Woodlands site.

The One Strategic Plan outlines the strategy to meet the growing demand for places for children with special educational needs and disabilities including provision for children age 5 to 16, with complex social, emotional and behavioural difficulties. This specialist provision is currently delivered by Woodfield Special School from two separate sites. It is acknowledged that the existing

school buildings are deemed unsuitable for purpose in the long term and have insufficient capacity to meet the growing demand.

The report on the 30<sup>th</sup> October 2018 outlined that a secondary report would be required to be presented to cabinet, containing a full detailed feasibility study. Approval of this feasibility study would enable education to proceed with a more detailed examination of the costings and look at the funding sources available. The report also requested that the feedback from the School Organisation Consultation on the proposed changes were brought to the attention of Cabinet.

### **Recommendations:**

Cabinet is requested to:

- 1) Note the outcome of the feasibility study report (as identified in the private element of the report) and the consultation in Appendices 3 and 4.
- 2) Approve the commencement of a competitive procurement process to appoint the design team and the building contractor to enable the delivery of the capital refurbishment works required on the Woodlands Site to facilitate the relocation of the existing Woodfield Primary and Secondary Schools.
- 3) (Subject to acting within approved budgets), delegate authority to the Director of Education and Skills and the Director of Finance, following consultation with the Director of Law and Governance, to undertake the necessary due diligence including but not limited to the award of contracts to successful tenderers and entry into all necessary legal agreements.
- 4) Note that where the cost of delivering the relocation of the existing Woodfield Primary and Secondary schools to the Woodlands Site exceeds the approved budget limit ("the Shortfall Gap"), a further report will be presented to Cabinet and/or Council for the approval of the Shortfall Gap prior to award of the contract to the successful building contractor.

Cabinet recommends that Council:

- 5) Approve a capital budget for the delivery of the capital refurbishment works on the Woodlands Site to facilitate the relocation of the existing Woodfield Primary and Secondary schools in the sum identified in the private element of this report.
- 6) Approve that the Council capital programme is adjusted to facilitate the recommendation set out in recommendation 1) above.
- 7) Delegate authority to the Director of Education and Skills and the Director of Finance to refine and manage the financial projections within the capital budget associated with the delivery of capital refurbishment works on the Woodlands site to facilitate the relocation of the existing Woodfield Primary and Secondary Schools.

Council is requested to:

- 1) Approve a capital budget for the delivery of the capital refurbishment works on the Woodlands site to facilitate the relocation of the existing Woodfield Primary and Secondary schools in the sum identified in the private element of this report.
- 2) Approve that the Council capital programme is adjusted to facilitate the recommendation set out in recommendation 1) above.
- 3) Delegate authority to the Director of Education and Skills and the Director of Finance to refine and manage the financial projections within the capital budget associated with the delivery of capital refurbishment works on the Woodlands site to facilitate the relocation of the existing Woodfield Primary and Secondary Schools.

**List of Appendices included:**

- Appendix 1 – Woodlands 2020 consultation leaflet
- Appendix 2 – Woodlands 2020 consultation FAQs
- Appendix 3 – Woodlands 2020 consultation feedback summary
- Appendix 4 – Woodlands 2020 consultation individual feedback responses

**Background paper:**

Education and Learning One Strategic Plan 2019-2025

**Other useful documents:**

Cabinet report October 2021 – Academisation of Woodfield School  
Cabinet report October 2018 – Coventry One Strategic Plan and Education Capital Programme:  
<http://democraticservices.coventry.gov.uk/ieListDocuments.aspx?CId=124&MId=11774&Ver=4>  
Let's Talk 2021 live consultation (which includes the 2021 consultation leaflet and FAQs):  
<https://letstalk.coventry.gov.uk/relocationexpansionwoodfieldprimary>

*It is noted that a consultation was undertaken in 2020, as referenced in Appendices 2, 3, 4 and 5. A further consultation is currently live, ending on 1<sup>st</sup> October 2021, and can be viewed at the above link (which includes the 2021 consultation leaflet and FAQs).*

**Has it been or will it be considered by Scrutiny?**

No

**Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?**

No

**Will this report go to Council?**

Yes – 18<sup>th</sup> October 2021

## Report Title: SEND proposal for the use of the Woodlands site

### 1. Context (or background)

- 1.1. The local authority has a statutory duty to secure a sufficiency of appropriate education places for children and young people with Special Educational Needs (SEN). Coventry's inclusion strategy is built on the principle of equality of opportunity, with an expectation that children will be able to attend a school in their community and have equal access to the same range of curriculum and social experiences as their mainstream peers.
- 1.2. Under Section 14 of the Education Act 1996, Coventry City Council has a statutory duty to ensure sufficient school places and fair, appropriate access to education. It is the Council's role to plan, commission and organise school places in a way that raises standards, manages supply and demand and creates a mixed economy of infrastructure.
- 1.3. This means that Local Authorities have to provide a continuum of provision to meet a continuum of need. Whilst Coventry currently has relatively few specialist provisions delivered in the form of resourced centres/units in mainstream schools, it does have a good range of special school provision. Consequently, very few Coventry children have to attend schools outside of the City, which is a position that needs to be maintained.
- 1.4. However, the recent evidenced growth in need, specifically in the area of complex communication (autism spectrum conditions) and social emotional and mental health (SEMH), has placed a level of demand on the special school system that exceeds supply. School age Education, Health, and Care plans have increased from 2145 in January 2020 to 2344 in January 2021, demonstrating an overall growth of 26% across a 5-year period.
- 1.5. Woodfield Special School is currently in the process of academy conversion. The target date for conversion is April 2022, with the conversion being dependent upon significant progress being made on this project. The academy conversion is the subject of a separate cabinet report scheduled for October 2021.
- 1.6. The move to the new site would allow Woodfield School to increase the number of pupils.
- 1.7. The Community use at the Woodlands site is significant and has always been a key consideration alongside the proposed development of the site. The council have sustained the access to community use since taking over the site in 2017.
- 1.8. The development of the site has considered the importance of the facility to the local community and large amount of sporting groups and clubs that hire the facilities on a weekly basis.
- 1.9. The focus on the future development of the site have always ensured the community use is complementary to the education provision and to reduce any impact of the loss of community use.

### 2. Options considered and recommended proposal

#### **Do nothing** **(Not Recommended)**

- 2.1. Cabinet at its meeting dated 30<sup>th</sup> October 2018 approved the principle the refurbishing the existing Woodlands School site to provide a new home for the existing Woodfield Primary & Secondary schools and the potential subsequent relocation of the Woodfield schools to the Woodlands site as well as applying for planning/listed building consent in order to be able to implement the proposals set out in this report. This report seeks to get the necessary approvals required to further progress the delivery of the proposals and as such, this option to do nothing is not recommended.

**Commence the procurement of the design team and the building contractor  
(Recommended)**

- 2.2. There is a requirement to expand SEN provision across the city; this is particularly acute in terms of Social, Emotional, and Mental Health (SEMH). Currently, the only provision in the city offering SEMH in a school-based setting is Woodfield Special School (Primary and Secondary Split Site).
- 2.3. The option of Woodfield Special School remaining on their current sites was considered. It is felt the ongoing capital works required, including any future expansions, would require a substantial investment. The sites are unable to expand to meet additional capacity needs and the investment would not address the ongoing revenue pressure experienced caused by a split site school.
- 2.4. The vacant Woodlands site currently costs the Council the sum identified in the private element of this report per annum, which includes income from the sporting facilities, reducing the overall costs.
- 2.5. The return of the Woodlands Academy site to the Council, presents an opportunity to re-purpose the site for special school provision. This proposal is underpinned by a survey and feasibility report undertaken by architects acting on behalf of the Council. It is confirmed that it is possible to integrate a primary and secondary Special School onto the Woodlands site.
- 2.6. Following an Ofsted inspection at Woodfield School in March 2020, which resulted in a grading of 'Inadequate', Woodfield School is required to academise. The Governing Body of Woodfield School has made a successful application to the Secretary of State for an Academy Order under the Academies Act 2010 ("the 2010 Act"). Following the West Midlands Headteacher Board in October 2020, it was agreed that Woodfield School will join the Sidney Stringer Multi-Academy Trust ("Sidney Stringer MAT") as a convertor academy and thereafter will cease to be maintained by the Local Authority.
- 2.7. The Council in conjunction the Department for Education, Woodfield School and Sidney Stringer MAT are working towards a target conversion date of 1<sup>st</sup> April 2022, subject to leases being agreed and all other agreements in place.
- 2.8. A separate report will be brought to October 2021 Cabinet for approval to agree the terms of the academy agreement – a 5-year excluded act lease for the existing Woodfield Primary and Secondary School sites and a 125-year long lease in respect of the Woodlands site to the Sidney Stringer MAT.
- 2.9. The integration onto one site, allows both Woodfield primary and secondary phases to benefit from shared working practices, provision of more efficient and improved facilities, and a purpose designed building. In addition, the refurbishment of the Woodlands site would potentially allow a continuation and expansion of the community sporting provision that has been successfully provided at the site for many years.
- 2.10. The existing Woodlands buildings are of a 1950's vintage and are Grade II listed. As such significant investment is required to allow them to be used as a modern SEND school.
- 2.11. The DfE transferred the building across to The Council in September 2017. The condition report highlighted the sum identified in the private element of the report for the upkeep and maintenance costs, and many of the buildings have remained vacant since the Woodlands Academy closure.
- 2.12. As part of the submission of the planning permission, extensive consultation has been undertaken with Sport England to address the re-provision of any playing pitch loss arising

from the proposals set out in this report and discussions are ongoing which we anticipate will be resolved prior to the submission of the planning application.

### 3. Timetable

3.1. The timescale is set out in the following table:

<b>Activity</b>	<b>Approximate Timing</b>	<b>Action</b>
Consultation with local community on proposals pre-Planning submission	14 September 2021 – 19 October 2021	Commenced
Section 77 Application to DfE	September – December 2021	Commenced
Cabinet report requesting permission to conduct tender process and delegation of contract award	12 <sup>th</sup> October 2021	Proposed
Submission of planning application for 3 sites	October 2021 – February 2022	Proposed
Where the cost of delivering the relocation of the existing Woodfield Primary and Secondary Schools to the Woodlands site exceeds the approved budget limit, further Cabinet report to consider final costs of the project to date, prior to building contractor contract award	April 2022	Proposed
Woodfield Special School relocated to Woodlands site	September 2023	Proposed

3.2 Any delay to the above indicative programme would likely cause delays to the target conversion date, as Sidney Stinger MAT cannot enter into a development agreement and lease if satisfactory progress has not been made.

### 4. Comments from the Director of Finance and the Director of Law and Governance

#### 4.1. Financial implications

- 4.1.1. From the initial work undertaken to date it is anticipated that the budgetary requirement can be summarised below.
- 4.1.2. The Cabinet Report in October 2018 estimated the works required were anticipated to be in the region of £17.8m, of which there was an anticipated financial gap of c. £2.4m.
- 4.1.3. A review was recently undertaken to understand the likely impact of Covid, Brexit and other external factors which could affect the cost of the project. The most recent report outlines the funding required to bring the former Woodlands Academy buildings back in to use and make the required adaptations are estimated to be the sum identified in the private element of this report.
- 4.1.4. Although the costs have risen, the anticipated gap has reduced due to the Council receiving capital funds from Central Government directly relating to increasing SEND school places which has been allocated to this project.
- 4.1.5. Proposed capital spend and resources are as outlined in the private element of this report.
- 4.1.6. The current estimated costs for the project are as identified in the private element of this report, which is an increase from 2018 due to this updated figure including

inflation uplift and increased contingency risk due to current market conditions (Covid/Brexit). This figure is subject to change due to the above factors and will not be known until tender receipt.

- 4.1.7. The Council would be required to fund the project in anticipation of capital receipts for the existing Woodfield sites being received in order to cash flow the project, as the sale of the land cannot be completed until completion of the project allowing the relocation of the pupils to the new site. We would seek to minimise any risk on these sale by potentially entering into contracts for sale with the completion of the purchase subject to us providing vacant possession of the Woodfield sites. This would provide certainty to both purchaser and the Council that a sale is contracted at a known cost.

## **4.2. Legal implications**

- 4.2.1. The City Council has a statutory duty under Section 14 of the 1996 Education Act to provide sufficient school places. The consultation and determination arrangements meet the requirements of The Education and Inspection Act 2006 and The School Organisation (Prescribed Alterations to maintained Schools) (England) Regulations 2007 (as amended). Failure to comply with these statutory requirements would leave us unable to expand school places as required, subject to action by DfE or to seek alternative provision outside of the City and independent sector.
- 4.2.2. In accordance with Section 77 of the Schools Standards and Framework Act the Council must obtain permission from DfE to dispose of the education sites (Hawthorn Lane, Stoneleigh Road, and partial disposal of the former Woodlands Academy).
- 4.2.3. The City Council need to obtain the relevant planning permissions and enter into the appropriate contractual arrangements for the construction of new schools in line with the requirements of the Council's rules for contract and relevant procurement legislation. A further report seeking a final decision on proposals will be provided to Cabinet and Council for consideration detailing the outcome of any planning applications and the financial implications. This future report will also require more detailed legal implications in relation to the property matters that will at that stage need to be considered including the legal requirement to obtain consent from the Secretary of State.
- 4.2.4. The nature and value of the works to be procured are such that they are likely to be subject to the Public Contract Regulations 2015 (as amended). Where this is the case a full tendering process will be undertaken which meets the requirements of those Regulations.
- 4.2.5. The cabinet's attention is drawn to the Public Sector Equality duty (PSED General Duty) under the Equality Act 2010, which requires public bodies to have regard, when making decisions, to the need to eliminate discrimination, advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and those who do not share it. The cabinet is specifically referred to the equalities impact statement at paragraphs 5.4 below, setting out the consideration that has been given to equalities issues which should be considered when approving the recommendations in this report.

## **5. Other implications**

### **5.1. How will this contribute to achievement of the Council's Plan?**

These proposals will support and synergise with the Council's Policies as set out below:

- *Making the most of our Assets* – utilising existing estate to maximum potential and ensuring value for money.

- *Improving Educational Outcomes* – by providing additional school places in Good or Outstanding Schools.
- *Raising the Profile of Coventry* – by providing additional school places in Good or Outstanding schools.
- *Creating the Infrastructure* – Aiding in Schools to be self-sufficient.
- *Rationalising our property portfolio* – Enabling schools to reach their potential.

## 5.2. How is risk being managed?

Monitoring is carried out through a number of different processes. This project will be monitored through a project management team and full project board and will be subject to careful scrutiny and regular assessment on progress towards identified milestones. Further monitoring will be carried out through progress reports to the Cabinet Member (Education and Skills), Cabinet and full Council.

## 5.3. What is the impact on the organisation?

There are no specific impacts on the organisation.

## 5.4. Equalities / EIA

The categorisation of social emotional and mental health difficulties (SEMH), is included as a SEN under part 3 of The Education Act, 2014. Some, but not all pupils experiencing SEMH, will also have an underlying learning disability, for example an autism spectrum condition. Currently the separate phase distribution of Woodfield Special School's primary and secondary sites presents significant access barriers to an appropriate curriculum and learning environment. This is specifically relevant to girls who can access the primary offer but under current arrangements are displaced at secondary transfer, requiring transition into independent school provision outside of the City. Both disability and gender are protected characteristics under The Equality Act 2010. The proposed refurbishment of the Woodlands School site, which will be occupied by Sidney Stringer MAT upon practical completion of agreed works, is designed to address these inequalities by extending opportunities and outcomes.

Public authority decision makers are under a duty to have due regard to 1) the need to eliminate discrimination, 2) advance equality of opportunity between people who share a protected characteristic and those who do not 3) foster good relations between persons who share a relevant protected characteristic and people who do not (public sector equality duty - s 149(1) Equality Act 2010). The applicable protected characteristics are disability, gender reassignment; race, religion or belief, sex; sexual orientation, pregnancy or maternity.

Decision makers must be consciously thinking about these three aims as part of their decision-making process with rigour and with an open mind. The duty is to have "due regard", not to achieve a result but to have due regard to the need to achieve these goals. Consideration being given to the potential adverse impacts and the measures needed to minimise any discriminatory effects.

The majority of children categorised as SEMH experience a wide range of social and emotional difficulties that manifest themselves in many ways. These may reflect an underlying mental health difficulty such as anxiety or depression; self-harming, substance misuse or symptoms that are medically unexplained. Many children may have disorders such as attention deficit disorder or attachment disorder and/or an underlying learning difficulty such as autism or dyslexia. If the child exhibits persistent and severe difficulties in relation to social behaviour and relationships, emotional development and mental health they are likely to fall within one or more of the protected characteristics under The Equality Act 2010.



This proposal seeks to address the inequalities created by social exclusion, by securing an appropriate provision that maximises young people's life chances in adulthood, through improved: engagement, educational achievement, self-esteem and aspiration.

#### **5.5.Implications for (or impact on) climate change and the environment**

Coventry's schools currently account for 28% of the City's carbon footprint and this scheme will support the reduction of that level through replacing old school buildings with modern, energy efficient facilities. The Carbon Reduction Commitment (CRC) Energy Efficiency Scheme as amended is a mandatory carbon emissions tax covering non-energy intensive users in both public and private sectors and is a central part of the UK's strategy to deliver the emission reduction targets set in the Climate Change Act 2008. Emissions from schools (including PFI Schools) are to be included in the total reported carbon emissions for their participating local authority. The new school building would also be designed to mitigate the effects of climate change fluctuations and to help reduce surface water run off as a result of flash or extreme weather events, reducing any negative effects on the local community and environmental infrastructure.

All the proposed changes and the environmental impacts of the proposed scheme will be considered as part of the planning process and will comply with all relevant environmental legislation.

#### **5.6.Implications for partner organisations?**

Planning for re-designation to SEMH will require close partnership with the PCT, Clinical Commissioning Groups, Coventry and Warwickshire Partnership Trust, Social Care and Private/Voluntary Organisations and will enable multi-agency support and provision for children with SEN to be made.

**Report author(s):****Name and job title:**

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Paul Beesley	Team Leader, Property Development, Project Management and Property Services	Property Services and Development	02/09/2021	16/09/2021
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Helen Williamson	Lead Accountant, Capital and Grants Team	Finance	02/09/2021	15/09/2021
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Barry Hastie	Director of Finance	-	16/09/2021	21/09/2021
Kirston Nelson	Director of Education and Skills	-	16/09/2021	20/09/2021
Councillor Dr K Sandhu	Cabinet Member for Education and Skills	-	20/09/2021	20/09/2021
Gail Quinton	Deputy Chief Executive	-	20/09/2021	21/09/2021

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