



Leicester  
City Council

**WARDS AFFECTED**  
**All Wards**

**FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:**

**OSMB**  
**Cabinet**

**22<sup>nd</sup> January 2009**  
**05<sup>th</sup> January 2009**

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**Proposal to Establish Permanent Day Provision for the Children's Hospital School**

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**Report of the Report of the Interim Corporate Director of Children's Services**

**1. Purpose of Report**

- 1.1 The purpose of this report is seek approval for the establishment of a permanent day facility for the Children's Hospital School (CHS) on the campus of Eyres Monsell Primary School (EMPS) and to seek approval for the school organization changes and capital works required to implement the proposal.

**2. Summary**

- 2.1 Currently the CHS has had no permanent site to run its service from and has had to move buildings twice in the last two years. The CHS current lease at the Samworh Academy expires on the 10<sup>th</sup> July 2009 and currently has no new arrangement for the academic year 2009/10.
- 2.2 It is proposed under the Primary Capital Programme (PCP) to reduce the size of the Eyres Monsell Primary School to one form entry and as a result the old infant building becomes a vacant premise. This report puts together proposals to bring forward the Eyres Monsell project under the PCP and the initial works for the relocation of the CHS in the old Infant School building.

**3. Recommendations (or OPTIONS)**

- 3.1 Cabinet is recommended to:
- a. Agree to the establishment of a 40 place day school for the CHS, to be established on the campus of EMPS;
  - b. Agree that the planned admission number of Eyres Monsell primary school should be reduced from 45 to 30 from September 2009, effectively reducing

the size of the school by 1/3<sup>rd</sup>, subject to the approval of the Schools' Adjudicator;

- c. Authorise the addition of £257,000 to the Schools' Capital Programme in respect of the initial works necessary to release accommodation for the CHS, to be funded from Basic Need monies pending inclusion within the Building Schools for the Future (BSF) Programme;
- d. Authorise the addition of £2.957m to the Schools' Capital Programme in respect of refurbishment works to EMPS, to be funded by Primary Capital Programme monies and other grants (which together with Devolved Formula Capital, makes a total scheme value of £2.957m, as set out in the report);
- e. Authorise the agreement of a building lease between LCC and the CHS for the 'Infant Block' at Eyres Monsell Primary school (subject to agreement with the DCSF);
- f. Note that Cabinet will receive a subsequent report on the proposed BSF Phase 2, which is expected to include proposals to refurbish the Children's Hospital School accommodation at EMPS; and
- g. Note that the CHS will require an increase in its delegated budget to meet the running costs of the premises at EMPS, and that some corresponding savings may arise in the EMPS budget. Any net cost will be met from the Dedicated Schools Grant, together with any other cost increases occasioned by the moves.

## **4. Report**

### **4.1 Background**

4.1.1 The Children's Hospital school (CHS) was originally established circa 1940's to provide schooling for sick children in hospital. Over the years, the nature of the service provided by CHS and the number of children attending has changed significantly. The school provides home education, hospital based education and education in a temporary day school to a total of around 120 children, in roughly equal proportions.

### **4.2 Temporary day school**

4.2.1 A temporary day school was established in surplus accommodation at the former Queensmead Junior School in Braunstone as a temporary expedient for two reasons. Firstly, there was no longer sufficient space at the Leicester Royal Infirmary to accommodate the number of children referred by the Council. Secondly, hospital is not the most appropriate setting for many children attending the CHS, all of whom are under the care of a medical consultant but are unable to attend a mainstream school for a variety of reasons, including mental health issues or because of abuse, bullying, etc.

### **4.3 The need for permanent accommodation**

4.3.1 The CHS day school has continued to operate on a temporary basis. The temporary lease granted pending the sale of the former Queensmead School expired in summer 2007. A temporary 2-year lease was arranged on some accommodation temporarily available at the Samworth Enterprise Academy. This was possible because the Academy opened in summer 2007 with only Year 7 in the Secondary Phase and will not be fully occupied until 2011. However, the academy is unable to extend the lease beyond summer 2009.

#### 4.4 Options for Permanent Accommodation

4.4.1 The Department has carefully considered the needs of the service users and supports the establishment of a permanent day school for the CHS

It is now imperative that permanent accommodation is found for the CHS from September 2009. The CHS is a special school with students of secondary age and therefore any capital investment required should be provided through the Building Schools for the Future programme. Given that the total BSF funding for all special schools is around £14 million, officers have considered how a modest proposal could meet the needs of the CHS whilst balancing the likely needs of other special schools. This led to a proposition that the CHS should utilise surplus accommodation in an existing school, of which there are a small number. The basic requirements are:

- a) Adequate classroom space and specialist accommodation
- b) Adequate staff and office space
- c) Facilities for outdoor play
- d) Catering
- e) Exclusive use of a building
- f) Car parking

4.4.2 After considering the available options, premises at Eyres Monsell Primary School (EMPS) emerged as the preferred option. The former infant school building on the EMPS school site could be refurbished and adapted to meet the needs of CHS, subject to capital investment in EMPS to allow the school to consolidate in one building. Both schools are very happy to take up this option and look forward to working with each other. After due consideration, therefore, officers have arrived at a proposal to establish a new day school for the CHS on the site of EMPS. There are a number of other detailed implications that need to be considered.

4.4.3 It is proposed for minor adaptations to be carried out in Infant school to enable the CHS to move into the building in September 2009 under the PCP. The full refurbishment is proposed to be carried under Phase 2 of BSF through the LEP and is anticipated that this will follow on in the Autumn of 2009.

#### 4.5 Proposed reduction in the size of Eyres Monsell Primary School

4.5.1 EMPS currently has a number of budgetary issues that relate to class organization and accommodation, caused by falling numbers on roll. The school governors requested a

reduction in their planned admission number from 45 to 30 from September 2009, so that they can organize year groups into single forms and rationalize class sizes, the number of teachers and the accommodation required. An in-year variation to the admission number can only be made with the permission of the Schools Adjudicator who will only grant approval in exceptional circumstances. With some building adaptation and extension of the former 'Junior Block', EMPS will be able to consolidate in the 'Junior Block', remove a number of surplus places, address a number of outstanding suitability issues, address a number of budgetary and class organization issues and make the former 'Infant Block'. The provision of accommodation for CHS by September 2009 gives grounds for the Schools Adjudicator to consider exceptional circumstances and a request has been made for a reduction in the PAN.

#### 4.6 The Primary Capital Programme (PCP)

4.6.1 A national primary school rebuilding programme, the Primary Capital Programme, is due to commence from April 2009. The aim of the PCP is to rebuild or replace half of all primary schools in the country over a 14-year period. The Primary Strategy for Change, submitted to Government in June 2008 to support our proposals for the Primary Capital Programme, prioritised all schools in the City for investment, based on the condition and suitability of buildings, levels of deprivation and need to raise standards. Even without the CHS proposal, EMPS was identified as being within the top 4 primary schools in the City in terms of priority for investment through the PCP. The school was proposed for a place in the PCP from April 2010 with an indicative expenditure of £2,500,000 (please refer to 5.1 which indicates other funding available to meet the increased expenditure of £3,214,000). The scope of the project was envisaged to include a small extension and partial refurbishment to accommodate the Foundation Stages and Children's Centre in the 'Junior Block', reduce surplus places and improve facilities for extended services. The government approved the LCC Primary Strategy for Change without any conditions on the 12<sup>th</sup> November 2008. This gives the approval of £12m of funding which is the Council allocation for the first two years of the programme. The proposals for this funding will come from part of the CYPS Capital Programme for 2009/10.

#### 4.7 The CHS Proposal and Capital investment requirements

4.7.1 In order to progress the proposal a feasibility study was authorised after consultation with the Cabinet Lead Member. The feasibility study examined the extent of the work required at EMPS and the cost of adaptations for the CHS in more detail. The scope of the work and anticipated cost is now as follows:

a) EMPS

The installation of new heating system to the Junior block and a shared boiler with the infant building, refurbishment of the Junior building and the construction of a new extension for the children centre. The costs for the works are £2,957,000. The sustainable and environmental improvements are being met through the replacement of the existing boilers, heating system and subject to funding the window replacement. A bid to the DCSF is currently being prepared for additional sustainability funding.

b) CHS

Minor adaptations to the Infant School, including alterations to toilets and new boiler to enable the CHS to occupy the building at the beginning of September 2009. The costs for these works are £137,000. Also required is a contingency sum of £120,000 for the possible requirement for mobile accommodation on a temporary basis if the old infant school is not completed. These give a total cost of £257,000 to enable the CHS to move to the Infant School in September 2009.

- c) No allowance has been included for the proposed works through the LEP for the full refurbishment of the CHS and this will be part of a separate report on the Phase 2 projects under BSF. The design brief for the full refurbishment is currently prepared to ensure that the minor works detailed above are inline with those requirements.
- d) Officers are also exploring the option for the Primary Care Trust (PCT) to be co-located in the CHS building and the PCT providing funding towards the new CHS facility.
- e) As part of the planning process for the project a travel plan detailing how the pupils and staff will travel to work and the car parking will be prepared for the CHS.08

#### 4.8 Timescale

4.8.1 The project timescale is driven by the need to find alternative accommodation for the CHS by September 2009. There is a sequence of decisions and tasks to complete in order to deliver the project as summarized below:

- a) Members' decision to support the establishment of a permanent day school, reduce the size of EMPS and authorize capital funding;
- b) The Schools Adjudicator's decision to authorize a reduction in the Planned Admission Number for EMPS
- c) Design and building work to allow the EMPS to consolidate in the 'Junior Building' commencing in the Autumn of 2008 and being completed in August 2009
- d) Decant of EMPS early years classes and Children's Centre to Junior Building in August 2009
- e) Minor adaptation of 'Infant Building' to provide accommodation for CHS
- f) Occupation by CHS for the beginning of the new academic year 2009/10
- g) Refurbishment of the CHS through the LEP anticipated to be commenced in the Autumn 2009

4.8.2 Due to the tight time scales it may be necessary that CHS will need to occupy some temporary accommodation at the beginning of the new academic year 2009/10 at EMPS. A contingency sum has been included in the costs for the temporary accommodation.

#### 4.9 EMPS Capital Funding

4.9.1 As noted above, the allowance made for work to EMPS in the Primary Strategy for Change was £2,500,000 and the current estimate, as noted in Paragraph 4.7 above is £3,214,000. Below is a table, which indicates how the shortfall can be overcome.

Item	Funding Source	£
1	Primary Capital Programme various sources	£2,500,000
2	Contingency under the PCP 17.5% (full cont is 19%)	£437,500
3	Devolved Formula Capital 4 yrs 75% of each annual sum	£19,500
	<b>Total</b>	<b>£2,957,000</b>

4.9.2 Under the indicative costing within the PCP it was unknown that the existing boiler system and heating installation was beyond economical repair and this is the main reason for the additional costs.

4.9.3 The proposal in the Primary Strategy for Change was to include EMPS in the 2010-11 capital programme; therefore it is necessary for this project to be brought forward into this years programme.

#### 4.10 CHS Capital funding

4.10.1 The estimated cost of the minor adaptations of the 'Infant Building' for the CHS, including the cost of temporary accommodation, is £257,000 as noted in Paragraph 4.7 above. It is proposed within this report that the above cost is funded by BSF in the long term and underwritten by Basic Need funding. However this may change, as Officers are also looking at alternative sources of funding which are listed below:

- a) CYPS will be putting together a representation to the DCSF for additional funding to meet the cost of the minor adaptations, as the CHS is a Foundation School.
- b) Finance will also review if there is any surplus funding available under Devolved Formula Capital.

4.10.2 A subsequent major refurbishment is envisaged through the BSF programme. The cost of such a refurbishment is yet to be determined in detail, although it is expected to represent a modest proportion of the £14 million provision within BSF for all special schools. Informal discussions with other special schools suggest that they agree that accommodation for the CHS should be a priority for this element of BSF funding. In order to access BSF funding the approval of the Final Business Case for Phase 2 of the Programme is required. Again, there may be a lag between ordering building work and gaining approval and it may be necessary to underwrite BSF funding with Basic Need funding on a temporary basis. In the unlikely event that no further BSF funding is secured CYPS will put together a further representation to the DCSF for the funding required for the major refurbishment of the CHS.

#### 4.11 Property implications

- 4.11.1 The CHS was the only school in the City that elected to adopt grant maintained (GM) status. When GM school status ceased, CHS reverted to a foundation school and is still the only foundation school the City. One of the principal differences between a community school and foundation school is that Foundation Schools own their own buildings. The initial advice from the government was that the Council would be required to transfer the freehold of the 'Infant Building' to the trustees of the CHS. The extent of the freehold would be limited to the perimeter of the building. The CHS would gain access and use car parking, playing fields, etc., with rights acquired by a separate license granted by the Council.
- 4.11.2 However after discussions with the CHS, Cabinet Lead for CYPS and Council Officers the preferred option is for the CHS and LCC to enter into a long-term lease for the Infant building. Council Officers will contact the DCSF to confirm if they have any objection to a long-term lease.

### **5. FINANCIAL, LEGAL AND OTHER IMPLICATIONS**

#### **5.1. Financial Implications**

- 5.1.1 From a financial perspective, this report is mainly concerned with the capital spending implications of the proposed relocation of the CHS and the refurbishment of the EMPS premises. It is proposed to spend up to £257k to enable the CHS to move into the infant accommodation at EMPS in September 2009; to spend £2.957m on a major refurbishment of the current junior premises into which EMPS will move, funded from the Primary Capital Programme and related sources; and to allocate an amount to be determined on the subsequent refurbishment of the infant accommodation occupied by the CHS within Phase 2 of the BSF programme, subject to further BSF approvals.
- 5.1.2 The CHS is a Foundation School, and as such there are important legal differences in its governance and ownership of land and buildings. It would be usual for the Foundation to own its land and buildings. However, the approach in this instance is subject to discussion with the DCSF, as the preference of the Council and the Governors is for the Council to retain ownership and to grant a lease. The Council's Taxation Officer has confirmed with HM Revenue and Customs that the Council will be able to recover VAT on the proposed building works, even if the premises are subsequently transferred to, or leased to, the Foundation.
- 5.1.3 The revenue costs of the CHS are expected to be largely unaffected, although there will be additional premises costs over and above its current permanent budget. These have not been scoped in detail, but similar accommodation elsewhere would suggest a cost of around £40k pa. Other costs may come to light once the day-to-day working arrangements in the new premises become clearer. The costs will be met from the Dedicated Schools Grant.
- 5.1.4 The revenue costs of the EMPS are similarly unlikely to be substantially affected, although the premises costs and funding should reduce, as the school will no longer be

occupying the infant site. This would represent a reduced call on the Dedicated Schools Grant.

Colin Sharpe, Head of Finance and Efficiency, CYPS, ext. 29 7750.

## 5.2 Legal Implications

5.2.1 Legal advice and clarification may be required in relation to: transfer of ownership of the school building to the trustees of the Children's Hospital School and contracts relating to the proposed building work

5.2.2 With reference to the reduction in the proposed admission number of Eyres Monsall School, the local authority must comply with the key statutory provisions, which underpin school admissions in relation to consultation, publication of information about admission arrangements including admission number etc in the interests of fairness

Cathy Healy, team Leader Community Legal Services x6712

## 6. Other Implications

OTHER IMPLICATIONS	YES/NO	Paragraph Within Supporting information	References
Equal Opportunities	Yes	Entire report	
Policy	Yes	Para 4.4	
Sustainable and Environmental	Yes	Para 4.7	
Crime and Disorder	No		
Human Rights Act	No		
Elderly/People on Low Income	No		

## 7. Risk Assessment Matrix

Risk	Likelihood L/M/H	Severity Impact L/M/H	Control Actions (if necessary/appropriate)
BSF Funding not secured and basic need funding is required	L	M	BSF SFC 2 is currently being prepared. Funding allocated for the whole of the BSF programme, but subject to government approval
PCP programme fails to deliver transformation of teaching and learning	L	M	Engage teachers in developing educational vision and developing building designs so that they are appropriate for new ways of teaching and learning
Market prices too high / supply chain has insufficient	L	M	Procure work through framework contracts with strategic Partnerships. Ensure more than



capacity			one supply chain.
Delivery of projects on time and within budget	M	M	Ensure proper project management arrangements in place, procure through strategic partnering arrangements
Disruption to schools and temporary downturn in achievement during construction	M	H	Careful pre-planning and liaison with schools. Early involvement of contractors. LA officers to support school leadership during building works.
Changes in demography result in too many / too few places	L	M	Careful pupil place planning and review of forecasts on an annual basis.
Education strategy / building design not future-proof.	M	M	Flexible approach to design to accommodate future changes.
School design not suitable to users	L	M	Close engagement with governors, parents, teachers and pupils during design development.
Local authority has insufficient capacity to deliver	M	H	Adopt appropriate structure and ensure sufficient financial and human resources.
ICT not embedded in building solutions	M	M	ICT strategy will be an integral part of SfC. ICT advisers part of the design team.
Transformation of teaching and learning fails to keep pace with transformation of buildings	M	M	Adopt collaborative approach and establish systems to disseminate best practice. Support change management programme with appropriate CPD for all teaching staff

**8. Background Papers – Local Government Act 1972**

Not applicable

**9. Consultations**

Eyres Monsell Primary School and the Children's Hospital School

**10. Report Author**

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<b>Key Decision</b>	No
<b>Reason</b>	N/A
<b>Appeared in Forward Plan</b>	N/A
<b>Executive or Council Decision</b>	Executive (Cabinet)