

Worcestershire County Council

Agenda

Cabinet

Thursday, 28 March 2024, 10.00 am
County Hall, Worcester

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DISCLOSING INTERESTS

There are now 2 types of interests:
'Disclosable pecuniary interests' and **'other disclosable interests'**

WHAT IS A 'DISCLOSABLE PECUNIARY INTEREST' (DPI)?

- Any **employment**, office, trade or vocation carried on for profit or gain
- **Sponsorship** by a 3rd party of your member or election expenses
- Any **contract** for goods, services or works between the Council and you, a firm where you are a partner/director, or company in which you hold shares
- Interests in **land** in Worcestershire (including licence to occupy for a month or longer)
- **Shares** etc (with either a total nominal value above £25,000 or 1% of the total issued share capital) in companies with a place of business or land in Worcestershire.

NB Your DPIs include the interests of your spouse/partner as well as you

WHAT MUST I DO WITH A DPI?

- **Register** it within 28 days and
- **Declare** it where you have a DPI in a matter at a particular meeting
 - you must **not participate** and you **must withdraw**.

NB It is a criminal offence to participate in matters in which you have a DPI

WHAT ABOUT 'OTHER DISCLOSABLE INTERESTS'?

- No need to register them but
- You must **declare** them at a particular meeting where:
 - You/your family/person or body with whom you are associated have a **pecuniary interest** in or **close connection** with the matter under discussion.

WHAT ABOUT MEMBERSHIP OF ANOTHER AUTHORITY OR PUBLIC BODY?

You will not normally even need to declare this as an interest. The only exception is where the conflict of interest is so significant it is seen as likely to prejudice your judgement of the public interest.

DO I HAVE TO WITHDRAW IF I HAVE A DISCLOSABLE INTEREST WHICH ISN'T A DPI?

Not normally. You must withdraw only if it:

- affects your **pecuniary interests** **OR** relates to a **planning or regulatory** matter
- **AND** it is seen as likely to **prejudice your judgement** of the public interest.

DON'T FORGET

- If you have a disclosable interest at a meeting you must **disclose both its existence and nature** – 'as noted/recorded' is insufficient
- **Declarations must relate to specific business** on the agenda
 - General scattergun declarations are not needed and achieve little
- Breaches of most of the **DPI provisions** are now **criminal offences** which may be referred to the police which can on conviction by a court lead to fines up to £5,000 and disqualification up to 5 years
- Formal **dispensation** in respect of interests can be sought in appropriate cases.

Cabinet

Thursday, 28 March 2024, 10.00 am, County Hall

Membership: Cllr Simon Geraghty (Chairman), Cllr Marc Bayliss, Cllr Adrian Hardman, Cllr Marcus Hart (Vice Chairman), Cllr Adam Kent, Cllr Steve Mackay, Cllr Karen May, Cllr Richard Morris, Cllr Tracey Onslow and Cllr Mike Rouse

Agenda

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1	Apologies and Declarations of Interest	
2	Public Participation Members of the public wishing to take part should notify the Assistant Director for Legal and Governance in writing or by e-mail indicating both the nature and content of their proposed participation no later than 9.00am on the working day before the meeting (in this case Wedneaday 27 March 2024). Further details are available on the Council's website. Enquiries can also be made through the telephone number/e-mail address listed on the website and in the agenda.	
3	Confirmation of the Minutes of the previous meeting The Minutes of the meeting of 1 February 2024 have been previously circulated.	
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To obtain further information or a copy of this agenda contact Kate Griffiths, Interim Democratic Governance and Scrutiny Manager on Worcester (01905) 846630 or email: DemocraticServices@worcestershire.gov.uk

All the above reports and supporting information can be accessed via the Council's website.

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NOTES

- **Recording of meeting**

Members of the Cabinet are reminded that meetings of the Cabinet are recorded and will be stored electronically and available through the Council's Website following the meeting. Members of the public are informed that if they attend this meeting their images and speech may be captured by the recording equipment used and may also be stored electronically and accessible through the Council's Website.

CABINET

28 MARCH 2024

MARKET POSITION STATEMENT AND COMMISSIONING STRATEGY, ADULT SOCIAL CARE

Relevant Cabinet Member

Councillor Adrian Hardman, Cabinet Member with Responsibility for Adult Social Care
Councillor Karen May, Cabinet Member with Responsibility for Health and Wellbeing

Relevant Chief Officer

Mark Fitton- Strategic Director for People

Local Member(s)

Not applicable

Recommendation

1. **The Cabinet Member with Responsibility for Adult Social Care and Responsibility for Health and Wellbeing recommend that Cabinet:**
 - a) **Note and endorse the updated Market Position Statement 2024-2029 (final draft attached at Appendix 1)**
 - b) **Note and endorse the Commissioning Strategy 2024-2029 (final draft attached at Appendix 2)**
 - c) **Approves commencing the implementation of the above documents from April 2024.**

Background

Strategic context

2. The Adult Social Care Strategy provides a five-year plan which sets out how Worcestershire County Council will deliver Adult Social Care (ASC) with the right support for residents, at the right place and at the right time, whilst working in partnership with local people and being future focussed to ensure sustainable and high-quality services. The strategy sets out how we will achieve our statutory duties whilst enabling our residents to achieve the best possible outcomes regarding care and support needs.

3. The strategy has been developed, and takes direction, from a range of documents and key partnership arrangements including the County Council Corporate plan, the Joint Local Health and Wellbeing Strategy, the Herefordshire and Worcestershire Integrated Care Partnership Assembly and our work with the NHS and other care partners through the Integrated Care System which helps co-ordinate our services to ensure good Health and Wellbeing for our residents.

4. It is well documented that demand for Adult Social Care is growing. The number of adults (aged 18-64) requiring care is forecast to increase by 29% by 2038. For people over 65 years predictions are even higher with a forecast 57% increase in people who may require care and support over this period.

5. More people are living longer with long-term conditions. People's needs are becoming more complex as they age, making care and support more difficult to deliver in later life, often requiring more specialist care.

6. The costs of delivering care and support are rising. Currently £16.5bn is spent by Local Authorities across the Country and all are seeing increasing demand and complexity of needs of their population. Worcestershire County Council currently spends £270m on ASC services.

Shaping our Markets

7. Worcestershire County Council commissions a full range of care provision for residents based on eligible care need.

8. As our population changes and as people live longer the range of services will vary and the Market Position Statement draws information on this not only from the key strategic documents and partnerships described above, but also from the 2021 census results and other key documents such as the Joint Strategic Needs Assessment.

9. Our aim to ensure our residents are supported to live as independently as possible remains at the forefront of our delivery of social care. This means maintaining the least intrusive approach whilst ensuring that people remain safe.

10. Commissioners' analysis of the data drives our strategic commissioning intentions for the coming 5 years. This enables care providers to consider their operational models, the capacity and skills required to deliver the required care needs looking ahead, for example, fewer residents entering bed-based (residential) care settings, but those who do require this level of care having increased care needs, including for dementia. It also supports our approach to ensuring that we have sufficiency of quality care, choice and appropriate resources to deliver the care that will be needed.

11. The 2024 – 2029 Market Position Statement updates all demographic information and progress against the 2021-2023 plan but maintains the same direction of travel.

12. The Commissioning Strategy 2024-2029 outlines *how* commissioners will operate both internally and with the markets to ensure capacity within the different provider markets, with care available in accordance with the aims of the adult social care strategy:

- Right support, right place, right time – ensuring market care capacity.
- Working in partnership with local people – through needs assessments, working with people with lived experience and through collaborative/partnership working
- Future focussed – anticipated future needs and service developments.

Legal, Financial and HR Implications

Legal

13. The Care Act 2014 (“the Act”) sets out the Council’s statutory duties to promote the efficient and effective operation of a market in services for meeting care and support needs to ensure any person wishing to access services has –

- (a) has a variety of providers to choose from who (taken together) provide a variety of services;
- (b) has a variety of high-quality services to choose from;
- (c) has sufficient information to make an informed decision about how to meet the needs in question.

14. In performing this duty the Council is required to have regard to a number of factors in particular: -

- (a) the need to ensure that the authority has, and makes available, information about the providers of services for meeting care and support needs and the types of services they provide;
- (b) the need to ensure that it is aware of current and likely future demand for such services and to consider how providers might meet that demand;
- (c) the importance of enabling adults with needs for care and support, and carers with needs for support, who wish to do so to participate in work, education or training;
- (d) the importance of ensuring the sustainability of the market (in circumstances where it is operating effectively as well as in circumstances where it is not);
- (e) the importance of fostering continuous improvement in the quality of such services and the efficiency and effectiveness with which such services are provided and of encouraging innovation in their provision;
- (f) the importance of fostering a workforce whose members are able to ensure the delivery of high-quality services (because, for example, they have relevant skills and appropriate working conditions).

15. Beyond the Act itself the obligations on Local Authorities are further set out in the Care Act statutory guidance issued by the government. By virtue of section 78 of the Act, Local Authorities must act within that guidance. The Care Act Statutory Guidance sets out “the steps which local authorities should take to develop and implement local approaches to market-shaping and commissioning:

- designing strategies that meet local needs
- engaging with providers and local communities
- understanding the market
- facilitating the development of the market
- integrating their approach with local partners
- securing supply in the market and assuring its quality through contracting

16. Paragraph 4.52 of the Care Act Statutory Guidance makes it clear that “commissioning and market shaping should be fundamental means for local authorities to facilitate effective services in their area and it is important that authorities develop evidence-based local strategies for how they exercise these functions and align these

with wider corporate planning. Local authorities should have in place published strategies that include plans that show how their legislative duties, corporate plans, analysis of local needs and requirements (integrated with the Joint Strategic Needs Assessment and Joint Health and Wellbeing Strategy), thorough engagement with people, carers and families, market and supply analysis, market structuring and interventions, resource allocations and procurement and contract management activities translate (now and in future) into appropriate high quality services that deliver identified outcomes for the people in their area and address any identified gaps.”

17. The implementation of this strategy is in line with the Council’s statutory obligations outlined above.

Financial

18. The aspiration of these documents is to provide sufficient, relevant information to the adult services care markets to ensure appropriate care can be safely delivered, at best value for the public purse.

19. The aspiration of the strategy and Market Position Statement is to provide sufficient, relevant information to the adult services care markets to ensure appropriate care can be safely delivered. However, the strategy, approach and the wider care market must also be aware and take into account of the limited resources available to the Local Government and the Worcestershire County Council budget allocated to Adult Social Care in 2024/25.

HR Implications

20. There are no identifiable HR implications in relation to this strategy. The strategy describes different ways of working in terms of practice and process but does not require a change in staffing resources.

Risk Implications

21. Regarding risks to health and wellbeing of residents, the highest risk relates to doing nothing which is likely to lead to an adverse impact on the long-term health and well-being of residents and an increased dependency on adult social care services and/or a lack of suitable care provision within the county to meet the needs of residents.

Joint Equality, Public Health, Data Protection and Sustainability Impact Assessments

22. Joint Impact Assessment screening (attached at **Appendix 3**) in respect of these recommendations identified that no further impact analysis was required requiring further assessment during implementation.

Supporting Information

- Appendix 1 – Market Position Statement 2023-2028
- Appendix 2 – Commissioning Strategy 2024-2029
- Appendix 3 – Project Screening Impact Assessments

Contact Points

Specific Contact Points for this report

Name: Rebecca Wassell

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Background Papers

In the opinion of the proper officer (in this case the Strategic Director for People) there are no relevant or required background papers relating to the subject matter of this report.

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CABINET
28 MARCH 2024**WORCESTERSHIRE ENVIRONMENT IMPROVEMENT PLAN**
2023

Relevant Cabinet Member

Mr R. Morris Cabinet Member for Environment

Relevant Chief Officer

Mr J Hobbs Director for Economy and Infrastructure

Recommendation

- 1. The Cabinet Member with Responsibility for the Environment recommends that Cabinet:**
 - a) approves the Worcestershire Environment Improvement Plan (EIP) 2023.**
 - b) agrees that an annual progress report be returned to cabinet.**
 - c) agrees the council will liaise with partners to gain feedback on the Environment Improvement Plan with the aim being to collaborate, and work together to deliver positive environmental impact in line with the EIP.**
 - d) Approve the inclusion of the Local Nature Recovery Strategy once it has been adopted by Cabinet which is expected to be March 2025**

Background

- 2. The Cabinet Member with responsibility for Environment has requested that a plan is developed and approved by Cabinet which clearly illustrates how we are working towards the Corporate Plan Objective – Protecting the Environment. which aims to deliver:**
 - A greener future;
 - Our commitment to achieve Net Zero by 2050,
 - A resilient transport network and
 - Reducing our waste

Worcestershire Environment Improvement Plan

- 3. The Environment Plan brings together the key strategies under eight priorities which support positive impact on our environment and will deliver our ambition of becoming Net Zero by 2050, by focusing on the improvement of our environment, promoting clean growth and the development of a low carbon economy, the council**

can support the creation of a healthier environment that both accelerates the transition to Net Zero whilst improving Worcestershire's resilience for the future. The eight key priorities are :

- Natural Environment
- Energy
- Resources and Waste
- Transport
- Net Zero Council
- The Green Economy
- Reducing the impact of Climate Change (Flooding)
- Communities and Wellbeing

4. The Environment Improvement Plan 2023 has been developed to bring together the key work areas and strategies impacting on the Environment. The plan will:

- Showcase how the key strategies interrelate for the benefit of the environment.
- How we work with partners and how businesses and local communities can contribute
- To facilitate clear effective communication with communities, businesses, partners and stakeholders.

5. The Council recognises that it cannot improve the local environment and tackle climate change alone, collaboration and working together with partners in national and local government, alongside communities and businesses is key. By working together, the council will aim foster a sense of collective responsibility drawing on combined resources, expertise, and enthusiasm to drive positive impact.

6. Under each priority the plan will highlight what has already been achieved, the key objectives, planned actions and work streams, how the council will work effectively with partners, how performance will be measured and what actions local businesses and residents can take to support the priorities.

7. If the Environment Improvement Plan is approved by cabinet, the sustainability team will work closely with the communications unit to improve the website content, , making it easier for residents and businesses to navigate and to access information on how they can contribute to protecting the county's environment, to easily identify the actions the council is taking to support the corporate plan priority, and to ensure that residents and businesses can clearly see the actions that have been taken by the council.

8. The Environment Improvement Plan will be monitored using the following key indicators:

- a) The number of trees planted
- b) Hectares of biodiversity gain
- c) Reduction of county carbon emissions
- d) Reducing waste produced (per head resident)
- e) Active travel improvements
- f) New or Improved Cycleway
- g) Worcestershire County Council carbon emissions
- h) Growth of the county's green economy

- i) Homes and Businesses protected from flooding
- j) Homes benefitting from energy advice and grant programmes.
- k) Homes supported through the home energy upgrade scheme
- l) Healthy walks across Worcestershire

9. The Local Nature Recovery Strategy (LNRS) is currently out for consultation and is expected to be presented to cabinet for adoption in March 2025, Once the council have adopted the new strategy, the EIP will be amended to include the LNRS.

Legal, Financial and HR Implications

10. Financial implications:

There are no financial implications for the Environment Improvement plan as the work programme and funding for each priority is agreed separately outside of this process.

11. Legal Implications

The plan sets out how the Council will meet its corporate plan objective of Protecting the Environment. There are no direct legal implications arising from this report. The Council has general powers of competence under section 1 of the Localism Act 2011 enabling it to do anything which an individual can do, save where there is specific legislation preventing this.

Joint Equality, Public Health, Data Protection and Sustainability Impact Assessments

A **joint impact assessment (JIA)** screening (and any full impact assessments – if screening indicates that they are required) **must** have been completed before the cabinet report is submitted.

The JIA screening has not been carried out in respect of these recommendations. As each of the related strategies have already been through the Joint Impact Assessment process as required by Worcestershire County Council.

Supporting Information

- Appendix 1 - Draft Worcestershire Environment Improvement Plan 2023

Contact Points

County Council Contact Points
County Council: 01905 763763

Specific Contact Points for this report

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Background Papers

In the opinion of the proper officer (in this case the Strategic Director for Economy & Infrastructure) the following are the background papers relating to the subject matter of this report:

- [Worcestershire Energy Strategy 2019-2030](#)
- [Worcestershire County Council Net Zero Carbon Plan 2020](#)
- [Worcestershire Biodiversity Action Plan](#)
- [Worcestershire Pollinator Strategy](#)
- [Worcestershire Energy Strategy](#)
- [The Joint Municipal Waste Management Strategy](#)
- [The Local Transport Plan](#)
- [Local Cycling and Walking Infrastructure Plans](#)
- [Net Zero Carbon Plan](#)
- [Worcestershire Green Skills Plan](#)
- [Worcestershire – A Plan for Growth](#)
- [Worcestershire Flood Risk Management Strategy](#)
- [Worcestershire Health and Wellbeing strategy](#)

CABINET

28 MARCH 2024

NET ZERO CARBON PLAN - COUNTY COUNCIL EMISSIONS 2023 - 2025

Relevant Cabinet Member

Mr R. Morris Cabinet Member for Environment

Relevant Chief Officer

Mr J Hobbs Director for Economy and Infrastructure

Recommendation

- 1. The Cabinet Member with Responsibility for the Environment recommends that Cabinet:**
 - a) approves the updated the Net Zero Carbon¹ Plan 2024- 2025**
 - b) agree that a progress report be returned to Cabinet in Autumn 2025.**

Background

2. The impact of climate change is evident on both a global and local scale, from hotter and drier summers to a significant increase in extreme weather events, from flooding to heatwaves and wildfires.
3. Reducing carbon emissions is key to slowing the impact of climate change, and Worcestershire County Council (WCC) acknowledges it has a significant role to play, not only in reducing its own emissions but also in influencing the reduction of countywide emissions working with partners and stakeholders and supporting wider adaptation.
4. Worcestershire County Council's first Net Zero Carbon Plan, approved by Cabinet in October 2020, was produced in direct response to the Notice of Motion agreed at the Council meeting on 16 May 2019. At this meeting WCC reaffirmed its commitment to tackle climate change.
5. A further Notice of Motion was agreed at the Council meeting on 15 July 2021, noting that:

¹ Net zero carbon means the amount of carbon dioxide equivalent (CO₂^e) or other carbon compounds emitted into the atmosphere is reduced to zero because it is balanced by actions to minimise or offset these emissions, thereby achieving an overall balance between emissions produced and emissions removed from the atmosphere.

Carbon emissions - includes carbon dioxide and other carbon compound gases in terms of CO₂^e – carbon dioxide equivalent. Also known as Greenhouse Gases (GHG) including methane, that have the property of absorbing infrared radiation (heat energy) emitted from Earth's surface and re-radiating it back to Earth's surface, thus contributing to the greenhouse effect.

“Climate change is already causing a serious problem for our communities across Worcestershire and society across the world. The Inter-Governmental Panel on Climate Change’s (IPCC) 2018 Special Report on Global Warming of 1.5% called for urgent action within 12 years to protect people from the consequences of irreversible climate change. All governments, national, regional and local have a duty to act”.

6. WCC agreed to declare a climate emergency and commit to the following:
 - Endorse the Council’s ambitious Net Zero Carbon Plan.
 - Continue to work with our partner authorities to review and update all relevant strategies.
 - Establish a Member Advisory Group to assist with the future revision of plan and report annually on actions taken.
 - Reaffirm the target of reaching net carbon neutral by 2050 in line with the Government’s target.
7. The UK government has pledged to reduce carbon emissions to net zero by 2050, with a 78% reduction by 2035 from 1990 levels. To support this, the government has announced a number of strategies, including aims to decarbonise the power sector by 2035 and phase out new fossil-fuelled vehicles by 2035.

WCC Net Zero Carbon Plan

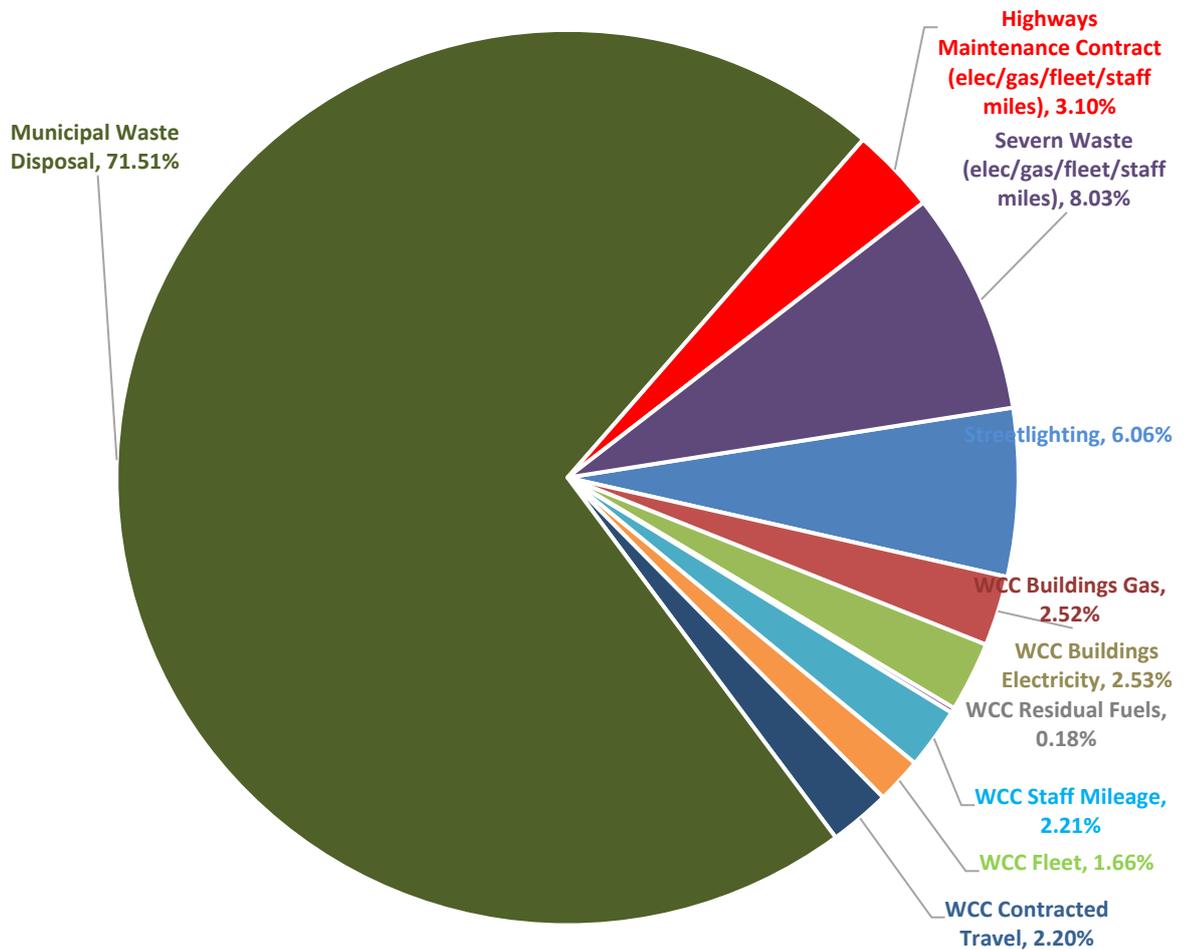
8. The Council has direct responsibility for cutting carbon emissions from its own operations and activities, and this is the focus of the Net Zero Carbon Plan. Through its own operations, WCC emits at least 1% of Worcestershire’s total emissions and influences many more. The Council also plays a fundamental role in addressing countywide carbon emissions, the impact of climate change on the county and how we adapt to future climate. The council is already taking a range of actions on this and is looking to develop this work further with partners. As part of the Climate Emergency declaration the Council committed to setting up a Member Advisory Group on Net Zero Carbon, which is chaired by the Council’s Cabinet Member for the Environment. The mandate of this group was expanded in January 2022 to also include biodiversity as the Council recognises there is a clear link between climate change, reducing carbon emissions and protecting biodiversity.

9. The Council currently accounts for emissions from its own buildings, street lighting, fleet, staff travel and some major contracts, such as highways maintenance and household waste management. In the last decade there has been an overall net emissions reduction of 45%.

10. This reduction has been achieved through measures including investment in energy efficiency and renewable energy on the Council’s estate, increase in remote working, contraction of estate and fleet, reduction in the carbon intensity of UK grid electricity and the move from the landfilling of household waste to disposal through the Hartlebury Energy from Waste facility - EnviRecover.

11. WCC’s accounted absolute carbon emissions (not accounting for any offsetting) were c.46,000 tonnes CO₂^e in 2022/23. The chart below illustrates the sources of these

emissions: 71.5% of which were attributed to the Council’s role as waste disposal authority. The next largest source was Severn Waste Contract at 8% followed by Street lighting at 6%.



12. The proposed updated Net Zero Carbon Plan 2024-2025 (Appendix 1) outlines how the Council could reduce the above emissions to Net Zero and achieve its pledge of carbon neutrality within its own estate and operations by 2050. The target for net zero by 2050 for WCC buildings, street lighting and fleet will be reviewed prior to the next revision of the Net Zero Carbon Plan.

13. The plan has been developed by the Council’s Sustainability Board which has cross-directorate representation.

14. The proposed plan sets out progress to date, provides a baseline carbon emissions assessment and outlines the strategy the Council could take to deliver on its commitments.

15. An action plan at annex 1 of the Net Zero Carbon Plan outlines the projects identified to assist with reaching Net Zero. This is a live ongoing plan that will evolve as actions are completed, updated and added. The delivery of these actions within the plan will be dependent on financial resources available through the Councils own existing resources, external funding and partner contributions. The Sustainability Board will use the action plan to monitor progress on a regular basis.

16. It is proposed an annual monitoring report will be written to assess progress and changing government policy and priorities, this will be presented to a future Cabinet in Autumn 2025.

17. The Council's proposed approach to achieving net zero emissions includes:

- The reduction of carbon emissions associated with the Council's estate and activities as far and as fast as practically possible within the financial resources available.
- The requirement for carbon reduction measures to be cost effective.
- The prioritisation of local carbon offsetting projects with environmental and/or social benefit, where offsetting is necessary.
- Continuation of the requirement to assess the environmental impact of all proposed Council projects, including carbon emissions and the impact of severe weather and climatic change (through the Joint Impact Assessment process).
- The continuation of the Council's role in cutting carbon emissions and promoting environmental improvement across the county, working together with partners to achieve this aim.
- Raising awareness of staff and residents for the need to cut carbon emissions, the Council's role in this and how everyone can play their part.

18. Measures to achieve net zero emissions from the Council's estate and operations include the following: (measures are subject to financial resources, external funding opportunities and value for money assessment)

- An ambition to continue purchase of 100% REGO accredited renewable electricity for street lighting where the current contract runs to March 2026, at which point this will be reviewed.
- Annual review of options to purchase 100% REGO accredited renewable electricity for all Council buildings based on the best value option.
- Production of a fleet replacement schedule compliant with Government transport decarbonisation plans²
- Aims to make an average 3% annual improvement in property energy efficiency³ Further investment in generation of renewable energy at WCC properties, where possible within existing internal resources or with external funding opportunities The council will seek to invest/obtain external funding to implement energy efficiency measures in WCC properties to achieve reduction in energy consumption.
- Review of existing and future contracting requirements and development of a procurement policy to address how WCC's supply chain will address the councils net zero ambitions.

19. The current emission trajectory in the Net Zero Carbon Plan requires offsetting to bring WCC emission to net zero by 2050. Projected net emissions for 2049/50

² Cars and vans (under 3.5t): all new cars and vans significant zero emissions from 2030 and 100% zero emissions at the tailpipe from 2035. Heavy Goods Vehicles (above 3.5t): new trucks up to and including 26t to be zero emissions from 2035, with above >26t zero emission by 2040

³ to be achieved via rationalisation of the estate and reduced energy demand

currently stand at 3,603T CO₂^e, these will primarily be from the disposal of municipal waste.

20. The Council has already committed to the planting of 150,000 trees, which is on target to offset circa 27,000T CO₂^e over a period of 100 years⁴. Other additional options to offset should also be investigated.

21. The ability of the Council to achieve net zero carbon emissions from estate and operations by 2050 is in line with government policy and based on a number of assumptions, some included above and also:

- i. Fully decarbonised electricity grid by 2035
- ii. Phasedown of gas network from 2035 to 100% by 2050
- iii. Aspiration to achieve 3% annual emissions reduction of contracted services and additional reductions resulting from UK grid decarbonisation and ULEV targets.
- iv. Carbon capture and storage retrofitted to energy from waste plant.

22. There is recognition that some carbon reduction solutions may not yet be available, or market ready or cost effective, but may become so in the future. The Council will keep a watching brief to enable adoption of such solutions at the optimum time against a full value for money assessment.

Constraints

23. The ability of WCC to achieve net zero carbon emissions from its own estate, operations and activities will be influenced by:

- i. resource constraints, which relate to finance and staff resource.
- ii. technological development, for example the complete decarbonisation of the UK's grid electricity
- iii. the availability of ultra-low emission HGVs, including gritter lorries
- iv. and the viability of carbon capture and storage (CCS) technology for energy from waste plants.
- v. the ability to offset carbon emissions. As the Council reduces its carbon emissions, offsetting requirements will be subsequently reduced.

24. There will also be external factors outside of the Council's direct control which could affect the implementation of the Net Zero Plan including, for example, the rate at which fossil fuelled vehicles are replaced with ULEVs by contractors for staff for business travel.

Legal, Financial and HR Implications

25. Financial implications:

There are no additional revenue or capital implication arising from this report. Any future capital and / or revenue requirements to deliver the plan will be assessed on a project-by-project basis. Prior to approval, this will require demonstrable evidence of:

⁴ Based on current New Farm planation projection of 8,986T CO₂^e

- funding sources, which could include WCC's existing revenue/capital budget, external grant and partner income
- funding availability for external consultant support where necessary to deliver actions within the action plan
- maximum pay back threshold assessment for energy efficiency and renewable energy investments as part of the council's Energy Efficiency Spend to Save programme. Payback should be within 7 years, although where there is grant or match funding available for a scheme the payback could possibly be longer, dependent upon the terms of the grant.
- Payback assessments to include consideration of cost avoidance (e.g. future energy cost rises)

26. Legal Implications

The Climate Change Act 2008 places national targets on the reduction of emissions by 2050. In 2019, the UK became the first major economy in the world to legislate binding targets to reach net zero emissions by 2050. The Council has general powers of competence under section 1 of the Localism Act 2011. This enables the Council to do anything which an individual can do, and this therefore includes taking steps to reduce Council emissions, which contribute to the local and national targets this may be supported through the Council entering into funding agreements and contracts.

By implementing the Net Zero Carbon plan the Council will be in a stronger position to deliver this commitment and the priorities associated with it. The recommendations proposed within the report, if approved, will facilitate the Council's vision as set out in the Corporate Plan to achieve 50% carbon emissions reduction by 2026. Where additional funding is to be sought from external sources, any grant funding arrangements and agreements will duly need to be assessed for implications and risks.

Further, where relevant, project related contracts will also need to be procured in accordance with the Council's Contract Standing Orders Procedure Rules and the Public Contracts Regulations 2015. The Council is also subject to the Duty of Best Value to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness (Section 3 of the Local Government Act 1999 (as amended by s137 of the Local Government & Public Involvement in Health Act 2007). Cabinet has the power to exercise executive functions pursuant to s9E of the Local Government Act 2000 and arrange for the discharge of any of those functions by an officer of the authority.

Joint Equality, Public Health, Data Protection and Sustainability Impact Assessments

The JIA screening has been carried out in respect of these recommendations. It identified that further impact analysis was required in respect of Equality and Public Health, and Environmental Sustainability

Full Impact Assessments have been carried out for Equality and Public Health, and Environmental Sustainability.

The full Equality and Public Health assessment identified neutral potential impacts on protected groups.

The full Environmental Sustainability assessment noted the many positive environmental impacts associated with the delivery of the plan; including improved air quality and increased biodiversity as well as reduced carbon emissions. There is potential for an increase in emissions through the supply chain, but the procurement process must mitigate this by ensuring emissions are reduced where possible, and notes that the Council is also trying to improve its accounting of scope 3 (supply chain) emissions, to accurately monitor the impacts of our contracts and procurement activity. The Council's Planning Team and County Ecologists will be involved in the assessment of any potential impacts upon wildlife and biodiversity when the Council is considering installation of carbon reduction measures and renewable energy on Council buildings and land e.g., solar panels. The Council will ensure all relevant surveys and planning prerequisites are met.

Supporting Information

- Appendix 1 - Draft Net Zero Carbon Plan 2024-25
- Appendix 2 – Joint Impact Assessment Screening (Available online)
- Appendix 3 – Equality & Public Health Full Assessment (Available online)
- Appendix 4 – Environmental Sustainability Full Assessment (Available online)

Contact Points

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Background Papers

In the opinion of the proper officer (in this case the Strategic Director for Economy & Infrastructure) the following are the background papers relating to the subject matter of this report:

- [WCC Climate Action Timeline](#)
- [United Nations Intergovernmental Panel on Climate Change Report 2018](#)
- [16 May 2019 WCC's commitment to tackle climate change](#)
- [Worcestershire Energy Strategy 2019-2030](#)
- [22 October 2020 Cabinet Agenda and Minutes – WCC Net Zero Carbon Plan 2020](#)
- [Worcestershire County Council Net Zero Carbon Plan](#)
- [United Nations Intergovernmental Panel on Climate Change Report 2021](#)

- [WCC GHG Emissions Report 2009-10 to 2022-23](#)
- [15 July 2021 WCC's Climate Emergency Declaration](#)
- [UK Government Net Zero Strategy: Build Back Better 2021](#)

CABINET
28 MARCH 2024**NEW AUTISM SPECIAL FREE SCHOOL**

Relevant Cabinet Member

Councillor T Onslow

Relevant Chief Officer

Director of Children's Services

Local Member(s)

Councillor M Victory

Recommendations

1. **The Cabinet Member with Responsibility for Education recommends that Cabinet:**
 - a) **endorses the work undertaken by Worcestershire Children First and the Department for Education in respect of the wave 14 process for establishing a Special free school in Worcestershire;**
 - b) **notes that a final decision on the choice of sponsor academy trust for the new school rests with the Secretary of State for Education and is due to be announced during 2024;**
 - c) **approves that the proposed location and site of the new school would be on the Poolbrook site in Malvern, agrees that the required land would be leased to the Secretary of State for Education to develop the new free school on a 125- year lease, and authorises the Strategic Director of Commercial and Change in consultation with the CMR to agree the details of the lease;**
 - d) **approves the revenue funding set out in the report for the school places following the DfE intention for the new free school to open from September 2027. This is subject to the signing of the funding agreement between the Secretary of State for Education and the selected Academy Trust;**
 - e) **notes the responsibilities that fall to the Council to meet abnormal site development costs; and**
 - f) **notes that the statutory consultation under Section 10 of the Academies Act 2010 to enter into an agreement with the Secretary of State for Education to set up a free school rests with the chosen Academy Trust as part of the pre-opening phase.**

Background

2. In March 2022, the Government published the Special Educational Needs and Disabilities (SEND) and Alternative Provision (AP) Green Paper: Right Support, Right Place, Right Time, setting out a vision for a reformed SEND and AP system which allows children and young people the opportunity to thrive, with access to the right support, in the right place, and at the right time.
3. The Department for Education (DfE) committed in March 2022 over the period of 3 years, to invest £2.6 billion to build new capacity and improve existing provision for children and young people with SEND or who require alternative provision. This included delivering up to 60 new special and AP free schools, in the places where they are most needed.
4. In June 2022, the DfE launched the 2022 Special and AP free school wave 14 applications for local authorities and collaborative local partners. Applications for new special free schools included a two-stage process, where local authorities were invited to apply for a new special free school in their area followed by applications from Academy Trusts to run the new schools. A good local authority application needed to be able to demonstrate that a new school fits with its wider strategy for high needs provision – including where a new school will help reduce dedicated schools grant (DSG) deficits.
5. As set out in the [special educational needs and disabilities \(SEND\) and alternative provision \(AP\) improvement plan](#), the DfE ambition for children with SEND is that they are able to:
 - do their best in school;
 - reach their potential; and
 - find employment and lead happy and fulfilled lives.
6. Special free schools make an important contribution to achieving this.
7. The Hereford and Worcestershire Joint All Age Autism Strategy 2024-2029 incorporates both children and adults into the National Strategy ambitions. The following priorities are of relevance to this application:
 - Improving autistic children and young people’s access into education and support positive transitions into adulthood; and
 - building the right support in the community.
8. The WCF Director of All Age Disability (0-25) is leading on the priority of ‘improving autistic children and young people’s access into education and support positive transitions into adulthood’.
9. The Worcestershire Education and Skills Strategy 2019-24: Ensuring a good education for every child in Worcestershire, refers to ensuring that there is ‘a curriculum and approach which inspires and helps children and young people develop the skills, knowledge and attributes to become successful citizens’.
10. In Worcestershire all children and young people with special educational needs and / or disabilities will be truly seen and respected as individuals and to be the best they

can be. All education settings will provide better and more inclusive support to autistic children and young people, so that autistic people are better able to achieve their potential.

11. The Local Area Partnership SEND Strategy (2023 – 26) priorities include: Priority 2: There is sufficient and effective SEND provision; and Priority 5: Children and Young People with Autism achieve positive outcomes and the support required to enable this to be in place.

Phase 1 - Special Free School Bid

Pre-engagement Autumn 2022

12. As part of the bid development, details of the proposal (appendix 1) were sent to a range of stakeholders to ask for their views, including:

- local and neighbouring local authorities, and those that educated children and young people from Worcestershire at the time of the bid;
- parent and schools' forums – Families in Partnership and SENDIASS to send out to members.
- other schools with an interest, including other local special providers whose intake may be affected – all of Heads of Special Schools Association (HSSA) and Education Phase Leads (including Early Years and Post16), Mainstream Autism Base schools.
- the NHS Commissioner, NHS Provider, and NHS Designated Clinical Officer;
- the local community through other education providers in Malvern and existing tenants located on the Poolbrook site.
- Local County Councillors and MP

13. A working group was established to draft the bid. This included SEND, Education, Finance and All Age Disability Social care representation including the WCC adult social care commissioner. In recognition of this a letter of support for the bid and development of this provision was received from Harriet Baldwin MP (appendix 2)

14. A focus group was held inviting representatives from the education sector and parent carer representatives. The focus group as a whole, were supportive of the proposal based on needs and the prospect of being able to provide education locally in the community and therefore, link young people as they prepare for adulthood to the broader community offer of independence, training, supported internships and employment.

15. Special School representatives' fed back that a new school could provide for children that they are not currently able to offer an appropriate environment or curriculum for. NHS colleagues were concerned about demands for additional health services and stressed the importance of needing a multi-agency approach to supporting these children around their education.

16. In October 2023, an [online survey](#) was launched for stakeholders, including parent carers and young people to share their views.

17. 22 responses to the survey were received. Respondents included: Families in Partnership and SENDIASS – parent voice; mainstream and special education settings of both primary and secondary and FE type; NHS providers and NHS commissioners including the Integrated Care Board (ICB) lead for Autism.

18. Most respondents were supportive of the proposal, 19 / 22 with the remaining 3 stating 'maybe'. No-one was 'not supportive' of the proposal. The main reason for this support was in relation to the proposal meeting identified needs. Where respondents answered 'maybe' this was in relation to needing more information about collaboration with health providers and evidence that the proposed school could resolve the issue of children traveling out of the area to access provision for specific needs. A further respondent wanted to have more information before providing a considered response.

19. Most respondents 20 / 22 agreed the designation of the proposed school stating meets needs as the reason. The 2 respondents that answered 'maybe' to this question referred to wanting more information and meeting the needs of children with complex communication needs who may not be diagnosed with Autism.

20. Additional comments included further supportive representations including being in the right place and requests to be further involved and informed. Further to this was the opportunity for a new school to link in with local offer for 19–25-year-old age range in the community and through local Further Education (FE) provision.

21. A range of comments from respondents included:

- a) "There is a real opportunity to make a difference to the large number of children and young people with ASD who are currently struggling to access education and, in some cases, feel unable to attend at all."
- b) "I would like to see a close relationship develop with the new school and local FE Colleges (and training providers) to shape and develop appropriate adult transition provision from school to support that life stage and access to mainstream otherwise this risks missing an opportunity to not only bring specialist provision 'in county' and simply 're-arranging the deckchairs' - but this could be an excellent opportunity to see better health and social care support involved, rightly at an earlier stage for these young people."
- c) "I strongly welcome this build. It is long overdue and will I'm sure be welcomed by many Heads and SENCOs."
- d) "I think the proposal is absolutely the right cohort at the right time for the needs of young people, not only in Worcestershire, but as a national trend."
- e) "Rates of ASD are increasing across the county. There isn't any specific provision. The National Autism Society Local Needs assessment 2021 illustrated that residents feel that there is very little support across all services. The school could act as a single point of access to other support for families."

22. Herefordshire, Gloucestershire, Shropshire, Warwickshire and West Midlands Councils were also contacted regarding the proposal. Herefordshire and Gloucestershire Councils responded informally and were supportive of the proposal.

23. Worcestershire's bid for a new Special free school clearly identified the rationale for the provision, the need for places, financial information and site location (Appendix 3 – Free School Bid Form).

Context and rationale

24. Since 2017 birth rates have remained relatively stable in Worcestershire. The County is expected to experience substantial new housing growth over the next 10 to 20 years. The South Worcestershire Development Plan sets out Worcester City, Malvern Hills and Wychavon District Councils vision up to 2041. 28,400 new homes are already planned up to 2030 with an extra 11,000 being considered. In total it is expected these new homes to yield an additional 21,590 school age pupils in Worcestershire. The percentage of pupils with EHCPs in Worcestershire has continued to increase since 2018 from 2.7% to 6.8% in January 2023, and is higher than the national percentage (4.3%). Therefore, a projection can be made of increased demand for provision to support children with EHCPs that required additional / enhanced provision to meet their needs.

25. Within section C1 (in Appendix 3) on current context, the Council, at the time of developing the bid, identified it had 83 Worcestershire children and young people with EHCPs and a primary need of Autism who were accessing their education in Independent, Non-Maintained Special schools in or out of county, costing on average £58k per place, a total of £4.8m per annum.

26. A high proportion of these children and young people:

- may experience high anxiety and / or demand avoidance as a result of Autistic presentation;
- are unable to access mainstream education provision with support;
- have the cognitive ability to access a mainstream curriculum;
- need smaller class sizes (e.g., 6 - 8 group sizes); and
- need a whole school and staff dedicated to a holistic Autistic approach.

27. There are currently no special free schools in Worcestershire and no state funded special schools with an Autism designation. There is no Special School in the district of Malvern in Worcestershire. The free school bid represents a sustainable mid to long term plan for addressing this particular need.

28. There had been a year-on-year growth since 2017 of pupils requiring an Education, Health and Care Plan (EHCP) in schools - an additional 1466 pupils since 2017. In line with the trend experienced in the mainstream sector, this figure is expected to continue to rise with the growth of the general school population.

29. In February 2023, there were 269 children and young people in our special schools with a diagnosis of Autism as well as a further 88 in independent special, non-maintained special or out of county provision. There are 126 pupils placed in Mainstream Autism Bases. There is very little capacity within our current specialist provisions to provide the additional places required to meet the needs of pupils with ASD and MLD (Moderate Learning Difficulties).

30. The Local Area SEND Re-Visit Inspection in November 2021 found that the concern about lack of suitable specialist provision remained a concern with “too many children being placed in settings outside of Worcestershire and independent settings ... and too many children without a school place”. A plan has been produced for a continuum of specialist provision as part of the Local Offer including the development of provision for Autism in mainstream settings. There are currently 14 Mainstream Autism Bases across 12 mainstream schools covering each of the phases, with the

most recent opening at Christopher Whitehead Language College in September 2023. Mainstream Autism Bases are resourced SEND provision reserved for pupils with an EHCP and primary need of Autism, designated by the local authority to cater for pupils needs.

31. The proposal fits with the Worcestershire SEN Strategy to provide sufficient SEND Provision and support children and young people with Autism. The percentage of pupils in independent, non-maintained out of county placements is steadily rising. At the time of the bid, the highest cohort of pupils in this provision were those with a Primary need of Autism (January 2022 Census and Feb 2022 SEN2). It is projected that this demand will not decrease due to the highest percentage of new EHCPs in Worcestershire since 2014 falling under Communication and Interaction including Autism. The percentage of pre-school, school-age and Post 16 children and young people with Autism is increasing year on year, it is predicted that by 2026/27 at least 12% of the total 5 – 16-year-olds with SEN in Worcestershire will have a primary need of Autism. There are 954 children on the Umbrella Pathway awaiting an assessment for Autism.

Expected outcomes

32. The proposed school aligns with many of the outcomes of the SEND and alternative provision improvement plan i.e: including ensuring that children and young people can access the right support in the right place at the right time; that provision to be made available for different types of needs; that support to children and young people is available when it is required; it will make available excellent provision to support Autistic Children and Young People; and enable parents to make an informed choice for a provision that can meet their child's needs.

33. A new Autism Special Free School in Worcestershire will provide more good quality education provision for children and young people in Worcestershire. (Worcestershire SEND Strategy Priority 2: there is sufficient and effective SEND Provision).

34. The new school will provide a suitable learning environment in Worcestershire, (Worcestershire SEND Strategy Priority 5: CYP with Autism achieve positive outcomes and support required to enable this to be in place) for Autistic children and young people that are unable to access mainstream education provision with support, need smaller class sizes and need a whole school and staff dedicated to a holistic Autistic approach.

35. The new school will reduce travel times to education provision for more Worcestershire children and young people. It will also build social networks in local communities for more children and young people with SEND, including holistic support with emotional health and physical health.

36. The new school will also help to reduce the demand for out of county and/or independent specialist education provision on the High Needs budget.

37. At the time of developing the proposal, 83 children and young people with an EHCP and primary need of Autism, were accessing their education provision in independent, non-maintained special schools in or out of county, costing on average £58k per place, a total of £4.8m per annum. The new special free school will reduce the average cost of a place to £25k (dependent on level of need), an annual saving of £2.7m once at full

capacity. This will support the reduction in spend needed to reduce the current High Needs deficit.

38. This proposal will support the Council to meet its statutory responsibilities with regard to the provision of special school places across Worcestershire. It will positively impact on children and young people up to the age of 19 years with an EHCP who have a diagnosis of Autism, by providing choice of provision within the local area. It will also release some capacity within the Council's other specialist settings to meet the different needs of other children and young people with an EHC plan.

39. The new ASD school will provide an outreach service which works with WCF, complimenting their vision of school improvement across the county. The new school will have a remit to provide outreach, which will focus on practical, specific strategies and resources to improve Quality First Teaching across Worcestershire settings. It will not be an assessment service, as it will be tasked with providing practical support on specific strategies (e.g., Task Management boards, etc.) that compliment and support the embedding of advice from service that provide assessment (e.g. WCF Autism and CCN team, WCF EPS).

Phase 1 – Special Free School Bid Process

40. In October 2022, the Council submitted the bid to the Department for Education (DfE) in opening a new free special school under the wave process for special provision. In March 2023, the DfE announced the Secretary of State's decision to approve the Council's application to establish a new special free school, one of 33 successful local authority applications.

41. New free special schools can only be centrally funded via this wave route with the Council submitting an application. The Council still retains its statutory duty to secure sufficient education for children and young people, and where it identifies a need for additional places, this would follow the free school presumption route.

42. The wave 14 process for special provision is part of the DfE's central free school programme and will be delivered and funded as such. The Council is responsible for identifying the specification for the new school and appropriate revenue funding, but the DfE is responsible for the majority of the capital costs of the new school.

43. As the Council is not the proposer of the new school, it is not required to carry out a non-statutory consultation on proposals to open a new school (as it would be if following the free school presumption route). The statutory consultation on opening the new school will follow the announcement of the preferred Academy Trust and will be their responsibility to carry out as part of the pre-opening phase of the new school. This will form part of the information the provider will supply to the Secretary of State for Education that will allow final approval for the new school by the signing of the legal agreement.

44. In March 2023, the Council began work with the DfE Free School Team. In the first phase, the project had two overlapping strands, the engagement of an Academy Trust and the initial investigations of the proposed school site. This is followed by phase 2 – pre-opening phase.

Phase 1- Academy Trust Proposer Engagement

45. The assessment of trust applications to run the new special free school is a centrally run DfE process, with Council involvement. The DfE seek views and local intelligence from local authorities and invite the LA to propose a member to sit on the interview panel.

46. Local authorities have a clear role as the commissioner and funder of specialist SEND provision, as set out in primary legislation. Local authorities will continue to champion and promote the interests and wellbeing of all children and young people in their area, ensuring that the system works for the most vulnerable, and planning those services which are best co-ordinated locally.

47. The free schools programme is centrally administered and funded, and Ministers have always made the final decision about which applicants are approved to open new free schools. Ultimately the Secretary of State will approve applications once they are satisfied that there is an ambitious, and deliverable approach to running the new schools.

48. This is in line with the 2022 Schools White Paper, which set out a clear role for DfE in making decisions about the expansion of existing schools and trusts, as well as the creation of new ones, working alongside local authorities and trusts to ensure place plans align. The changes to the process are designed to reflect this role, whilst maintaining an important role for local authorities in phase 2.

School Specification

49. As part of the first strand of the project, the Council produced a specification for the new school, see Appendix 4, this document contains two types of information, key facts about the proposed school as well key contextual information about the Council and the local SEND landscape, to help prospective applicants tailor their applications to meet local need.

50. The initial specification, which was based on the information contained in the October 2022 bid form, laid out to potential providers what the Council requires from the new school and is used as the basis for assessing any proposals. This was published on the [Council's website](#) in April 2023.

Academy Trust engagement events

51. Create:Schools is contracted by DfE to support free school applicants and provide support to local authorities with individual engagement events as part of its work to generate high quality applications. Engagement events are an opportunity for the Council to set out in more detail to prospective applicants the local context and SEND provision and how the Council sees the new school fitting in with its strategic plans.

52. Academy Trust engagement events were held on 6 and 8 June 2023. The closing date for applications from proposers for the new school was 31 August 2023.

Academy Trust selection

53. The DfE Free School Team assess the applications received from proposer Academy Trusts and decide which are shortlisted for interview. For all LA competitions, an LA representative is on the interview panel in particular to determine the fit of the trust's application with the LA's strategic plan for SEND.

54. The DfE received applications from proposers for the new school. Following initial assessment of the proposals by the DfE, it was agreed to take proposals forward to interview w/c 8 January 2024. The interview panel was made up of the Director for All Age Disability from Worcestershire Children First and representatives of the DfE and their agents.

55. Following the interview process a recommendation on the preferred proposer was forwarded by the DfE to the Secretary of State for Education. If the Secretary of State for Education approves one of the proposers, the project will enter the pre-opening phase.

56. Cabinet is recommended to note that the decision on the proposer for the new school rests with the Secretary of State for Education and a formal announcement is anticipated during 2024.

Phase 1 - New School Site and capital costs

57. In the criteria for the bid, the DfE made it clear that proposals that identified a suitable site, and was made available by the Council, would be received favourably.

58. As part of our bid in respect of the new special free school, the Council identified a potential site for the new school. The site proposed was the former Malvern Hills Primary School site, Bluebell Close, Malvern, which was closed in 2009. The previous primary school buildings have been utilised since as the Poolbrook Centre, leased to a range of tenants and used for WCC/WCF operational use. The total site area is 2 ha, the site is shown in Appendix 5.

59. The majority of the capital costs associated with the construction of the new school will be met by the DfE and they will be responsible for the design and procurement. However, the Council will be responsible for any abnormal development costs that are identified from the ground investigations and the costs for demolition of the existing building(s). Although this is considered as being a low risk considering the former use of the land, it still needs to be recognised that there will be a requirement for a capital contribution from the Council assuming that any abnormals do not make the feasibility unviable.

60. The DfE abnormal site developments costs could include:

- a) Geo-chemical exceedances relative to guidelines for school use (including asbestos removal)
- b) geophysical conditions
- c) flooding and alleviation measures
- d) s278 Highways costs
- e) new road provision from the adopted highway to the site boundary
- f) s106 costs
- g) retaining structures required as a function of topography

- h) ecological provision - reserves, species protection and relocation
- i) listed building and heritage community costs
- j) title consolidation and registration
- k) utility provision
- l) environmental conditions that may require specific mitigations such as acoustics or air pollution
- m) mitigation measures for constrained sites (such as roof top playgrounds)
- n) other site-specific issues (including demolition).

61. The existing education capital programme already includes £0.5m for the cost of any such abnormal costs, funded via the High Needs Provision Capital Grant. Therefore, there is no requirement to increase the capital programme at this time. The first round of site surveys have been completed by the DfE, have not identified any specific issues, however the results of the full ground investigations (geotechnical) will not be known until the site is vacant. This is a project risk arising from the Council providing the land, which would require to be met from within the existing Capital Programme (impacting other projects). However, without this risk, the new school would not be funded and delivered by The Secretary of State for Education, and the benefits of specialist provision within the County would not be realised.

62. The land on which the new school will be constructed would be leased to the Secretary of State for Education to develop the new school in line with the normal academy route for 125 years, standard terms are Peppercorn rent and the lease subsequently transferred to an appointed Academy Trust.

63. The chosen site for the new school is the only council owned property in the area that meets the necessary criteria. These criteria include the requirement that the site be owned freehold to reduce delivery costs and can be made available. While the site has limited alternative uses and development opportunities due to planning restrictions, highway access limitations, and permissions required to release from education use, utilising it for a new special school represents good value when compared to the opportunity cost of forgoing capital receipts. The decision aligns with the best value criteria outlined in the Secretary of State's General Disposal Consent for undervalue disposals under the Local Government Act (LGA) 1972. By providing a special school this disposal contributed to the economic, social and environmental well-being of the community.

64. Given the above information, Cabinet is recommended to approve the lease of the required land for a new special free school.

Phase 2 – Pre-Opening Phase

65. The DfE have requested a vacant site from Summer 2024, WCF/WCC are working with existing tenants to identify and relocate to alternative premises as soon as possible. Once the site is vacant it will be handed over to the DfE.

66. Following the announcement of the successful academy trust by the Secretary of State for Education during 2024, the DfE have indicated that the project full feasibility stage of the project is proposed to be completed by mid November 2024,

the project will then move to the free school pre-opening phase. The DfE have indicated that this phase is anticipated to last one and a half years.

67. This phase allows for final confirmation of the site and affordability of capital costs and for the chosen provider to develop their admission arrangements, curriculum and governance. The DfE timeline proposes procurement of the contractor early 2025 to develop the design and procure planning permission, with construction through 2026 to July 2027.

68. During this stage the academy trust will carry out its statutory obligation to consult under section 10 of the Academies Act 2010 about their free school proposal. Section 10 of the Act requires the academy trust to consult with the people they think appropriate, on whether to enter into an agreement with the Secretary of State for Education to set up a free school. The duty to consult rests solely with the academy trust.

69. The thoroughness and transparency of the consultation forms a key part of the decision on whether to enter into a funding agreement with the academy trust.

70. The Secretary of State for Education is required under Section 9 of the Academies Act 2010 to undertake an assessment of the impact the opening of the new school has on other provision in the area. This responsibility sits with the Secretary of State via the DfE project lead, and forms part of the decision on whether to enter into a legal agreement with the academy trust.

71. The funding agreement is the legally binding contract between the trust and the Secretary of State for Education, which contains the terms and conditions upon which the free school is funded. The Secretary of State for Education can cancel or defer a project at any point in the pre-opening phase, even after signing the funding agreement, if pupil numbers are not as identified or if they consider the school would provide an unacceptably low standard of education.

Revenue Funding

72. There may be relocation costs for existing tenants where the Council is liable either through leases or service contracts. These are not expected to exceed £10,000.

73. As identified above, as part of the specification the Council committed to commission 120 places at the new special school. The DfE's intention is for the school to open in September 2027, (originally September 2026) but this is subject to the signing of the legal funding agreement between the Secretary of State for Education and the Trust.

74. Funding for the 120 Council-commissioned places will come from Dedicated Schools Grant High Needs Block and will potentially start in the financial year 2026-27. The proposal has included potential top up funding up to £22,000 per pupil plus an additional £3,000 per pupil for the pay and pension on-costs. The higher level is expected as the average per pupil.

75. The school will open on a phased approach, with growth of pupil numbers over the first 5 years from opening.

76. Cabinet is recommended to approve the revenue place funding for the Special Free School places.

Legal, Financial and HR Implications

77. There are statutory processes for establishing new free schools under the Education and Inspections Act 2006, Academies Act 2010, the need for an Academy Lease and disposing of land at under market value under s123 of the local Government Act 1972, is addressed in the report. The project is delivered by The Secretary of State for Education but some residual risk from abnormal development costs remains with the Council.

78. Under the special and alternative provision (AP) free schools programme Government invites local authorities to set out their case why a new or AP School would benefit their area. In making a bid local authorities set out the key features of the school required to include location, age range, size and specialism. The special and AP free schools programme is the only route the DfE use to fund such schools. The current wave of applications under this programme is called Wave 14. The Council made a successful bid under wave 14 in 2022 to proceed to phase 1. A decision by the Secretary of State as to the successful trust/proposer is awaited before moving to the pre-opening phase to open a special free school in Malvern on the Poolbrook site. The successful proposer is required to conduct statutory consultation pursuant to section 10 of the Academies Act 2010.

79. All new schools are required to be free schools which are legally academy trusts. These schools are state-funded educational institutions free from local authority control and are operated by academy trusts.

80. The new special free school will reduce the average cost of a place to £25k (dependent on level of need) an annual saving of £2.7m once at full capacity. This will support the reduction in spend needed to reduce the current High Needs deficit.

81. The chosen proposer will be responsible for appointing and employing the necessary employees to operate the new school.

82. The Council has a contract for "Prevention And Early Intervention Service For Children, Young People Aged 0 – 19 And Their Families" (PEIS) with WHCT, it states in Schedule 1 Service Specification, that 10 Children's Centre buildings will be made available for use. Appendix 3 of that schedule states that the Sunshine Centre (Poolbrook) will be offered to the provider (WHCT) for the duration of the contract. If WCC instructs that the Sunshine Centre can no longer be used then a variation to the contract is required and is dealt with in accordance with Schedule 7 Change Control Procedure. The relocation costs are not expected to exceed £10,000.

Risk Implications

83. The risks and mitigations considered as part of this proposal are:

- There is a risk that existing tenants cannot find alternative accommodation. WCF and WCC have worked hard to identify possible options for each tenant.

At the time of this report each tenant has an alternative identified and some already have plans to relocate before the summer. WCF and WCC will continue to support tenants to relocate to suitable premises.

- There is a risk that a suitable Academy Trust will not be appointed. A substantial level of applications have been received with relevant experience. The DfE led this process and are confident a suitable Trust can be appointed.
- There is a risk that the DfE will not accept the vacant site until the contractor is in place, resulting in void management costs for the Council. WCC/WCF have requested confirmation from the DfE that the responsibility of the vacant site will be managed under the build programme.
- The risk of further delay to the school opening date. This risk is managed by the DfE programme of works, that WCF/WCC are included in monthly project meetings.

Joint Equality, Public Health, Data Protection and Sustainability Impact Assessments

84. As part of the planning process for new schools, local authorities will have undertaken an assessment of need for the places and the impact of the proposal, both on existing educational institutions locally and in terms of impact on particular groups of pupils from an equality's perspective. These assessments will be used to support the Secretary of State to meet her duties under section 9 of the Academies Act 2010 and under section 149 of the Equality Act 2010.

85. The JIA screening, (Appendix 6) has been carried out in respect of these recommendations. It identified that further impact analysis will be required in respect of: Equality and Public Health and Environmental Sustainability. The Joint Impact Assessments will be updated once a full programme plan, feasibility and surveys are completed.

86. The Government's Guidance on How to apply to set up mainstream free schools reminds academy trusts at paragraph 7.10 that: "All free schools are subject to the public sector Equality Duty, which forms part of the Equality Act 2010. This duty requires your trustees, both in planning and running your school, to have regard to the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity and develop good relations between communities..."

Supporting Information

- Appendix 1 – Presentation to stakeholders
- Appendix 2 – Harriet Baldwin MP letter of support
- Appendix 3 – Worcestershire Bid
- Appendix 4 – School Specification
- Appendix 5 – Poolbrook site plan
- Appendix 6 - Joint Impact Assessment
- [All-Age Autism Strategy | Worcestershire County Council](#)
- [Education and Skills Strategy | Worcestershire County Council](#)
- [SEND Strategies and plans | Worcestershire County Council](#)
- [Our SEND strategy | Worcestershire County Council](#)
- [Worcestershire Special Free School | Worcestershire County Council](#)

Contact Points

Specific Contact Points for this report

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Background Papers

In the opinion of the proper officer (in this case the Director of Children's Services) the following are the background papers relating to the subject matter of this report:

September 2019 Worcestershire's Education and Skills Strategy, ensuring a good education for every child in Worcestershire 2019-24:

<https://worcestershire.moderngov.co.uk/ieListDocuments.aspx?CId=131&MId=2644&Ver=4>

February 2023 Sufficiency and Place Planning Cabinet Report

[Agenda for Cabinet on Thursday, 2nd February, 2023, 10.00 am - Worcestershire County Council \(moderngov.co.uk\)](#)

CABINET
28 MARCH 2024**EDUCATION SUFFICIENCY ANNUAL UPDATE**

Relevant Cabinet Member

Councillor Tracey Onslow
Councillor Adam Kent

Relevant Chief Officer

Director of Children's Services
Director of Commercial and Change

Recommendation**1. The Cabinet Member with Responsibility for Education recommends that Cabinet:**

- (a) notes the updated annual sufficiency information for Mainstream school age and Specialist SEND education provision in line with the Cabinet decision in December 2018;
- (b) notes the pressure on Mainstream and Specialist SEND educational provision and places, the Sufficiency duties highlighted in the reports and the indicative actions plans to address these pressures;
- (c) notes the current and forecast education capital allocations and the financial pressure on the education capital programme to fund all the demands for additional provision and places, ahead of any further income from the Department for Education grants or Section 106 housing developer contributions.
- (d) notes the work being undertaken to assess Early Years and Childcare sufficiency in light of the national expansion programme of childcare entitlements starting in April 2024 and notes a further report to Cabinet in Summer 2024 to detail sufficiency assessment and the actions being taken to respond to areas of sufficiency need;
- (e) notes the progress to date on the Pershore Review, the next steps and notes a further report to Cabinet in 2024;
- (f) approves the publication of the 2023/24 Mainstream and Specialist SEND Sufficiency reports as updates to the School Organisation Plan 2019 - 2024;
- (g) approves the publication of the 2024/25 Education Capital Investment Plan, that details how capital investment will be prioritised to meet education sufficiency needs;

- (h) **approve (as detailed in paragraphs 51 – 72) to proceed with the delivery of the new Worcester City Secondary School including the revised timescales and that the Capital programme be amended for the increased costs to be funded by basic need grant with a recommendation to full Council. Other mitigations continue to be found within the Education Capital programme with further updates on progress included in future Resources Reports to Cabinet;**
- (i) **notes the development of a new Education Provision Strategy (formally School Organisation Plan) for 2025 – 2029 (date TBC); and**
- (j) **notes a further Cabinet report in 2024 to update the Education Provision Planning Obligations Policy to ensure it reflects the Worcestershire position with regards recent pupil yields from new housing developments, the latest forecasting methodology adopted in Worcestershire and updated DfE guidance.**

Background

1. The five-year strategic School Organisation Plan¹ “Good Education Places for all Worcestershire Children” was approved by Cabinet in December 2018 and outlines the 5-year programme to meet the Local Authority Statutory duties to ensure a sufficiency of education provision for children in Worcestershire.
2. Worcestershire County Council has a duty to ensure there are sufficient school places to accommodate the children and young people who reside in the county and to ensure these places are of good quality, with sufficient capacity to promote parental preference and diversity.
3. The Council also has a duty to secure educational provision made for pupils age 16 to 18 and over 19 years, and those with special educational needs up to age 25 years.
4. Section 6 of the Childcare Act 2006 places a duty on Local Authorities to secure sufficient childcare, so far as is reasonably practicable, for working parents, or parents who are studying or training for employment for children aged 0-14 (or up to 25 for children with special educational needs or disability) and Section 7 (as substituted by section 1 of the Education Act 2011), places a duty on English local authorities to secure early years provision free of charge for eligible 2, 3 and 4 year olds. Section 1 of the Childcare Act 2016 which places a duty on the Secretary of State to secure the equivalent of 30 hours of free childcare over 38 weeks of the year for qualifying children.
5. Along with these statutory duties, the Worcestershire’s Education and Skills Strategy 2019-24 was approved by Cabinet in September 2019 and shapes the Worcestershire vision and aims for education provision up to 2024. These provide the strategic focus for the work of the Education Sufficiency and Place Planning Team of Worcestershire Children First.

¹ http://www.worcestershire.gov.uk/download/downloads/id/10780/worcestershire_county_council_school_organisation_plan_2019.pdf

School Organisation Plan 2019 - 2024

6. The five-year strategic School Organisation Plan is designed to provide an overview of education place planning from 2019-2024. Worcestershire Children First, on behalf of the Council, undertake an annual programme to revise the position to ensure that the Council continues to meet the statutory duties and strategic aims related to the provision of education from ages 0-25. Four sufficiency reports associated with the plan provide the operational direction for the overall strategy, including the:

- Early Years and Childcare sufficiency (update to follow in Summer 2024)
- Mainstream school sufficiency (Appendix 1)
- Specialist SEND sufficiency (Appendix 2)
- And Post 16 (Sixth Form) (update to follow in Summer 2024)

The five-year School Organisation Plan 2019-2024 is included as Appendix 3.

7. The reports are updated in the Autumn Term of the academic year and are based on information from the September and January Schools' Census and Early Years Census, Known Children Data shared by the NHS, and other data sources.

8. The forecasts from the reports are used to plan for education provision requirements, shared with schools and other education settings, and form the basis of the School Capacity Survey (SCAP) to the DfE that is used to allocate basic need capital grant allocated to each Local Authority to create new school places. For the first time in June 2023, SCAP required Local Authorities to include information on specialist provision, including special schools and special educational needs (SEN) units and Resourced Provision (RP) within mainstream schools. It is not yet known whether this information will be used to inform the future High Needs Provision Capital allocations to Local Authorities.

9. The Sufficiency assessments and forecasts are also used to underpin assessments of education infrastructure required as a result of new housing developments. Education Infrastructure contributions are requested for Early Years, mainstream Schools, Specialist education provision and Post 16 provision where existing provision cannot support the additional demand of pupils from new housing. Annually the Education Provision Planning Obligations Policy² is updated to include updated costs per pupil place requested from developers to mitigate the impact of additional housing on education infrastructure. Education Sufficiency and Place Planning are also reviewing the content of the Policy to ensure it reflects the Worcestershire position with regards recent pupil yields from new housing developments, the latest forecasting methodology adopted in Worcestershire and updated 'Securing developer contributions for education'³ guidance in August 2023. The Policy was last fully reviewed and updated in 2019 following Cabinet approval in December 2018. A further Cabinet report will be presented for consideration in Summer 2024 to update the Policy for academic year 2024.

² [School Planning Obligations | Worcestershire County Council](#)

³ [Securing developer contributions for education \(publishing.service.gov.uk\)](#)

The Education Provision Strategy 2025 - 2029

10. The Education Sufficiency and Place Planning Team have begun to refresh the previous School Organisation Plan to develop an Education Provision Strategy for 2025 to 2029. Focused workshops have been undertaken with the Council's Planning, Transport, Property, Finance and SEND services and Early Years to amend, add to and improve the content of the strategy approach to delivering 'Good education places for all Worcestershire children'. The Council continues to strive to provide the opportunity for the best possible education to allow all children and young people to fulfil their full potential.

Early Years and Childcare

11. Starting from April 2024, existing childcare support will be expanded in phases. From April 2024, eligible working parents of 2-year-olds will be able to access 15 hours of funded childcare support. These hours can be used over 38 weeks of the year or up to 52 weeks if fewer are used than the total hours per week. The intention of this new support is to enable families to work. This increase in funding from April 2024 is expected in practice to support families that work and are accessing childcare already and funding the total cost themselves.

12. There are approximately 5,800 children who are 2 years old living in Worcestershire. Under the current scheme for 3- and 4-year-olds approximately 60% of working families take up the supported childcare offer. If a similar take up rate occurs this will mean approximately 3,500 children that are 2 years old of working parents will be accessing funded childcare.

13. From September 2024, the availability of supported childcare places will increase as children from 9 months – 23 months of working families will have access to the equivalent of 15 hours a week (38 weeks a year). This is a new entitlement and will provide financial support to working families and may also increase the demand for childcare places as parents are able to access work due to this new support. Currently being undertaken is an assessment of supply and demand for take up of this support and the findings of this will be shared with Cabinet in summer 2024. This further expansion will again increase the number of children accessing funded childcare hours administered through the Council/WCF.

14. The national wraparound childcare programme is part of the childcare reforms announced at the 2023 Spring Budget. The government's ambition is that by 2026, all parents and carers of primary school-aged children who need it will be able to access term time childcare in their local area from 8am-6pm, so that parents can access employment and improve labour market participation. Currently being undertaken is an assessment of supply and demand for this support and the findings of this will be shared with Cabinet in summer 2024.

Worcestershire statutory school-age population

15. There were 73,637 children between 5-16 years of age living in Worcestershire in 2015-2016 rising to 78,181 in 2022-2023, an increase of 6.2%.

Mainstream School-age Sufficiency

16. Of the 89,648 children and young people, 76,828 were attending state-funded mainstream primary and secondary schools in 2015-2016 rising to 80,164 in 2021-2022. September 2016 saw the highest intake of Reception children in the County since 2000 (6536 pupils). This cohort moved into Middle schools (Year 5) in 2021 and arrived in secondary schools (Year 7) in September 2023, 6684 pupils.

17. Mainstream school provision across Worcestershire is currently sufficient: 84% of schools were rated as 'Good' or 'Outstanding' by Ofsted in 2022/23, compared to 82% in 2021/22. 98.4% of Worcestershire Primary school children received an offer from one of their three preferences for September 2023, this is better than for September 2022 for Primary (97.9%), which was close to the 2022 England average of 98%. There was also a small increase in the percentage of Worcestershire children applying for a secondary school place receiving an offer from one of their three preferences: 95.0% for September 2023 compared to 94.2% for September 2022. The national average for 2022 was 93.4%.

18. Over the last decade, the number of Primary age children (Reception to Year 6) in Worcestershire has increased by 11.3%. Over this time, schools' capacity has been increased at several Primary and First Schools to ensure that the demand for places in key pressure areas is met. Whilst growth has been felt across the County, some urban areas of Worcestershire, namely Bromsgrove, Evesham and Redditch, experienced a much higher rate than rural areas. However, the numbers arriving at Reception classes in across Wyre Forest were 7% lower in September 2023. Worcestershire has a mix of urban and rural areas with an increasing number of families moving into urban areas, a trend seen nationally. Over the next 5-10 years a number of large housing developments are expected to increase the numbers of families living within some urban areas. At the same time, there is a challenge to ensure small rural village schools remain sustainable.

19. The last 2 years saw the effects of lower birth rates on Worcestershire Primary and First schools, which is expected to continue over the next few years. At the same time, Worcestershire is seeing a significant level of new housing either being built or planned as the popularity of the County grows. As a result, the number of children in Primary year groups in Worcestershire peaked in 2019 at 44,252 and is predicted to decrease to 42,000 by 2026. Therefore, as new housing is concentrated in pockets, namely Bromsgrove, Droitwich, Kidderminster, Redditch, West and South Worcester, new schools and additional expansions will be required in certain areas to ensure sufficiency of places. WCF discuss options with schools, housing developers and District Councils as early as possible to ascertain viable solutions. New First and Primary schools have been included in District Plans and agreed with housing developers, for Perryfields, Bromsgrove; Foxlydiate, Redditch; Lea Castle, Kidderminster; Kidderminster East; Hopfields, Worcester and West Worcester. These are subject to planning approval, the delivery of the number of dwellings proposed and sufficient capital funding to deliver the education provision. In other areas, Bewdley, Evesham, Malvern and Upton upon Severn are currently surplus (an oversupply of) primary school places. WCF will work with individual schools to consider reducing Pupil Admission Numbers (PAN) temporarily to support the sustainability and viability of schools.

20. The mainstream sufficiency report is provided as Appendix 1, this provides detailed assessment of demand and supply of school age mainstream education provision to meet the demand of children living in Worcestershire. It provides an overview of the actions being taken or considered to address the demand for school age mainstream provision in Worcestershire with the capital funding available.

21. An informal review of primary education provision in Malvern began in Spring 2023 to identify options to maintain sufficient viable school provision in this area. WCF invited all Malvern school leaders to work together and included the DfE to identify options to reduce the surplus of places over time. A variety of options including all primary schools reducing places, schools with consistent lower preference reducing places, and schools within the areas of lowest known children reducing places were considered. One Malvern primary school agreed and proposed to reduce their pupil admission number (PAN) from September 2025, The Grove Primary School are proposing to reduce from a PAN of 30 to 15. Consultation has completed and the Cabinet Member with responsibility for Education approved ⁴the proposal on 27th February 2025.

22. Thirty-seven (37) mainstream schools (16 First, 18 Primary and one Middle) have less than one hundred pupils on roll as at October 2023 School census. Two primary schools in Evesham EPA have pupil numbers on roll (as at October 2023 school census) of less than thirty (30). Assessment of impact and forecasting of future sustainability is being undertaken by WCF to advise governors of sustainability actions. Three further First and Primary Schools in Pershore and Upton upon Severn areas have pupil numbers on roll of less than 50.

23. Pupil numbers in Middle Schools in Bromsgrove, Droitwich, and Redditch, are generally increasing particularly in areas where there is also housing growth. There are forecast insufficient places in Bromsgrove and Redditch Middle Schools as a result of existing population and housing growth. WCF are working with individual schools, property agents and, for the Bromsgrove PFI schools, BAM Construction ⁵to assess options to create additional middle school places in Bromsgrove. An update on Bromsgrove school places is provided in paragraphs 39 to 44 of this report for Cabinet to consider. Specific Redditch Middle schools (Birchensale Middle and Church Hill Middle) were identified for expansion or bulge classes and schemes have been delivered for 2023 and are in progress for 2025. There continues to be an oversupply of places in the Pershore and Evesham Middle Schools.

24. In 2017 and 2018, the number of pupils in secondary schools began to increase after several years of lower numbers. This is anticipated to continue, which also coincides with an anticipated increase due to housing growth. Over the last several years, WCF have been working with secondary and high schools in Worcestershire to ensure they are able to sufficiently support higher numbers. Further expansions are required over the coming years to support further growth particularly in Bromsgrove, Kidderminster (subject to housing) and Worcester City. An update on Bromsgrove school place planning is included in the paragraphs 39 to 44 in this report for Cabinet to consider. An update on the new Worcester City Secondary School progress is provided in paragraphs 51 to 72 of this report.

⁴ [Cabinet Member Decisions and Reports | Worcestershire County Council](#)

⁵ BAM Construction FM deliver Facilities Management services to five PFI schools in Worcestershire County as part of the Bromsgrove PFI contract.

25. Pupil migration between counties has not made significant changes but still a factor that must be considered, particularly for Secondary and High School phase. In general, outward migration impacts on Birmingham, Dudley, Sandwell and Solihull councils to the north and on Gloucestershire and Warwickshire councils to the east and south. Inward migration into Worcestershire schools is not currently considered a major factor on overall forecasts. In most cases, this is not a concern as school admissions policies tend to give priority to pupils living within the school catchment area.

26. Between May and November 2022, an additional 275 school-age pupils arrived into Worcestershire and applied for a school place where their originating country was known to be outside Europe. It is possible other pupils arrived from outside of the UK but did not apply for a maintained school place. The majority of those families were housed in Bromsgrove, Droitwich, Evesham, Redditch, Worcester and some in Malvern. All were offered a school place and transport if available places were further than the statutory walking distances for age of child.

27. A continual programme of works is required to meet mainstream place requirements over the next five years. The Education Capital Investment Plan (Appendix 4) and therefore education capital programme prioritises basic need requirements to fund expansions to existing schools where possible. The WCF Education Sufficiency and Place Planning team work closely with mainstream schools to identify suitable, feasible and viable schemes to deliver additional places in a timely and value for money way. Where new housing developments make Section 106 Education Infrastructure contributions, this funding is also prioritised to deliver the additional mainstream school places required as a result of additional housing.

28. In December 2022, Worcestershire County Council welcomed the news that a further two of the county's schools had been selected to be involved in the Central Government's Schools Rebuilding Programme, Arrow Vale Secondary School and Baxter College (Secondary). Pershore High School and Waseley Hills High schools which were selected for the first 50 schools announced in February 2021. Waseley High School is a full re-build programme, due to begin on site in Spring 2024. Pershore High School is a partial re-build programme, due to begin Autumn 2024.

29. Typically, a new first or primary school may be required where a new housing development contributes 300 or more dwellings, or in areas where no potential school expansions can be identified. When a large-scale development is in excess of 100 dwellings, WCF engage with developers and district councils to allow for appropriate planning and feasibility work to be undertaken. A new secondary school or special school is only likely to be required on very large sites or in an area where there is a significant amount of new housing across several developments.

30. The WCF Education Sufficiency and Place Planning team assess all housing planning applications individually but also holistically to determine what the impact on education provision would be. Developer contributions towards new school places should provide both funding for construction and land where applicable, subject to viability assessment when strategic plans are prepared and using up-to-date cost information. Central government Basic Need Grant, the DfE free schools programme and other capital grant funding do not negate housing developers' responsibility to mitigate the impact of their development on education places.

31. There are several strategic housing sites planned in Worcestershire over the next seven (7) years (before 2030) that are likely to require new First / Primary Schools to be delivered. These include: Hopfields, South Worcester; Lea Castle, Kidderminster; Kidderminster East; Perryfields, Bromsgrove; Foxlydiate, Redditch; West Worcester; Parkway, Worcester; and Mitton, Wychavon.

32. In October 2023, Cabinet agreed that a new First School with nursery in Foxlydiate, Redditch, was required to address the impact of new housing in the area. Pre-publication engagement with stakeholders was completed between July and August 2023 which informed the school specification for formal consultation. Cabinet approved the capital funding to deliver the new school and the formal consultation on the school specification. The consultation is taking place between 8 January and 25 February 2024. The procurement of technical advisors has been completed. Following review of the consultation responses, the school specification will be finalised, and the Academy Trust competition will launch in April 2024 to find a suitable Academy Trust to run the school. This school is scheduled to open in September 2027. Further new schools identified to respond to housing growth are in the planning phase to determine delivery timescales and costs against the updated housing delivery plans.

33. The majority of new housing planned to be delivered in Worcestershire is set out in the South Worcestershire Development Plan (SWDP) up to 2041. This plan includes a government target for an extra 11,000 new homes on top of the 28,400 homes already planned for up to 2030 in the current SWDP. Most of the new housing will be provided through new settlements, known as strategic sites. These will be located close to existing or new railway links. Development will be completed in phases over time and developers will be asked for payments to support, and where necessary, deliver local infrastructure.

34. The largest strategic site planned is to be built at Worcestershire Parkway (2025 – 2040) includes 5,000 new homes. A further phase of this development is planned from 2041 with a further 5,000 homes. The focus of the new settlement and infrastructure will be on making sure residents' needs are met nearer to where they live including a new town centre, schools, local neighbourhood centres and community facilities. There will be investment in walking and cycling infrastructure to promote sustainability and reduced car use. Current Education requirements for the whole settlement development include up to 7 primary and nursery schools, 2 secondary schools, post 16 education provision and a special school. These schools will be to meet the demand from the new settlement. Timescales for delivery of the first 5,000 houses are 2025 up to 2041. The developers are expected to provide the land and either funding to build the schools or delivery of the education provision themselves. It is not expected that the Special School to be delivered before 2040.

Mainstream Pershore EPA

35. A key issue in Worcestershire for school place planning is the mixed education landscape. Worcestershire is unique in the range of education tier structures available to families in the County. In areas which operate a two-tier model, children enter primary school at reception and transfer to a secondary school at the start of Year 7. Other areas operate a three-tier model, where children enter first school at reception, transfer to a middle school at the start of Year 5 or 6, depending on the age range of the middle school, and then transfer to high school at the start of Year 8 or 9, depending on the age

range of the high school. Some EPAs operate both two tier (primary and secondary) and three tier (first, middle and high) in the same area, providing families with a choice. This includes some Catholic school provision and some other schools that have sought to change their age range.

36. The LA and Pershore EPA proposed a change from a mixed tier structure to a consistent two-tier structure. In October – November 2021 all schools and Multi-Academy Trusts consulted on proposals to change age ranges and / or intake points. Pershore High School changed age range to accommodate 90 Year 7 places from September 2021. If the age range changes are agreed, an additional 192 places for year 7 will be required at Pershore High School and all remaining First or Middle Schools will need to become Primary Schools. In November 2023, the Department for Education concluded the full feasibility study for Pershore High School determining that the additional places for all Year 7 pupils in Pershore could be created at the school with additional accommodation and improvements. The DfE confirmed that the work required could take place alongside the partial School Rebuilding Programme at the school.

37. The Local Authority and DfE teams have been working together to share indicative timelines for the works required at all schools to make the necessary accommodation changes for the required change of age ranges to take places, subject to necessary approvals. The earliest all Year 7 pupils could be accommodated at Pershore High School is September 2027.

38. Education stakeholders and decision makers will reconvene in 2024 to confirm next steps. A further report to Cabinet will proceed to request the necessary approvals for LA maintained school to move forward with this change once the DfE has confirmed the latest programme for Pershore High School Rebuilding Programme.

Mainstream Bromsgrove EPA Sufficiency

39. There are high numbers of pupils living in Bromsgrove town. Birth rates have been stable for the last 5 years. The Education Planning Area of Bromsgrove is serviced by four Middle Schools (years 5 – 8) and two High Schools (years 9 – 13).

40. The middle schools in Bromsgrove Town are forecast to be full or nearly full for the next few years and there are predicted to be additional pupils from the new housing to the west of the town (Perryfields and Whitford Road), which is beginning to be built out already. There are forecast insufficient middle school places from 2025, however, if St John's Middle school can accommodate additional pupils in 2024 and 2025, an additional one form entry (30 places per year group) is forecast to be required at one of the middle schools by 2025 / 2026.

41. Feasibility studies have been concluded at all four middle schools, which confirm that St John's CE Middle School and Aston Fields Middle School do not have sufficient land to expand these schools further. Catshill Middle School can be expanded, however is not located in Bromsgrove Town. The feasibility report for Parkside Middle School has recently been received. Parkside Middle School is one of the PFI schools in Bromsgrove. The costs and timescales for Catshill and Parkside now need to be considered fully against the available funding and demand for places to be available. The capital programme will be updated to reflect which schemes will be delivered.

42. The High Schools in Bromsgrove are forecast to be full for the next few years and there are predicted to be additional pupils from the new housing to the West of town (Perryfields and Whitford Road), which is beginning to be built out already. For September 2023, an additional one form of places (30 places) were required at one of the Bromsgrove High Schools for the year 9 intake. North Bromsgrove High School agreed to accept additional pupils above its published PAN of 300. At the time of the October 2023 census the school reported 320 Year 9 pupils on roll. The school received growth funding for the additional pupils.

43. Forecasting continues to predict insufficient places in Bromsgrove High Schools for the Year 9-year group and for in-year admissions into other year groups. Demand is forecast to continue to increase requiring an additional two forms of entry (60 places per year group) from 2025. Negotiations are underway for one of the schools to accommodate additional Year 9 pupils for September 2024. The feasibility reports for North Bromsgrove High and South Bromsgrove High have recently been received from BAM, both schools are PFI schools. The costs and timescales now need to be considered fully against the available funding and urgency for places to be available. The capital programme will be updated to reflect which schemes will be delivered.

44. Basic Need Grant Funding and some S106 housing developer contributions have already been included in the Education Capital programme and agreed in the Resources Cabinet paper to fund the expansions required.

Mainstream Worcester City Secondary EPA Sufficiency

45. There continues to be insufficient secondary school places in Worcester City for all existing children living in Worcester and / or in Worcester City primary schools. Since Spring 2022, WCF have worked with existing Worcester City Secondary school leaders to identify options to mitigate the demand for Year 7 intake places and in-year admissions for other year groups. In September 2022, all existing secondary schools offered to take pupils over their PAN to accommodate the additional demand. In September 2023, one school offered to take up to one form entry (30 pupils) above PAN, and other schools also ended up taking over PAN due to school appeals. At October 2023 Census, 1,251 Year 7 pupils were recorded on roll at one of the five existing Worcester City secondary schools against the total PAN of 1244.

46. The aim is to maintain a 5% surplus of places within each Education Planning Area (EPA) in order to support parental preference, that all children that move into Worcestershire during the school year are offered a place within 20 school days, families that want a place in their local community are able to do so, reducing school travel times and Home to School Transport demand and therefore costs. It has not been possible to maintain a surplus of places in Worcester City secondary for several years, and on occasion school places outside of the city have had to be offered, which therefore requires transport assistance to be provided. Where it has not been possible to place within a reasonable distance, children are referred for placement action under the Fair Access Protocol. There has been an increase of Fair Access requests within Worcester City in the last few years. In the 2021/22 academic year, no children were actioned using Fair Access, in 2022/23 there were 21 children actioned and so far in 2023/24 there have been 32 children taken to panel for placement.

47. The forecast for secondary school places in Worcester City is expected to continue to increase. Worcester City is experiencing and expected to continue to experience a

large amount of housing growth. The South area is where the largest demand for places exists and is expected to continue to rise. Nunnery Wood and Blessed Edward Oldcorne cover the catchment area for the south of Worcester City. Appendix 5 details the forecast demand for Year 7 places in Worcester City taking into account, the total number of pupils already on roll at a Worcester City primary school, known pre-school age children already living in Worcester City, children living in Worcester City but not attending a Worcester City primary school and predictions for additional pupils from the major housing growth across the city.

48. Forecasts are predicting a need for an additional 4FE (120 places) for September 2026 and at least an additional 4FE (120 places) for September 2029. September 2027 and September 2028 have lower forecast numbers of pupils, but forecast numbers still exceed the existing secondary school PANs.

49. Housing growth is centred around South Worcester Urban Expansion and West Worcester Urban Expansion. A total of 2,600 new homes are due to be delivered at SWUE and 2,150 at WWUE. It is forecast that between 43 and 179 additional secondary school age children per year group between 2024 and 2029. In addition, a major new settlement is proposed at Parkway. At present there is no alternative secondary school within 3 miles walking distance of this proposed development. The Newtown Road site is within 3 miles, this could support secondary school provision for Parkway until a secondary school is built within Parkway development.

50. The provision of the new secondary school in Worcester City provides an opportunity to meet medium and long-term growth requirements and provide a surplus of provision to support parental preference, in year admissions and reduce Home to School Transport costs. An update on the new Worcester City Secondary School and decisions for Cabinet are detailed in paragraphs 51 to 74.

Worcester City Secondary School – Progress Update

51. In February 2021, the Cabinet agreed for:

- a new secondary school to be built to address the shortfall in secondary school places in Worcester City;
- delegated authority to the Chief Financial Officer in consultation with the Director of Children’s Services to identify funding sources to be able to implement the recommended actions, to be approved by Council and Cabinet as part of the Council’s funding approval process;
- delegated authority to the Strategic Director for Economy and Infrastructure in consultation with the Director of Children’s Services, Chief Financial Officer and Assistant Director for Legal and Governance (Monitoring Officer) where appropriate to enter into a form of Memorandum of Understanding and continue and conclude the negotiation of an option to acquire land to deliver a new secondary school in the Worcester City District boundary with the intention of presenting this Option for agreement by Cabinet; and
- approved a pre-publication engagement with stakeholders on the proposal for a new secondary school in Worcester City Council boundary.

52. In November 2021 Cabinet received a report with the outcome of the pre-publication engagement undertaken in May/June 2021 and:

- endorsed the proposal to acquire land by private treaty as necessary to deliver the secondary school proposal and authorised the Strategic Director of Commercial and Change in consultation with the s151 and Monitoring Officers, to acquire the land in accordance with the delegated authorities;
- authorised the consultation on the proposed school specification;
- authorised the Cabinet Member with Responsibility for Education, in consultation with the Director of Children's services, to approve the specification having regard to any representations made during the consultation period;
- recommended that Council increase the Capital Programme by the outline project cost of £44m in order to deliver a new four form entry secondary school; and
- authorised the Director of Children's Services in consultation with the Strategic Director of Commercial and Change, the Chief Financial Officer and the Assistant Director for Legal and Governance to undertake all necessary steps to implement the project within the funding envelope agreed including any regulatory consents and contracts required including the completion of a pre-planning public engagement exercise and the preparation and submission of a Planning Application.

53. A two stage Design and Build procurement strategy was agreed in February 2022 by the Worcester City Secondary School Steering Group. This approach provides greater transparency and cost certainty as it is an open book iterative process where all risks are jointly assessed prior to agreeing a fixed price construction contract.

54. In March 2022, a procurement process to appoint a contractor commenced. Graham Construction were appointed in August 2022.

55. The Academy Sponsor Competition to identify a preferred Academy Sponsor to operate the school commenced in March 2022. The process was carried out in line with DfE guidance to ensure a fair and open competition to prospective sponsors. The Council submitted their recommendation in May 2022, the decision on the preferred sponsor was made by the DfE in October 2022, the final decision was determined by the Secretary of State, following WCF's recommendation. Oasis Community Learning Multi-Academy Trust were appointed.

56. The design process is following the Royal Institute of British Architects (RIBA) Plan of Work. RIBA Stage 1 Preparation and Briefing was completed in October 2022. RIBA Stage 2 Concept Design was completed in December 2022. RIBA Stage 3 Spatial Coordination was completed in December 2023.

57. From November 2022, Oasis Community Learning have been actively participating in the project development and design process.

58. On 5 January 2023, Cabinet approved a budget adjustment to £50 million. The adjustment was due to:

- Construction Inflation increase from 4% to 8%;
- South Worcestershire Development Plan additional biodiversity requirements (20% renewable energy, rainwater recycling, BREEAM excellent, 10% Biodiversity net gain);
- Contaminated/unsuitable topsoil; and
- Highways joint access via Nunnery Way.

This adjustment was endorsed by Full Council on 16 February 2023.

59. On 12 June 2023, a planning consultation event was held at County Hall to give residents and stakeholders the opportunity to see the proposed project and to ask questions and provide feedback. This feedback has been taken into account for developing the design and planning application.

60. The project sought pre-application planning advice, as is normal practice for a development of this scale, this was taken into account as part of the development of the planning application. The planning application is now ready for submission to Worcestershire County Council as the Planning Authority. The information required for the planning application was completed in January 2024

61. In December 2023 at the end of RIBA⁶ Stage 3 the estimated cost based on the Graham Construction's cost plan, had increased above the approved £50m. The forecast increased costs are as a result of:

- The budget for highway works was found to be insufficient following traffic modelling and traffic surveys;
- The increased allowance for Biodiversity Net Gain; and
- The construction cost inflation.

62. Land purchase negotiations have reached the stage where a draft conditional contract (subject to successful planning consent) to purchase the land has been prepared. Final conditional contract conditions are being negotiated with the Seller.

63. Due to the complexity of the ecology, the linked Biodiversity Net Gain requirements and highways capacity constraints in the surrounding area, further work is required to address these within the planning application. This will result in additional works and an impact on the programme.

64. Taking into account the factors described in paragraphs 61 to 63, it is recommended that the new secondary school be delivered for September 2028.

65. The purchase of the land is required, and negotiations are continuing with the Seller. The risks of not purchasing the land are:

- Currently committed spend c£4m, would not be able to be capitalised, and therefore, c£4m would be added to the revenue spend, further increasing overspend.
- The seller may withdraw from the negotiations and a new search for alternative sites would be required.

66. Due to the revised programme for opening the new secondary school, alternative proposals to meet the demand for secondary school places in Worcester in the meantime will be required.

67. Any alternative proposal to meet the demand for secondary school places, prior to the new school being delivered, require a detailed feasibility assessment, including obtaining the support of stakeholders, such as receiving schools. Options to meet the demand will be assessed further and a further report to Cabinet made to approve the required capital.

⁶ The RIBA Plan of Work organises the process of briefing, designing, delivering, maintaining, operating and using a building into eight stages. Stage 3 marks the evolution of the projects design into a detailed plan.

68. Appendix 6 is the financial summary for 2028 delivery, which shows a total addition to the capital programme of between £12.5m and £17.2m is required, depending on the cost of mitigations for 2026 and 2027. The finances have been appraised assuming that this additionality would be funded from Basic Need Grant, rather than increasing borrowing. The higher the increase in the Capital Programme for this scheme, the more Basic Need Grant will need to be reallocated to the scheme. This will impact on the availability of Basic Need Grant to fund future schemes within Education, and on the general flexibility within the Capital Programme.

69. Opening the new school for September 2028 and meeting the demand for secondary school places for 2026 and 2027 by providing additional Year 7 places in 2026 and 2027 at existing secondary schools should consider the following:

- **Cost impact:** Increase in the capital budget for the new school from £50m to £59.9m plus circa £2.6m for the cost of additional accommodation and some repurposing of existing accommodation at existing schools – a total increase of £12.5m. This is the lowest current estimate for total capital costs – further increases may be required (subject to Cabinet approval) if the costs of mitigations increase beyond this. This currently excludes the works potentially required to mitigate the highways capacity constraints as this is yet unknown. Growth funding would be paid to schools taking pupils over PAN in both years. Transport would be required for some pupils to their nearest school with places available for 6 years from 2026.
- **Committed spend to date (as of end of RIBA stage 4 August 2024):** The committed spend to date totals an estimated c£4 million. This will continue to be part of the programme cost.
- **Educational impact:** some children will go to school in their local community. Some children may have to travel out of Worcester City.
- **Number of new places required:** 120 places for September 2026, circa 90 places for September 2027 and 4FE (120 places per year group, 600 in total) when the new school opens in 2028, with the opportunity for further expansion as a result of housing growth.

70. The following assumption has been made:

- Once pupils begin their education journey at a secondary school they are unlikely to choose to move schools.

71. The following risks are noted:

- Existing Worcester City Secondary schools have been taking additional pupils since September 2022, and are likely to continue to be required to up to 2028. Additional resources are required to support schools to accommodate additional pupils.
- Detailed feasibilities are required to determine what other options are viable to mitigate the demand for secondary school places delivered within a reasonable distance from Worcester City, by the right time and in a cost-effective way.
- Identifying and agreeing capacity of other schools to increase places prior to the new school being delivered. The mitigation is where possible to secure improved/enhanced/permanent changes that provide purposeful and relevant in the longer term for example to develop the environments for SEND provision.
- The highways impact of expanding existing school is unknown and uncostered at this point. Work will continue with Highways to access and cost the works required ahead of planning application.

72. Other options that have been considered and discounted include:

- transporting pupils to the next nearest schools with available Year 7 places up to 2028. This included a range of middle schools (Droitwich and Pershore) and secondary schools (Malvern and Upton). Travel distances from Worcester ranged from 5 to 10 miles. Approximately eight schools would be required to provide sufficient Year 7 places for 3 years for up to 120 pupils from Worcester City. Transport would be required to all eight schools. Between 120 and 275 pupils would be transported over a period of seven years (Years 7 – 11) to these alternative schools.
- opening the new secondary school in temporary accommodation on the Newtown Road site: sufficient temporary accommodation would be required to teach the full curriculum to 120 pupils including general teaching rooms, specialist teaching rooms for science, design and technology, art and design, pastoral and SEN provision, dining facilities, indoor PE facilities and provision for staff and support staff. This would impact on the space on the site whilst building the new school and could create significant health and safety and logistical issues for construction and school traffic.

Sufficiency of education provision for children and young people with SEND

73. Over 1.5 million pupils in England have special educational needs and or disabilities (SEND). An increase of 87,000 from 2022. The national percentage of pupils with an education, health and care (EHC) plan has increased to 4.3%, compared with 6.8% in Worcestershire. The national percentage of pupils with SEN but no EHC plan (SEN support) has increased to 13%. Both continue a trend since 2016. The most common type of need nationally for those with an EHC plan is autistic spectrum disorder and for those with SEN support is speech, language and communication needs.

74. All children and young people with special educational needs and / or disabilities should truly be seen and respected as individuals and to be the best they can be. The Local Area Partnership SEND Strategy (2023 – 26) priorities include: Priority 2: There is sufficient and effective SEND provision. The SEND Accelerated Improvement Plan is monitored by the DfE and has been in place since 2022. This plan has a focus on specific areas of development including oversight of ensuring suitable specialist provision. The latest review of progress by the DfE in September 2023 noted the development of forecasting for education places and the commissioning cycle and is looking at the next review due in April 2024 to the development of capital plans to strengthen the range of specialist provision to meet the identified needs of children and young people.

75. The provision of appropriate education places for pupils with Special Educational Needs and Disability remains a pressure for Worcestershire and demand for provision that can cater to specialist needs and disabilities is expected to continue to rise.

76. The percentage of children educated in Worcestershire with identified SEND remained around 15% between 2016-2019, however rose to 18.9% in 2022 and is now at 20% for 2023.

77. In 2016, there were 1,960 school age children living in Worcestershire with an Education and Health Care Plan, this increased to 4,690 school age (5-15) children by January 2022 and has increased further to 5,158 in January 2023. The largest percentage

increases are evident within the 16 to 19 age group increasing from 468 in January 2016 to 1,166 in January 2023. Figure 1 details the number of pupils with an EHCP by age range recorded on the school census and SEN2 data return each January.

Figure 1: Pupils for whom the local authority maintains a statement of special educational needs or an EHC Plan

	Jan-17	Jan-18	Jan-19	Jan-20	Jan-21	Jan-22	Jan-23
Under age 5 (NCY 0, -1 & -2)	55	84	83	110	118	135	109
Aged 5 to 10 (NCY 0 – NCY 5)	842	908	992	1,214	1,293	1,475	1,612
Aged 11 to 15 (NCY 6 – NCY 10)	1,078	1,120	1,220	1,339	1,473	1,612	1,757
Aged 16 to 19 (NCY 11 – NCY 14)	628	807	966	959	939	1,055	1,166
Aged 20 to 25 (NCY 15 – NCY 19)	89	145	241	431	359	413	514
Total	2,692	3,064	3,502	4,053	4,182	4,690	5,158
Annual Increase	7%	13%	14%	15%	4%	12%	10%

Source – Sen2 DfE LAIT

78. The percentage of children educated in Worcestershire with an EHCP (figure 2) remained fairly consistent (2.9 – 3.3%) between 2013 and 2020 and was in line with West Midlands Local Authorities and below Statistical Neighbours and National. January 2021 saw an increase to 3.6%, 3.9% in January 2022 exceeding the West Midlands Local Authority average, and 4.2% in January 2023 closer to the national average of 4.3%.

Figure 2: The percentage of pupils with EHCP

Area	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	Change from previous year
Worcestershire	3.10	3.00	3.00	2.90	2.70	2.90	3.00	3.30	3.60	3.90	4.2	0.30
West Midlands	3.00	3.00	3.00	2.90	3.00	3.10	3.10	3.30	3.60	3.80	4.0	0.20
Statistical Neighbours	2.89	2.91	2.91	2.92	2.96	3.03	3.16	3.43	3.74	4.02	4.2	0.18
England	2.80	2.80	2.80	2.80	2.80	2.90	3.10	3.30	3.70	4.00	4.3	0.30

79. The percentage of pupils with EHCP's in Worcestershire educated in the mainstream system increased from 26% to 33% in 2021 reduced to 32% in 2022 and reduced again to 31% in 2023. Figure 3 shows this continues to be below the national average (40% in 2023). The percentage of pupils with EHCP's in Worcestershire maintained special schools has decreased from 36% in 2021 to 35% in 2022 and 34% in 2023, although continues to be higher than the national average of 28% (2023).

Figure 3: Analysis of attendance type of children and young people with EHCPs in Worcestershire compared to National average

	Eng.							Worcs.						
	2017	2018	2019	2020	2021	2022	2023	2017	2018	2019	2020	2021	2022	2023
EHCPs	175k	279k	354k	390k	430k	468k	517k	2,692	3,064	3,502	4,053	4,182	4,555	4,904
All Schools	71,594	110.6k	135k	148.2k	167.4	186.4	206.9	811	808	910	1,207	1,373	1,471	1,538
Mainstream Schools	54,352	96,734	118.9k	125.3k	132.1k	140k	145k	1,228	1,332	1,385	1,517	1,524	1,609	1,676
Maintained Special	9,649	15,873	21,150	23,611	26,301	29,445	32,303	145	174	214	249	289	353	389
Independent Schools	32,066	46,854	57,191	64,437	71,728	73,870	76,476	437	641	757	795	786	865	805
Further Education	7,524	9,361	21,544	28,315	32,929	38,866	55,456	71	109	236	285	210	256	491
Other														
% Mainstream	41%	40%	38%	38%	39%	40%	40%	30%	26%	26%	30%	33%	32%	31%
% Independent	6%	5.7%	6%	6.1%	6.1%	6.3%	6%	5.4%	5.7%	6.1%	6.1%	6.9%	7.7%	8%
% Maintained Special	31%	35%	34%	32%	31%	30%	28%	46%	43%	40%	37%	36%	35%	34%
% Further Education	18%	17%	16%	17%	17%	16%	15%	16%	21%	22%	20%	19%	19%	16%
% Other (AP, EHE)	4%	3%	6%	7%	8%	8%	11%	3%	4%	7%	7%	5%	6%	10%

80. The continued rise in the number of children with special educational needs and EHCPs has put pressure on access to Specialist provision for Worcestershire pupils. There is a range of specialist provision available to support children and young people with EHCPs including Special Schools, Mainstream Autism Bases, Language Units, Medical Education provision, Alternative Provision, Specialist Nursery provision and Independent Specialist provision.

81. The primary needs of Moderate Learning Difficulties (MLD), Autism Spectrum Disorder (ASD), Speech, Language & Communication Needs (SLCN) and Social, Emotional & Mental Health (SEMH) difficulties continue to be on a rising trend since 2017 for the primary school age group and secondary school age children. Another noticeable trend is that the numbers of pupils categorised with having “complex SEND” have been rising steadily over the last 10 years. Research by the Beacon School Support⁷ supports the view that nationally there are higher survival rates in extremely premature babies, 60% of babies born at 24 weeks survive, half of babies born before 26 weeks will have a severe disability. Children may have more complex developmental and sensory needs identified at birth. These children are likely to have severe and complex learning difficulties as well as a physical disability or sensory impairment that affect learning, development and health and are likely to require a high level of special educational provision. The Research also suggests that more children are being diagnosed with Autism because the way ASD is diagnosed has changed, the scope of diagnosis has widened, so children who would not have been diagnosed in the past are being diagnosed now. There is also greater awareness of SEND by parent carers, and professionals.

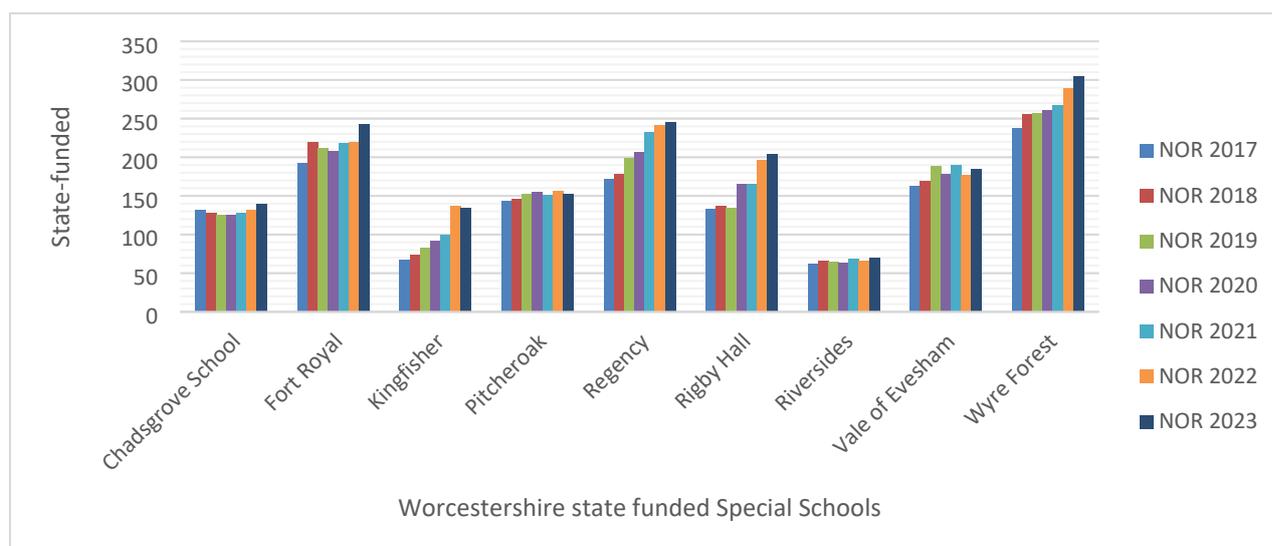
82. Of the 5,158 pupils (January 2023) in Worcestershire with an EHCP, 1,679 were recorded on roll at one of the 9 Worcestershire State funded Special schools. This is an

⁷ <https://beaconschoolsupport.co.uk/newsletters/why-are-there-more-children-with-complex-special-needs-than-ever-before>

increase from 1611 in January 2022 and 1372 in January 2017. Within 2022/23, High Needs Provision Capital funding has supported some Worcestershire special schools (Fort Royal, Regency, and Wyre Forest) to be able to expand accommodation to admit more pupils.

83. Since 2016/17 academic year all Worcestershire special schools have experienced an increase in pupil numbers, some more significantly than others as shown in Figure 4 below. Changes to configuration of schools, expansions and for some schools increasing class sizes has been applied to address these issues. Most special schools are now accommodating more pupils into existing classes spaces.

Figure 4: Number of pupils on roll at each Worcestershire Special School each January census



84. Seven of the nine special schools offer post-16 provision. 32.5% of 16–25-year-old young people with EHCPs in the academic year 2022/23 attended further education establishments with 24.2% attending special schools and 7.67% attending Specialist further education. The percentage of pupils staying on to post-16 provisions within a state funded special school varies considerably across the County. In 2021/2022 WCF prioritised the £1.5m High Needs Capital allocation from the DfE to develop additional Post 16 SEND Provision in the county, three colleges were awarded funding to develop additional Post 16 provision to support young people with EHCPs.

85. The number of young people aged 20 to 25 with an EHC plan has increased from 145 in January 2018 to 413 in January 2022 and again to 514 in January 2023. 51% of young people aged 20-25 with an EHCP attend Mainstream FE colleges, such as Heart of Worcestershire (HOW), Warwickshire College Group or Kidderminster College.

86. Some pre-school age children are referred for Specialist Nursery provision including special school nurseries, Nursery Plus or Early Years Language class provision. Most pre-school age children with SEND in Worcestershire are supported in mainstream early years providers with funding support through the Graduated Response. The main primary need identified in pre-school age children in Worcestershire is SLCN.

87. Prior to September 2023, four of the 9 special schools and one mainstream first school delivered Nursery Assessment Units (NAU). In November 2022, WCF invited mainstream and specialist nursery providers to take part in open discussions about the future of

NAUs. The NAU Review identified a need to consider the sufficiency of places where children with complex needs could access their full Nursery Education Funding (NEF) Entitlement and a redesign of the Pre-School Forum model. The outcome of the NAU Review, is that Enhanced Early Years provision is being developed across the County delivered by early years providers or schools to meet the needs of children whose identified complex needs make it difficult to attend an early-years setting.

88. In September 2023, due to an unprecedented rise in the demand for special school reception places, WCF in consultation with The Vale of Evesham school and Academy Trust and Fort Royal school had to prioritise reception places over nursery places at both schools. The Vale of Evesham school offered Outreach support to children that would have attended the Vale of Evesham and Fort Royal Nursery Assessment Units, either in their mainstream provision, or at home.

89. This support continues whilst Enhanced Early Years providers are being identified for Worcester City/Malvern and Wychavon districts. Market engagement with prospective providers for the districts of Wyre Forest and Redditch / Bromsgrove to develop Enhanced Early Years provision will begin in March 2024.

90. Once providers have been identified to deliver Enhanced Early Years provision, statutory consultation to make any significant changes to SEN provision will begin. Capital investment may be required to deliver new provision in new locations, funding will be proposed to Capital Board and Cabinet.

91. Early Years Language classes are delivered across the County, this provides targeted intervention to support identified speech, language and communication needs. Full time equivalent places are commissioned by the Local Authority, providing support to approximately 100 three- and four-year-olds each year, who attend the provision on a part time basis.

92. A small proportion of pupils who due to illness or medical needs are unable to access full-time mainstream education provision are supported by the Medical Education Provision in Worcestershire. In 2021/22 academic year, 55 pupils were supported by the Medical Education Team, in 2022/23 this increased to 88 pupils. 82% accessing MET provision were referred due to mental health issues.

93. A small proportion of pupils attending Alternative Provision or Pupil Referral Units in Worcestershire have SEND and/or EHCPs. The Census and SEN2 return records 24 out of 5,185 pupils in January 2023 with EHCPs.

94. There have been a growing number of Worcestershire residents with an EHCP placed in out of county and independent placements which increased from 186 in August 2017 to 336 in August 2020 and from 486 in January 2022 to 639 in January 2023. This is in line with National averages and has remained consistent as a percentage of all residents with an EHCP but causes a significant impact on High Needs Budget. Since 2022, the average cost per placement at specialist FE placements is the highest at £58k, followed by independent special schools at circa £55k compared to the average cost of a special school placement at £12k. In January 2023, the highest proportion of pupils with an EHCP placed in out of county and independent provision had a primary need of ASD.

95. Proactive measures since 2018 continue to reduce the percentage of pupils with an EHCP requiring a special school place. Figure 3 (above) shows an average 1% decrease

year on year in Worcestershire, however, the number of school age children living in Worcestershire is increasing and forecast to continue to increase particularly as a result of significant planned housing growth. Additional enhanced and specialist provision continues to be required. An area of focus for High Needs Provision capital investment for 2022/23 included increasing the number of special school places available in Worcester City and Wyre Forest. For September 2023, three of the nine schools were provided with capital funding to increase the number of places available. These were Regency High School (Worcester), Fort Royal School (Worcester), and Wyre Forest School. Some of the other schools were also able to accommodate additional pupils within their existing accommodation.

96. Pupil projections in Worcestershire are increasing in the main due to housing growth. Over the period 2017 to 2023 there were on average 411 new EHCPs agreed per year. By reviewing expected population growth, pupil growth from housing and EHCP growth the following forecast for EHCPs can be made as shown in figure 5 below.

Figure 5: Projected number of EHCPs by age range in Worcestershire for 2024 - 2028

Age Range	Actual	Forecast				
	2023	2024	2025	2026	2027	2028
Under 5	176	164	275	279	279	279
6-10	1,316	1,394	1,341	1,376	1,376	1,365
11-15	1,731	2,022	2,251	2,478	2,686	2,852
16-19	1,489	1,516	1,746	1,955	2,111	2,300
20-25	446	721	863	1,001	1,186	1,368
Grand Total	5,158	5,810	6,476	7,089	7,638	8,164
% pupils attending maintained special	34%	33%	32%	31%	30%	29%

97. If the existing percentage trend continues reducing year on year by 1%, the predicted number of pupils requiring maintained special school provision can be forecast. Due to population growth and the numbers of pupils with EHCP continuing to rise, the forecast number of pupils still requiring special school provision is forecast to rise from 1,035 school age pupils in 2023 to 1,218 by 2026. Numbers on roll at special schools will exceed this due to post 16 pupils on roll, which have also continued to rise year on year.

98. WCF continue to work with all specialist settings in particular special schools to review options available to increase pupil numbers, options include re-configuration of spaces, expansions, or conversion of temporary accommodation to permanent builds. Some schools have limited options for growth against Building Bulletin 104 guidelines, which outlines the standards and guidance on the area of school buildings required for special and alternative provision schools, as the land is not available on the existing sites. With the limited High Needs Provision Capital allocated to Worcestershire for 2021 – 2024, options to develop new schools or significantly expand existing schools are not affordable. An option being considered in some instances is to develop SEN Units on the site of mainstream Schools.

99. The Sufficiency of education provision for children with special educational needs and disabilities report is provided as Appendix 2, this provides detailed assessment of demand and supply of education provision to meet the needs of children living in Worcestershire. It provides an overview of the actions being taken or considered to address the demand for specialist provision in Worcestershire with the capital funding available.

100. The Education Capital Investment Plan (Appendix 4) and therefore education capital programme prioritises high needs provision requirements to fund additional provision where possible. The WCF Education Sufficiency and Place Planning team work closely with mainstream schools and specialist provision to identify suitable, feasible and viable schemes to deliver additional places in a timely and value for money way. Where new housing developments make Section 106 Education Infrastructure contributions, this funding is also prioritised to deliver the additional specialist provision and places required as a result of additional housing.

101. All children and young people with special educational needs and / or disabilities should truly be seen and respected as individuals and to be the best they can be. The Local Area Partnership SEND Strategy (2023 – 26) priorities include:

Priority 2: There is sufficient and effective SEND provision. The Worcestershire SEND Accelerated Progress Plan includes a workstream that focusses on ensuring sufficient specialist provision which includes continuing the work on the following areas:

- Increasing the percentage of children and young people with an EHCP to remain within mainstream settings;
- Reducing the number of low severity placements in special schools to support more pupils to remain in local schools and reduce the reliance on the independent sector;
- Supporting mainstream primary schools to be adaptive to children with special education needs in Key Stage 1 and Key Stage 2; and
- Ensuring our school estate is suitable to enable pupils with physical disabilities to remain within mainstream schools whenever possible.

102. WCF and the Council were successful in being awarded a new DfE Wave 14, 120 place special free school, for 5 – 19 year olds (Reception to Year 14) to better meet the needs of a cohort of children and young people who have the potential to access the education curriculum and currently receive their education at high cost independent or non-maintained special schools in or out of county. The indicative opening date for the new school is September 2026. A separate Cabinet report provides an update and decisions for Cabinet in March 2024.

Sufficiency conclusion

103. These reports show that there are a number of challenges resulting from a growing population, school organisation challenges, and evolving requirements to meet the needs of all children with special educational needs and disabilities (SEND), meaning that a continual programme of works is required to ensure the education estate evolves to meet the needs of Worcestershire families.

104. Additional funding, in excess of the current and forecast grant funding, to deliver the sufficiency of education provision will be required over the next 2 – 3 years.

105. The Council was able to meet its statutory duties relating to the provision of mainstream education places in 2022/23. For some children and young people with SEND there continues to be a lack of suitable education provision to meet their needs.

Legal, Financial and HR Implications

106. Section 13 of the Education Act 1996 places a duty on local authorities to secure (so far as their powers enable them to do so) that efficient primary, secondary and further education are available to meet the needs of the population of their area. Section 13A requires local authorities to ensure that their relevant education and training functions are exercised (so far as they are capable of being so exercised) with a view to promoting high standards, ensuring fair access to opportunity for education and training and promoting the fulfilment of learning potential for children and young people in their area. Section 14 requires local authorities to secure sufficient schools for primary and secondary education for their area, and sufficient is defined by reference to number, character and equipment to provide appropriate education based on age, ability and aptitude, including practical instruction and training appropriate to their needs. These duties are overarching duties and apply regardless of whether schools are maintained by the local authority or independent of local authority support.

107. The Council is not the sole proposer and decision maker of prescribed alterations / School Organisation changes for all schools. Where a school is an Academy School the Academy Trust can propose changes and the Regional Schools Director is the decision maker. For Voluntary Controlled schools, Governing Bodies can propose and decide certain changes. In making proposals, the Department for Education expects schools to work with the Council, and the Council will respond to any formal or informal consultations made by a school or Trust. The implication of this complex decision-making process is that transformation and change can take longer than may be expected and therefore be susceptible to changing circumstances and achievements.

108. If funding is not secured from new housing developments, schools will be unable to accommodate new pupils generated by new housing, impacting on the ability of new and established communities to access education places, raising concerns over the viability and sustainability of such developments. Developers are therefore required to mitigate the cost of the additional need for places. However, more developers are challenging the viability of developments due to infrastructure contribution obligations and in some instances, education (and other infrastructure) contributions are being removed.

109. The proposal for Worcester City Secondary school places requires Cabinet to recommend to Council to increase the Capital Programme allocation for this scheme from £50m to £62.5m. The finances have been appraised assuming that this additionality would be funded from Basic Need Grant, rather than increasing borrowing. The higher the increase in the Capital Programme for this scheme, the more Basic Need Grant will need to be reallocated to the scheme. This will impact on the availability of Basic Need Grant to fund future schemes within Education, and on the general flexibility within the Capital Programme.

110. The construction cost of the new Worcester City secondary school will be agreed with the contractor when the planning permission is determined. The agreed cost will be dependent on the planning conditions, final detailed design and inflation. As such, the

capital programme will need to be updated to take account of such increases which will need to be formally approved by Council.

111. Increased costs are being seen across all construction works, the value of the capital and Section 106 funding received is not delivering as much as it previously did. The Sufficiency and Place Planning team seek to keep up with inflationary costs to ensure obligations contributions are as accurate as possible, yet there is always a lag between agreements being made and the delivery of the final scheme.

112. Other significant risks include the additional associated costs and timescales to expand or amend any private finance initiative (PFI) schools in the Bromsgrove area. WCF and the Council's Commercial team work collectively with Invesis (the SPV) and their contractor BAM to explain the impact of these delays. There is significant risk however, as there is little the Council can do under the PFI contract to get any timely responses and ultimately Invesis can simply decline to extend the schools. Potential mitigation to delays will be required in the form of temporary accommodation as a solution to permanent viable solutions. This will incur additional costs and funding that could have been spent elsewhere to deliver school places. Any expansion to pupil numbers and accommodation at PFI schools also incurs additional unitary charges as part of the PFI contract for the individual schools. Schools have indicated to the Council that any additional unitary charges will make expansion unviable for them and therefore they are likely not to agree to expansions.

113. There is a key risk that insufficient provision will be available for some pupils with special educational needs that required additional / enhanced provision, those who require a special school reception place and other statutory school age year groups for September 2024. The Council received £12.3m High Needs Provision Capital (HNPC) from the DfE in for 2021 – 2024. This funding is to be used by the Council to address local priorities to improve the suitability and sufficiency of high needs provision in Worcestershire over the next three years. A total of £5m has been spent increasing Specialist provision and the remaining £7.2m has been allocated to further Mainstream Autism Base improvements, the new ASD Special Free School abnormal costs, Special Schools and developing SEN Units / Resourced provisions. Funding beyond 2025 is contingent on the outcomes of the future Spending Reviews. The SEND Provision Plan details the High Needs Provision Priorities for 2022/23⁸. Increasing specialist Post 16 provision and special school places were high priorities for WCF to address. The SEND Sufficiency report (Appendix 2) details other schemes approved or being investigated to address the demand for provision to meet the needs of pupils with EHCPs. However, the funding available is insufficient to meet the demand for provision to meet the needs of all children and young people with SEND in Worcestershire. The SEND Provision Plan is being updated to reflect the priorities being considered or progressed to meet the needs or more children with the resources available.

114. Whilst there continues to be insufficient specialist provision to meet the needs of children and young people with SEND, more children will need to be offered independent specialist provision in or out of county, which will incur higher than average placement costs and home to school transport costs, which causes a significant impact on the already overspent High Needs Budget and Home to School Transport Budgets. Work to mitigate these increased costs will be included in the respective reviews of Home to School Transport and High Needs recovery plan.

⁸ [SEND Strategies and plans | Worcestershire County Council](#)

Risk Implications

115. This report has outlined the risk implications to the Council's statutory requirements to provide a sufficiency of school places in mainstream and SEND provision. WCF continue to work closely with the Council, District Council, housing developers and importantly schools and Academy Trusts to identify suitable solutions to deliver sufficient school places at the right time and place for children and young people living in Worcestershire and wanting a state funded school place.

116. There is a risk that the 2026-27 Basic Need and 2024-25 High Needs Provision Capital allocations from the DfE are likely to be delayed due to the current Spending Review period and a new settlement has been agreed. The DfE have confirmed that the 2026-27 Basic Need allocations (for places needed in 2027) will not be announced as usual in Spring 2024. We are waiting to hear regarding the 2024-25 High Needs Provision Capital allocations (for places needed in 2025). This makes it very difficult to plan well in advance or longer term.

117. There is an ongoing issue of a lack of suitable specialist provision to meet the identified needs of some children and young people in Worcestershire. Additional specialist provision has been opened or expanded since 2021, however demand continues to outweigh supply. There is evidence that some children and young people with SEND have not been placed in settings that appropriately meet their needs, including children and young people placed in specialist settings when their needs could have been met in mainstream schools with support. WCF continue to work with mainstream and specialist provision and parent carers to review needs and provision, to support children and young people with the right provision at the right time.

Joint Equality, Public Health, Data Protection and Sustainability Impact Assessments

118. A detailed Joint Impact Assessment for the Worcester City secondary school was undertaken and considered by Cabinet in November 2021. The Worcester City Secondary School Steering Group review an updated JIA at key milestones in the programme. Appendix 7 includes the update Joint Impact Assessments for Worcester City Secondary School.

Supporting Information

- Appendix 1 – Mainstream Sufficiency Report 2023
- Appendix 2 – Specialist SEND Sufficiency Report 2023
- Appendix 3 – Worcestershire County Council School Organisation Plan 2019-24
- Appendix 4 – Education Capital Investment Plan 2024/25
- Appendix 5 – Worcester City Secondary forecast demand
- Appendix 6 – Worcester City Secondary funding
- Appendix 7 – Worcester City New Secondary School Joint Impact Assessments

Contact Points

Specific Contact Points for this report

Sarah Wilkins, Director of Education and Early Help

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Background Papers

In the opinion of the proper officer (in this case the Director of Children's Services) the following are the background papers relating to the subject matter of this report:

December 2018 School Organisation Plan "Good Education Places for all Worcestershire Children" Cabinet Report:

[Agenda for Cabinet on Thursday, 13th December, 2018, 10.30 am - Worcestershire County Council \(moderngov.co.uk\)](#)

September 2019 Worcestershire's Education and Skills Strategy, ensuring a good education for every child in Worcestershire 2019-24:

<https://worcestershire.moderngov.co.uk/ieListDocuments.aspx?CId=131&MId=2644&Ver=4>

February 2021 Sufficiency and Place Planning Cabinet Report:

[\(Public Pack\)Agenda Document for Cabinet, 04/02/2021 10:00 \(moderngov.co.uk\)](#)

[February 2023 Sufficiency and Place Planning Cabinet Report](#)

[Agenda for Cabinet on Thursday, 2nd February, 2023, 10.00 am - Worcestershire County Council \(moderngov.co.uk\)](#)

November 2021 Consideration of Specification and Land Acquisition for New Secondary School Cabinet Report:

[\(Public Pack\)Agenda Document for Cabinet, 18/11/2021 10:00 \(moderngov.co.uk\)](#)

October 2022 Pershore Education Planning Area Cabinet Report:

[Agenda for Cabinet on Thursday, 27th October, 2022, 10.00 am - Worcestershire County Council \(moderngov.co.uk\)](#)

January 2023 Draft Budget and Medium Term Financial Plan Report:

[Agenda for Cabinet on Thursday, 5th January, 2023, 10.00 am - Worcestershire County Council \(moderngov.co.uk\)](#)

February 2023 Full Council, to endorse budget uplift:

[Agenda for Council on Thursday, 16th February, 2023, 10.00 am - Worcestershire County Council \(moderngov.co.uk\)](#)

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CABINET

28 March 2024

SHRUB HILL UPDATE

Relevant Cabinet Member

CMR for Economy, Infrastructure and Skills: Cllr Marc Bayliss
CMR for Corporate Services and Communication: Cllr Adam Kent

Relevant Chief Officer

Strategic Director for Economy and Infrastructure: John Hobbs
Strategic Director for Commercial and Change: Andrew Spice

Local Member(s)

Cllr Lynn Denham (Rainbow)
Cllr Allah Ditta (Nunnery)

Recommendation

- 1. The Cabinet Member with Responsibility for Economy, Infrastructure and Skills recommends that Cabinet:**
 - (a) Notes the feedback from the Soft Market Testing;**
 - (b) Authorises the Strategic Director for Economy and Infrastructure in consultation with the CMR for Economy, Infrastructure and Skills to agree a set of evaluation criteria that reflect the Vision for Shrub Hill and County Council objectives set out in the Gamechanger 2 Land Acquisition Cabinet Paper;**
 - (c) Authorises the Strategic Director for Economy and Infrastructure and the Strategic Director for Commercial and Change in consultation with the CMR for Economy, Infrastructure and Skills to commence the procurement of a developer for the Lower Yard (excluding Isaac Maddox House) of Shrub Hill Industrial Estate;**
 - (d) Subject to a viable proposal, Cabinet receive a further report, including entering into a Development Agreement, following the procurement process.**

Why this decision is important now

- 2. This decision is being sought now in order to maintain momentum on the redevelopment of Shrub Hill, to take forward the work on market engagement**

approved by Cabinet in July 2022 and to fulfil the commitment made at that Cabinet to bring back a report following the market engagement.

3. This report advises that Cabinet receive a further report following a procurement process to identify a developer for Shrub Hill.

4. A delay on making this decision now could put grant funding secured to date at risk and would reduce the benefit of the early market engagement undertaken in 2023.

Background

5. Worcestershire County Council purchased the Shrub Hill Industrial Estate (SHIE) on 30 November 2020 through the delegation mandated in the 19 November 2020 Land Acquisition Cabinet paper.

6. Within the November 2020 Cabinet paper it made clear that the proposed course of action on acquiring a Gamechanger 2 Site was to develop a vision and a development specification and then invite developer interest.

7. In June 2021 an advisory group for developing the vision and leading the implementation of the Regeneration of Shrub Hill was formed. The representation is made up from Worcestershire County Council, Worcester City Council and Worcestershire Local Enterprise Partnership. This is not a formal decision-making body but provides consultative input to feed into the decision-making processes of the respective Councils.

8. The Shrub Hill Quarter is a wider area than Worcestershire County Council's landholding and includes the Retail Park on Tallow Hill, Shrub Hill Station, Elgar House and the Cromwell Road Bus Depot (see Appendix 1).

9. In July 2022, Cabinet authorised the Strategic Director for Economy and Infrastructure subject to express approval of the CMR for Economy, Infrastructure and Skills, to undertake a market engagement exercise to understand the options for the packaging and phasing of works in order to optimise the conditions attached to any grants and to maximise any income and to bring back a further report to Cabinet following the market testing, on the proposals for the development of SHIE (this report).

10. In October 2023, Worcestershire County Council agreed to enter into a Funding agreement with Worcester City Council to deliver:

- I. **Public Realm Enhancements:** Commissioned by Worcester City Council, the public realm scheme will be designed and delivered by Worcestershire County Council making use of existing term contracts.
- II. **Enterprise Centre (in Isaac Maddox House):** the refurbishment and any related works on WCC land will be procured by WCC.

11. The Council secured Brownfield Land Release Fund (BLRF) grant of £0.985 million in order to bring forward the parcel of land occupied by Unit 16 on the Lower

Yard for housing (see Appendix 2). The BLRF grant is to enable local authority owned brownfield land to be released for housing.

12. In January 2024 Worcester City Council approved the consultation on a Supplementary Planning Document (SPD) for the Shrub Hill Quarter based upon the Vision and Blueprint. This will provide a planning framework for development within Shrub Hill and it should be noted that options will need to be consistent with the SPD if adopted.

Shrub Hill Vision and Blueprint

13. Worcestershire County Council, Worcester City Council and the Worcestershire Local Enterprise Partnership published a joint Vision for Shrub Hill which can be found on the WCC website [Shrub Hill \(worcestershire.gov.uk\)](https://www.worcestershire.gov.uk/shrub-hill)

14. The Vision is:

'With transformed national connectivity, inspiring heritage and high quality spaces, Shrub Hill will evolve as a vibrant new neighbourhood for Worcester.

It will be a home in the city for new, high quality employment and enterprise, and a desirable and inclusive place to live and spend time.

Supporting our wider investment and growth aspirations for Worcester and Worcestershire, Shrub Hill will become established as an exemplar for successful and inspiring urban renewal and investment.'

15. The Vision is built around three overarching ambitions. All three of these ambitions are highly interlinked and are underpinned by three separate technical studies: the Shrub Hill Spatial Blueprint, the Shrub Hill Economic Strategy Principles and the Shrub Hill Station Masterplan. To succeed, a coherent and balanced approach to delivery will be required which progresses each of these ambitions in tandem:

- **Ambition 1:** Shrub Hill will be known as a high quality and distinctive neighbourhood, with new residents, new employment and new leisure activities.
- **Ambition 2:** Shrub Hill will establish a diverse and productive economy, catalysing the growth of the city's future economy.
- **Ambition 3:** Shrub Hill will transform its connections within Worcester and beyond, with the station establishing the new neighbourhood's gateway character.

16. An illustrative masterplan, or Blueprint, established that in the next 20 years the area could provide:

- I. Up to 5,000 jobs
- II. 500+ homes
- III. A new gateway to Worcester city centre
- IV. 2 hectares of new public space

17. The Vision and Blueprint is the basis for the draft Supplementary Planning Document (SPD) for which Worcester City, as the Planning Authority, is consulting on.

Development Phasing

18. Shrub Hill has five unique plots as show in the diagram in Appendix 1 taken from the draft SPD

19. The first phase of development will be the Lower Yard. This consists of:

- I. Refurbishment of Isaac Maddox House to create an Enterprise Centre (Towns Fund Grant)
- II. New public realm connection from Pheasant Street to Shrub Hill Road (Towns Fund Grant)
- III. Demolition of the unit adjacent to the canal (BLRF)
- IV. Redevelopment of the remaining parts (subject to securing a developer)

20. These can be seen in the diagram in Appendix 2 showing Phase 1 broken down by funding sources.

Market Engagement

21. Market engagement took place in Summer 2023 in the form of a Prior Information Notice through the Councils Procurement Portal. Respondents were sent a pack of background information and a questionnaire. They were also offered the opportunity to have a face-to-face discussion.

22. Views were specifically sort on the development of the Lower Yard area of the Shrub Hill Quarter, as can be seen in Appendix 1 as well as their view on the Quarter as a whole.

23. 35 respondents registered with the portal, of these 20 could be regarded as developers as opposed to other interested parties (architects, agents etc). Ten completed questionnaires were received, and eight parties expressed an interest in taking part in a procurement exercise.

24. The respondents generally specialise in larger scale regeneration projects, with a focus on placemaking and the additional scale created by the potential inclusion of future phases would enable this to a greater degree. This aligns with the desire of some parties to secure greater quantum in order to enhance viability.

25. Respondents were asked about their interest in phase one (the redevelopment of the Lower Yard not already covered by grant funding). There was strong interest in phase one but it was clear from the discussions that it was the opportunity at Shrub Hill as a whole that was of interest rather than just phase one on its own.

Options

26. It was noted in paragraph 10 that WCC secured £0.985 million BLRF grant for the release of Unit 16 for housing. This is consistent with the recommendations within the Shrub Hill Blueprint, draft Supplementary Planning Document and Shrub Hill

Vision. If the land does not come forward for housing, then the grant may need to be repaid. It is also likely that the loss of the grant would impact on the viability of the site.

27. The options are:

- I. **Do nothing**, this is likely to require the repayment of the BLRF grant (which has been partially spent) and the Council would incur revenue costs associated with maintaining the unit or capital costs to demolish it.
- II. **Disposal of the Lower Yard** for redevelopment. As a disposal the Council would have no control over the type and pace of development beyond what would be required in planning.
- III. Commence **procurement for a developer** to initially develop the Lower Yard in line with the Shrub Hill Blueprint, draft Supplementary Planning Document and Shrub Hill Vision with the ability to widen the development agreement for future phases of Shrub Hill and bring back a final recommendation to Cabinet for approval.
- IV. The Council **redevelop the Lower Yard directly** and in line with the Shrub Hill Blueprint, draft Supplementary Planning Document and Shrub Hill Vision without the involvement of a developer. This would incur significant time, short term revenue funding, capital funding and risk.

28. It is recommended to Cabinet that Option III above, commence procurement of a developer, is taken forward with a final recommendation for progression to Cabinet in the Autumn.

Procurement approach

29. The Council would be the Contracting Authority under any procurement as it the party with the land holding (Shrub Hill Industrial Estate).

30. The procurement will be designed to allow further packages of land to be added at a later date on the same commercial basis as the initial site.

31. The proposed procurement route is Competitive with Negotiation.

32. The evaluation criteria will be designed such that they reflect the Vision for Shrub Hill and County Council objectives set out in the Gamechanger 2 Land Acquisition Cabinet Paper. These will be agreed by the CMR for Economy, Infrastructure and Skills prior to commencement.

33. There will be an initial supplier selection stage whereby tenderers will be asked to demonstrate their experience in completing similar developments.

34. Four Developers will then be invited to submit tenders which will be subject to negotiation.

35. The recommendation is that the Council undertakes a Competitive with Negotiation procedure to procure a developer for the Shrub Hill Quarter. This will provide the opportunity to ensure maximum exposure to the market, enable innovation and flexibility in order to be most able to secure our objectives concerning

place making whilst still ensuring that the process is fully competitive and able to demonstrate value for money.

36. The procurement process will take approximately 26 weeks. Given the significance of the project, it is proposed to report the outcome of the Tender assessment to Cabinet for final decision. It is noted that due to the statutory procurement process, the options would be to award to the Tender scoring most highly, or not award the contract.

37. The form of contact would be a Development Agreement. This provides the flexibility to include additional land and the ability to govern how this is drawn down.

Legal, Financial and HR Implications

38. The Council, through its Open for Business (OfB) programme, have allocated £0.1 million of reserve funding towards the market engagement of developers for Shrub Hill. The OfB allocation will be sufficient to cover marketing and procurement costs, including external legal and commercial advice, and no additional funding is being sought relating to the proposals within this paper.

39. Cabinet will be advised of any anticipated income from a potential capital receipt in the follow up and recommendations report along with any further revenue or capital implications for the County Council.

40. The Council is taking development value advice prior to commencing procurement so that it is able to ensure Best Value considerations are taken into account prior to a final recommendation.

41. A Development Agreement is highly complex and specialist area and external legal advice will be required to support this process. The Council is required to follow statutory procurement processes. The Council as owner of the site has power to redevelop it but it must secure the best value that can reasonably be obtained in any disposal (s.123 Local Government Act 1972).

Risk Implications

42. Lack of market interest: Soft Market Testing in 2023 anticipates that there will be developer interest in Shrub Hill. The earlier the Council takes the opportunity to market the more likely that interest is likely to follow through. If developer interest falls away through the procurement process or is not in line with the Vision for Shrub Hill, then the follow up report to Cabinet will identify all options for the Council's consideration including a cost / benefit analysis, risk assessment and financial and value for money implications.

43. Site not viable: the Council has already exploited a number of grants in order to address viability issues within Shrub Hill. If these are insufficient for a developer to bring forward a viable development, then the follow up report to Cabinet will identify all options for the Council's consideration including a cost / benefit analysis, risk assessment and financial and value for money implications.

44. Payback of BLRF grant: if a developer is not secured and the site of Unit 16 is not released for housing then there may be a requirement to extend the delivery timeframe or repay the grant.

Joint Equality, Public Health, Data Protection and Sustainability Impact Assessments

Full Equality and Public Health and Sustainability Impact Assessments have been carried out (Appendix 1).

No negative impacts have been identified for Protected Groups.

Other impacts have been identified which relate to the construction elements of both projects. Every effort will be made to mitigate these where possible during construction and this is being reviewed prior to contract award so that they can be stipulated within the development agreement.

Supporting Information

- Appendix 1: Shrub Hill Quarter plots
- Appendix 2: Phase 1
- Appendix 3: Full Equality and Public Health and Sustainability Impact Assessments

Contact Points

County Council Contact Points
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Specific Contact Points for this report
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Background Papers

In the opinion of the proper officer (in this case the Strategic Director for Economy and Infrastructure) the following are the background papers relating to the subject matter of this report:

- [Previous Cabinet reports](#)

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