

Cllr N Jupp, Cabinet Member for Education and Skills	Ref No: ES02 (20/21)
July 2020	Key Decision: Yes
Expansion of Queen Elizabeth II Silver Jubilee School, Horsham - Allocation of Funding for Project Delivery	Part I
Report by Director of Property and Assets and Director of Education and Skills	Electoral Divisions: Horsham East
<p>Summary</p> <p>The County Council has a statutory duty to provide sufficient school places for all children who need a place.</p> <p>Queen Elizabeth II Silver Jubilee School (QEII School) in Horsham caters for a wide range of Special Educational Needs, for children aged between 2 and 19 with severe learning difficulties, profound and multiple learning difficulties or complex needs. This report seeks approval for the allocation of funding from the Capital Programme to increase accommodation at the school in order to provide sufficient capacity for the existing cohort of pupils which is now 105.</p> <p>Over recent years additional pupils have been accommodated by the school but without the supporting investment in accommodation. Pupil numbers have increased from 85 in 2017 to 105 in 2019 and some classrooms built for 8 pupils are now accommodating far in excess of this number.</p> <p>The building project being proposed is to provide a three class modular teaching block with associated group room, hygiene provision, storage and external works. The proposed project will ensure the school can continue to offer appropriate accommodation for the 105 pupils currently on roll.</p> <p>The proposed project will not increase the capacity of the school and therefore offers no savings to the High Needs Block but will ensure the existing pupils on roll have improved accommodation. Without some investment in additional accommodation, the existing planned places cannot be sustained which would have the effect of increasing the number of children that would need to be placed in Independent and Non-Maintained Special Schools (INMSS).</p> <p>A feasibility study was undertaken by the County Council's Multi-Disciplinary Consultant, Faithful+Gould Ltd in early 2020 which demonstrated how the additional accommodation could be provided on part of the land currently used as playing field by adjacent The Forest School. It is proposed that the loss of playing field is mitigated by the provision of an All Weather Pitch at The Forest School. This would be funded through Section 106 contributions and will be subject to a separate Key Decision.</p>	
<p>West Sussex Plan: Policy Impact and Context</p> <p>This proposal is in accordance with the Best Start in Life Policy within the West Sussex Plan. It will ensure access to education meeting the needs of the community.</p>	

Financial Impact

The budget will be met from the SEND Capital Grant approved in the capital programme in February 2020.

Recommendation

That the Cabinet Member approves:

1. the allocation of £1.4m to fund three additional classrooms with ancillary accommodation at Queen Elizabeth II Silver Jubilee School, in Horsham;
2. the authorisation to commence a procurement process and delegation to the Director of Property and Assets to appoint contractors to fully design and cost the new accommodation;
3. the submission of applications for full planning permission and statutory consents; and
4. that subject to receipt of planning permission and statutory consents, the delegation of the authority to enter into a construction contract with the successful provider to the Director of Property and Assets.

Proposal

1. Background and Context

- 1.1 The County Council's Future West Sussex Plan sets out the corporate priorities and a commitment to give children the best start in life; this includes ensuring that young people are ready for school and ready for work.
- 1.2 In West Sussex there are around 20,000 children and young people with Special Educational Needs and Disability (SEND) receiving support in an early years setting, school or college, with over 5,500 of these having a Statement of Special Educational Needs (SENT) or an Education, Health and Care Plan (EHCP).
- 1.3 Around 31% of West Sussex children and young people with an EHCP are placed in one of the 11 Special Schools across West Sussex. Around 10% of all placements are in Independent and non-maintained Special Schools (INMSS). These placements are usually for those children with significant physical disabilities or where maintained provision is at capacity (mainly for autism or complex social, emotional and mental health needs). These placements in INMSS are costly with an average cost of £44,800 per child, per annum. However, costs can be as high as £150,000 per child, per annum, depending on the needs of the child.
- 1.4 The SEND and Inclusion Strategy 2019-2024 which, along with the accompanying implementation plan, sets out how the County Council will support the inclusion of all children and young people, with a particular focus on those with Special Educational Needs and Disabilities (SEND).

- 1.5 The vision is that all children and young people in West Sussex will, irrespective of their learning needs or abilities, gain the skills and confidence to live well in their community. They will be supported and nurtured through an educational system that responds to their circumstances and prepares them for adulthood.
- 1.6 Within the Strategy three priorities have been identified:
- Knowing our children and families well (an inclusive, person centred approach).
 - Meeting the needs of our children and young people through our schools, educational settings and services.
 - Working together towards solutions (collective responsibility).
- 1.7 As part of the new strategy, a review of existing specialist provision has been undertaken. In addition, the number of children with SEND that are educated in placements out of the county as their needs are not able to be met in maintained schools or Academies has also been reviewed.
- 1.8 The [Planning School Places 2020](#) document sets out how the County Council are planning sufficient school places across the county. There is only one Special School serving the Horsham District. This school is QEII School, which caters for 105 planned places for pupils across the 2-19 age range. QEII is a generic Special School meeting the needs of a vast range of SEND.
- 1.9 Following recent increases in numbers on roll and consideration of suitability and sufficiency concerns in relation to the accommodation available to the current pupils, a viability study was undertaken in 2019 and a feasibility study undertaken in 2020 to assess potential options for capital investment in QEII School. This work considered a number of options which are explored in detail in 2.2. It is a requirement that any new accommodation should be based on the Department for Education (DfE) Base Line Designs and in accordance with Guidance in Building Bulletin 104 'Area Guidelines for SEND and Alternative Provision'.
- 1.10 The feasibility indicated that the urgent accommodation required could be provided but would encroach onto the playing fields currently used by neighbouring The Forest School which is a maintained Boys' School in Horsham. It is therefore proposed that, to mitigate the loss of playing field, an All Weather Pitch is provided to enhance the sporting facilities available to The Forest School.
- 1.11 The Headteacher and Governors of QE2 School have been fully involved in the feasibility study. A design for the three class expansion now needs to be developed further working closely with the School. This will include designing the project sufficiently to enable a planning application to be submitted and for the construction of the proposal to be fully costed. The budget being sought is considered sufficient to take forward the delivery of the recommended option and has been prepared in detail by a Quantity Surveyor appointed via the County Council's contract with the Multi-Disciplinary Consultant, Faithful+Gould Ltd.

2. Proposal Details

2.1. It is proposed that a procurement exercise is launched to appoint a contractor to complete the necessary design work, including the submission of a planning application for the three class extension. This includes extending the commission to the Multi-Disciplinary Consultant up to and including RIBA Stage 7. This would enable the full architectural, structural, civil, mechanical and electrical design to be completed and to provide contract administration, health and safety advice, clerk of works and services in relation to ICT and furniture and equipment for the full delivery of the project. On conclusion of the procurement exercise, it is proposed that approval to award the contract will be delegated to the Director of Property and Assets and will be a further officer key decision.

2.2. The table below shows the options considered for QE2 school.

Option	Description	Comments
1 – do nothing	Do not undertake the proposed expansion project and the school remains over capacity in a non-compliant building	School may reduce planned places available based on capacity of building which could result in additional out of county placements. No impact on capital programme
2 – expansion of 3 classrooms and ancillary spaces	Provide limited expansion to provide basic provision for current pupils on roll. The extension accommodation should be compliant with BB104. All other areas of the school will remain as existing	Inherent site-wide non-compliance is not addressed. This option would require the use of adjoining land currently utilised by neighbouring Forest School. Provides additional accommodation for pupils currently on roll retaining number of planned places. Affordable within capital programme
3 - expansion to bring provision in line with BB104	Provide further expansion over and above the 3 classrooms. To include significant investment in all supporting accommodation, e.g. hygiene room, calming rooms etc and to bring all areas up to BB104 guidelines	The cost of this cannot be afforded within the approved SEND allocation within the capital programme and would require significant temporary accommodation, funded by revenue, to facilitate the construction project

FACTORS TAKEN INTO ACCOUNT

3. Consultation

- 3.1. The preferred option (option 2) has been chosen following review of the options through WSCC's capital governance arrangements and confirmation on the need for places and funding available.
- 3.2. The Headteacher and Governors have been fully involved in the feasibility study and they will continue to be involved in the full design work required to increase accommodation at the School.
- 3.3. The details of the proposal have been shared with the local Member representing the Horsham East Division.

- 3.4. The Cabinet Member for Finance has been consulted on this proposal.
- 3.5. The proposal will be subject to planning permission and this will include consultation with Sport England as a statutory consultee.
- 3.6. On the basis that the construction will occur on school playing field land the prior and separate consent of both Sport England and the DfE (Sec 77 of the SSFA 1998) to the disposal of school playing field land will be required.
- 3.7. Consultation with adjacent Forest School Headteacher and Governors has been undertaken to discuss the loss of playing field and mitigation measures proposed. They have confirmed their support for the project subject to ensuring the loss of playing field is mitigated through the provision of an All Weather Pitch.

4. Project Programme

- 4.1. Key dates are as follows:

Option 2 Activities	Programme
Decision on full budget and approval to procure	June 2020
Design / procure	June to December 2020
Planning	September 2020 to January 2021
Construct	March to June 2021
Occupation	September 2021

5. Financial (revenue and capital) and Resource Implications

- 5.1. The High Needs Block funding from the Department for Education is currently no longer sufficient to meet the increasing costs of providing for the number of children with Education Health and Care Plans (EHCPs). In March 2015 3,423 children and young people in West Sussex had EHCPs and by March 2020 this number had risen to 5,785, an increase of 518 since the beginning of 2020 which is higher than the annual increase seen over the last two financial years (401 in 2017/18 and 355 in 2018/19).
- 5.2. The main pressure area within the High Needs block continues to be placements made in the Independent and non-maintained sector (INMS). Although these numbers dropped by 17 in the last quarter of 2018/19, they increased by 68 during 2019/20. In total INMS placements have increased by 178 over the last five years, but 38% of this increase has come in the last year.
- 5.3. The needs of children with Special Educational Needs and Disability (SEND) are also becoming more complex and this is driving increased financial pressures across the system. There is a shortage of local specialist educational provision to meet need, particularly in relation to Autism Spectrum Disorder (ASD) and Social, Emotional and Mental Health Needs (SEMH), and this is resulting in the County Council needing to increase the number of children educated in specialist placements with independent providers. There is also an

increased demand for top-up funding across all settings. This project will ensure the current places can continue to be offered.

- 5.4. The table below shows the additional draw down into the main Capital Programme required is £1.4m to complete the design work and enable construction.
- 5.5. The £1.4m being requested will be funded from the Education Capital programme. The modular unit is approximately 300sqm and therefore the gross cost is £4,667/sqm but this includes all contingencies and external works. Although the project is not increasing planned places above those currently accommodated, when considering the provision of three additional classrooms which would accommodate 24 pupils in total, the cost per place based is £58,333 which compares favourably with average benchmarking of £65,000 per place.
- 5.6. The project will be funded from the unallocated SEND Grant approved by the County Council in February 2020. The SEND Grant was provided by Government to enable investment and create additional places for children with SEND. The table below demonstrates the funding split and funds available based on the approved capital programme for 20/21.

	Approved Capital Programme £m
Special Schools - SEND Grant	4.876
SSCs Phase 1 – Basic Need	1.000
SSCs Phase 2 – Basic Need	1.845
SSCs Phase 2 – Basic Need (formerly Revenue Contribution to Capital Outlay)	1.845
Heronsdale	-0.200
Palatine	-0.270
QE2	-1.400
Total Budget Remaining	7.696

- 5.7. The remaining unallocated funds after the allocation for QE2 is £7.696m when looking at amounts approved within the Capital Programme.
- 5.8. The County Council’s Multi-Disciplinary Consultant (MDC) was appointed to undertake the feasibility study. The cost of this initial stage was funded by revenue.
- 5.9. Cost estimates have now been sought from the MDC for completion of the works required for this project. The MDC has advised and concluded that a gross budget in the sum of £1.4m will be sufficient for the project. This includes professional fees, construction, contingencies, ICT and loose furniture and equipment.
- 5.10. The gross budget requirement to complete the remainder of the project is therefore £1.4m funded from the SEND budget within the approved Capital Programme. The table below shows the projected profile of the gross project costs

Capital Programme allocation	2020/21 £000	2021/22 £000	Total £000
QEII school expansion total expenditure	1,000	400	1,400
Funded by SEND Grant	-1,000	-400	-1,400

6. Legal Implications

- 6.1. The contract costs will be under the OJEU threshold of £4,733,252 for works contracts and therefore the contractor will be procured in full compliance with the Public Contracts Regulations 2015 (as well as Council standing orders).
- 6.2. It is not known the specific impact of Covid-19 on this building project but, given the timeframes stated above, with the tender not commencing until later in 2020, it is hoped that the current restrictions will have lifted and will assist the tender process and commencement of the works.
- 6.3. WSCC will need to apply for and obtain both planning permission and Building Regulations Approval for the construction.
- 6.4. On the basis that the construction will occur on school playing field land the prior and separate consent of both Sport England and the DfE (Sec 77 of the SSFA 1998) to the disposal of school playing field land will be required.

7. Risk Assessment Implications and Mitigations

- 7.1. The County Council is under a statutory duty to secure safe and sufficient education provision within the area. This project will ensure that the County Council meets its statutory duty to provide sufficient Special School places in the locality and to meet its statutory responsibility with regard to the provision of school places in safe and properly maintained buildings.
- 7.2. Delivery of the project will be subject to receipt of full planning permission. The allocation of funds to complete the preparation of a formal design will enable the design to be used in the submission of the planning application.
- 7.3. A summary of key risks in relation to project delivery are highlighted below.

	Risk	Mitigating Action
1	Insufficient allowance in capital programme to award the contract tender to the contractor.	The construction works will have to be subjected to value management ie reduced or redesigned and/or value engineering exercise. Regular cost reporting and review of cost reports.
2	Contractor's ability to deliver this project on time and to budget.	The WSCC Contracts Officer regularly reviews the programme, quality and cost alongside the MDC.
3	Planning	Pre-planning consultation will be undertaken with Planners and statutory consultees to

		minimise the risk of issues arising. Sport England will be a consultee due to potential location of accommodation on sports pitch. Early engagement with Sport England will be undertaken and mitigation to provide an AWP at The Forest School is proposed.
4	The project focuses on additional teaching accommodation to maintain the planned places at the school, together with WCs, hygiene facility, group room and storage. The project scope does not include expansions to kitchen/dining or additional provision for pupil drop off / pickup. These areas do not currently meet guidelines within the DfE's BB104	This project focuses on the retention of pupil places and, whilst new accommodation will meet BB104 guidelines, this project will not ensure all areas comply with BB104 guidelines as this is not affordable within current budgets available.

8. Other Options Considered

- 8.1. Three options to improve the accommodation on the existing site were considered and assessed as part of the viability and feasibility work and are detailed in 2.2 above.

9. Equality and Human Rights Assessment

- 9.1 Section 149 of the Equality Act 2010 requires that public bodies, in exercising their functions, have due regard to the need to (1) eliminate discrimination, harassment, victimisation and other unlawful conduct under the Act, (2) advance equality of opportunity and (3) foster good relations between persons who share a protected characteristic and persons who do not share it. This proposal will ensure those with protected characteristic have school places near to their home.
- 9.2 Everyone has the right to respect for private and family life, home and correspondence under Article 8 of the Human Rights Act. The impact of any proposed changes on the right to family life such as a need to travel further to an appropriate school has been taken into consideration and this proposal will provide high quality Special School places close to home. Article 1 of the First Protocol is the right to education. No person shall be denied the right to education. The proposals therefore support this right as school places will be available in the local area for all children of school age.

10. Social Value and Sustainability Assessment

- 10.1. Sustainability considerations will be fully imbedded in the design of the new building as it develops and will support the County Council's goals in relation to combatting climate change.
- 10.2. The contractor appointment will reflect the County Council's duty under the Public Services (Social Value) Act 2012.

11. Crime and Disorder Reduction Assessment

11.1 None

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Background Papers

None