

Report to Cllr N Jupp, Cabinet Member for Education and Skills

March 2021

Expansion of Oak Grove College, Worthing

Report by Director of Property and Assets and Director of Education and Skills

Electoral division: Northbrook

Summary

The County Council has a statutory duty to provide sufficient school places for all children who need a place.

There is a need to reduce the number of children and young people with Special Educational Needs and Disabilities (SEND) moving from maintained schools and academies into costly education provision in the Independent and Non-Maintained Special School sector, often at schools not situated in West Sussex. Increasing provision for children and young people with SEND through the creation of additional places in County Council Special Schools will assist with the aim of enabling children to attend school locally.

Oak Grove College in Worthing caters for a wide range of Special Educational Needs, for children aged between 11 and 19 with moderate, severe or profound learning needs.

In March 2020 the Director of Property and Assets approved the budget required to develop the design for the expansion of Oak Grove College in accordance with capital governance processes. Following this the County Council's Multi-Disciplinary Consultant, Faithful+Gould Ltd. (MDC) were appointed to undertake the full design in accordance with the Royal Institute of British Architects recommended process stages 2-7.

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 an increase of 15 planned places from 156 to 171, including all associated fees, ICT and furniture and equipment. The 4 additional classrooms will provide additional planned places and will enable reorganisation of existing accommodation to ensure appropriate provision for some pupils with very complex needs thereby maximising opportunities for future cost avoidance from expensive placements in the independent sector. The new facilities will provide increased opportunities and resources for the complex young children attending Oak Grove. Without these facilities these young children will be at risk of attending independent provisions which typically cost four times as much (not including travel costs) and potentially move them further away from being educated locally.

Recommendations

The Cabinet Member for Education and Skills is asked to approve:

- (1) the allocation of £2.25m to fund four additional classrooms with ancillary accommodation to enable an increase in planned places of 15 from 156 to 171 at Oak Grove College, in Worthing;
 - (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 a planning application 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.
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Proposal

1 Background and context

- 1.1 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 5,848 of these having an Education, Health and Care Plan (EHCP) as at September 2020.
- 1.2 Around 32% of West Sussex children and young people with an EHCP are placed in one of the 11 Special Schools across West Sussex. A further 9% 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 £48,000 per child, per annum, excluding transport. However, costs can be as high as £150,000 per child, per annum, depending on the needs of the child.
- 1.3 Increasing provision for children and young people with SEND through the creation of additional places in County Council Special Schools will assist with the aim of enabling children to attend school locally. Creating these additional places also helps avoid the potential costs associated with placing children in INMSS that lead to increasing overspends in the Dedicated Schools Grant (DSG) High Needs Block. Ensuring that children with SEND can be educated locally also meets a key objective of the County Council's [SEND and Inclusion Strategy 2019 - 2024](#).
- 1.4 The [Planning School Places 2021](#) document sets out how the County Council are planning sufficient school places across the county. There is one Special School serving secondary aged children in Worthing Borough. The school is Oak Grove College which caters for 156 planned places for pupils across the 11-19 age

range. Oak Grove is a generic Special School meeting the needs of a vast range of SEND.

- 1.5 Following recent increases in numbers on roll and a review of projected needs and the existing accommodation at Oak Grove College in Worthing, the need for urgent additional capacity has been identified. It is a requirement that any new accommodation should be in accordance with Guidance in Building Bulletin 104 'Area Guidelines for SEND and Alternative Provision' and WSCC Design Guides.

2 Proposal details

- 2.1 The building project at Oak Grove College would encompass the provision of a four class modular unit with associated WCs and hygiene facilities and additional fencing to ensure adequate safeguarding at the site. .
- 2.2 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 four class extension through a public framework in accordance with the Council's Standing Orders on Procurement and Contracts and PCR 2015. This would enable the full architectural, structural, civil, mechanical and electrical design.
- 2.3 As part of this decision the Cabinet Member is asked to approve delegation of authority to award the contract to the Director of Property and Assets; the process to award will be subject to an officer key decision .
- 2.4 The MDC have been appointed to provide contract administration; health and safety advice and services in relation to ICT and furniture and equipment for the full delivery of the project.
- 2.5 The current programme for delivery of the additional accommodation indicates this will be available for September 2021 with submission of a planning application anticipated in March 2021 and works commencing on site in July 2021.
- 2.6 The design and tendering exercise will be managed by the MDC and the Category Lead for Place.
- 2.7 The additional accommodation will be utilised by the School to support the increase in pupil numbers and the County Council will put in place mechanisms to monitor that the project is achieving the required benefits.

3 Other options considered (and reasons for not proposing)

- 4.1 There is an option to do nothing but this will not offer any savings to the high needs block, create much needed additional places for children with SEND or enable children to be placed in a Special School near to home. A further option to relocate existing modular units was also considered but these cannot be relocated and adapted within the required timescale.

4 Consultation, engagement and advice

- 4.1 The Capital and Assets Board (the Council's internal governance process for capital projects) has considered and supports the proposal and comments from the Board have been incorporated into the final proposal and recommendations.

No material changes have been made to the proposal or the recommendations since consideration by the Board.

- 4.2 The Headteacher and Governors have been fully involved in the design and they will continue to be involved as the design work concludes to increase accommodation at the School.
- 4.3 The details of the proposal have been shared with the local Member representing the Northbrook Division.
- 4.4 The Cabinet Member for Finance and Resources has been consulted on this proposal.
- 4.5 The Cabinet Member for Children and Young People has been consulted on this decision.
- 4.6 The proposal will be subject to planning permission.
- 4.7 The Commercial Panel has been consulted on this proposal on 1st February 2021.

5 Finance

- 5.1 There is provision in the capital programme to progress this project. The table below shows the additional draw down into the main Capital Programme required is £2.25m to finalise the design work and implement the proposal at Oak Grove College. This is a top of the range estimate which has not yet been market tested due to the urgent requirement to provide places. It is anticipated that the gross cost of the project will be below this figure and any unspent funds not required to deliver the agreed scope will be returned to the SEND capital budget
- 5.2 The £2.25m being requested 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
Original SEND Funding Allocation	9.566
Huronsdale	-0.200

Palatine design fees	-0.270
QE2	-1.400
Phase 2 SSC Design Fees	-0.880
Palatine full budget required for construction; fees; ICT and FF&E	-1.986
Oak Grove College design fees	-0.060
Maidenbower Special Support Centre (underspend)	+0.191
Previously Approved Schemes	-4.961
TO BE APPROVED	
Oak Grove full budget required for construction; fees; ICT and FF&E	-2.250
Total Budget Remaining	2.711

- 5.3 The remaining unallocated funds after the allocation for project implementation for Oak Grove is £2.711m when looking at amounts approved within the Capital Programme.
- 5.4 The total gross cost of the project, including the design fees is £2.310m. The gross cost per place is £154,000 which is higher than benchmarks for SEN projects. However, it should be noted that the project will also enable pupils already on roll at the School, but at risk of needing to move to INMS placements, to remain at the College due to the additional accommodation, enabling use of existing spaces for pupils with very complex needs. On the basis that 2 of the 4 additional classrooms will be used for the 15 additional pupils the cost for the additional places is £77,000 per place compared with the average construction cost per SEN place of around £70,000 per place created.
- 5.5 The budget requirement to complete the project is therefore £2.25m 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	2021/22 £m	2022/23 £m	Total £m
Oak Grove project allocation	2.25	0	2.25

6 Risk implications and mitigations

Risk	Mitigating Action
Insufficient allowance in capital programme to award the contract tender to the contractor.	This report is seeking funds estimated as being required at this stage.
Contractor's ability to deliver this project on time and to budget.	The County Council's Capital Delivery Team and MDC Project Manager will work closely with the contractor and school to drive forward a programme to enable delivery for September occupation.
Planning permission is refused	Pre-planning consultation will be undertaken with Planners and statutory consultees to minimise the risk of issues arising.
The project focuses on additional teaching accommodation to increase the planned places at the school, together with WCs and hygiene facility. The project scope does not include expansions to kitchen/dining or additional provision for pupil drop off / pickup.	This will be reviewed on an ongoing basis depending on children's needs. Site pressures in relation to drop off and pick up at the start and end of the school day will be maintained. The process will be carefully managed by the school's site and leadership team. It is anticipated that a further capital project will be required at Oak Grove College in due course to provide a permanent expansion and to include works to other areas. This project is however required urgently to provide for existing and projected pupils with special and complex needs.
Commitment of funds prior to planning approval.	The pace of the project will require a contractor to be appointed and a financial commitment for manufacturing space prior to planning being granted. Current advice is a four month lead in period.
Constrained site of varying levels and retaining walls	MDC to arrange for relevant surveys
Site is adjacent to a busy road, existing fencing separating the road is likely to be insufficient for safeguarding	Replace fencing as part of the works.
Fire tender access	Possible new access to be created from the road.

7 Policy alignment and compliance

7.1 Legal Implications

The County Council's MDC has been appointed to undertake the design work required. The MDC was competitively procured from the Crown Commercial Framework reference RM3741. The instruction of the MDC to provide technical consultancy advice for the design of the extension of Oak Grove is compliant with public contract regulations PCR 2015 and the Council's Standing Orders.

The resulting construction contract will be procured via a Public Framework in accordance with the Council's Standing Orders on Procurement and Contracts

and PCR 2015 as applicable and Legal Services will be instructed in the usual manner.

7.2 Equality Duty and Human Rights Assessment

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 suitable school places for those with protected characteristics

7.3 Climate Change

The County Council's Design Guides are to be adhered to in relation to the design of the new accommodation. The Design Guides have recently been updated to ensure school building designs are in line with the County Council's Climate Change Strategy.

7.4 Crime and Disorder - None

7.5 Public Health – None

7.6 Social Value - Not application for this specific proposal.

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Background papers

None