

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

**January 2021**

### **Palatine Primary School, Worthing - Allocation of Funding for Expansion**

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

**Electoral division: Northbrook**

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#### **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.

Palatine Primary School in Worthing caters for a wide range of Special Educational Needs, for children aged between 2 and 11 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 Palatine School 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 24 planned places from 153 to 177, including all associated fees, ICT and furniture and equipment. The 4 additional classrooms will provide additional planned places utilising 3 of these classrooms. One classroom will absorb places where the school has 'pent-up demand' in preparation for the new facilities. The new facilities will facilitate increased opportunities and resources for the complex young children attending Palatine. 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 £1.986m to fund four additional classrooms with ancillary accommodation together with the removal of an existing single modular unit to enable the expansion by 24 planned places from 153 to 177 at Palatine Primary School, 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 2020](#) document sets out how the County Council are planning sufficient school places across the county. There is one Special School serving primary aged children in Worthing Borough. The school is Palatine

School which caters for 153 planned places for pupils across the 2-11 age range. Palatine 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 Palatine Primary School in Worthing, the need for capital investment in the school has been identified to meet a projected increase in pupils from 153 to 177. 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 Palatine Primary school would encompass a four class extension with associated group rooms; hygiene provision; storage and external works. The proposed project will also include the removal of an existing modular classroom which has reached the end of its life.
- 2.2 It is proposed that a non OJEU/Find a Tender restricted 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. This would enable the full architectural, structural, civil, mechanical and electrical design. 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 subject to an officer key decision process.
- 2.3 The MDC have been appointed 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.
- 2.4 The current programme for delivery of the additional accommodation indicates permanent accommodation will be available for September 2022 with submission of a planning application anticipated in March 2021 and works commencing on site in Autumn 2021.

## **3 Commercial case**

- 3.1 The design and tendering exercise will be managed by the MDC and the Category Lead for Place.
- 3.2 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.

## **4 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.

## **5 Consultation, engagement and advice**

- 5.1 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.
- 5.2 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.
- 5.3 The details of the proposal have been shared with the local Member representing the Northbrook Division.
- 5.4 The Cabinet Member for Finance and Resources has been consulted on this proposal.
- 5.5 The proposal will be subject to planning permission.
- 5.6 The Procurement Board has been consulted on this proposal.

## **6 Finance**

- 6.1 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 September 2020 this number had risen to 5,848, an increase of 581 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).
- 6.2 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.
- 6.3 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.
- 6.4 The table below shows the additional draw down into the main Capital Programme required is £1.986m to finalise the design work and implement the proposal.
- 6.5 The £1.986m 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.

	<b>Approved Capital Programme</b>
	<b>£m</b>
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
Huronsdale	-0.200
Palatine design fees	-0.270
QE2	-1.400
Phase 2 SSC Design Fees	-0.880
<b>Palatine full budget required for construction; fees; ICT and FF&amp;E</b>	<b>-1.986</b>
<b>Total Budget Remaining</b>	<b>4.830</b>

- 6.6 The remaining unallocated funds after the allocation for project implementation for Palatine is £4.830m when looking at amounts approved within the Capital Programme.
- 6.7 The budget requirement to complete the project is therefore £1.986m funded from the SEND budget within the approved Capital Programme. The table below shows the projected profile of the gross project costs.

<b>Capital Programme allocation</b>	<b>2021/22</b> <b>£m</b>	<b>2022/23</b> <b>£m</b>	<b>Total</b> <b>£m</b>
Palatine project allocation	0.858	1.128	1.986
Funded by SEND Grant	0.858	1.128	1.986

## **7 Risk implications and mitigations**

<b>Risk</b>	<b>Mitigating Action (in place or planned)</b>
Planning permission will not be secured for the project	Pre-application meetings have been held with Planners to identify any concerns and ensure the application incorporates all documentation required
Children who could be accommodated in mainstream settings will be placed in the additional places at a higher cost than a mainstream setting	Individual placements to be closely considered and reviewed by the relevant team in Education and Skills
Parents will opt for INMS placements rather than new places at Palatine	Education and Skills to work with parents and carers to identify the new provision and ensure comparable support to the INMS settings
Insufficient allowance in capital programme to award the contract tender to the contractor.	<p>The construction works will have to be subjected to value management ie reduced or redesigned and/or value engineering exercise.</p> <p>Regular cost reporting and review and Full Business Case seeking confirmation of funds when design is developed sufficiently to obtain robust cost estimate.</p>
The project focuses on additional teaching accommodation to increase 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.	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.

## **8 Policy alignment and compliance**

### **8.1 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 Palatine is compliant with public contract regulations PCR 2015 and the Council's Standing Orders.

The resulting construction contract will be procured 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 maner.

### **8.2 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 places for those with protected characteristics

### 8.3 Climate Change

The County Council's Design Guides have been 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.

### 8.4 Crime and Disorder - None

### 8.5 Public Health – None

### 8.6 Social Value - Not application for this specific proposal.

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### **Background papers**

None