

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

**September 2022**

### **Phase 2 Special Support Centre Programme – Maidenbower Infant School, Crawley - Allocation of Funding for Project Delivery**

**Report by Mr A Edwards, Assistant Director (Property and Assets) and Mr P Wagstaff, Assistant Director (Education and Skills)**

**Electoral division: Maidenbower and Worth**

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#### **Summary**

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

Increasing provision for children and young people with Special Educational Needs and Disabilities (SEND) through the creation of additional places in Special Support Centres (SSCs) will assist with the aim of enabling children to attend school locally. As a consequence this will reduce the number of children and young people with 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.

It is proposed to create an SSC at Maidenbower Infant School in Crawley. The school is an Infant School and currently caters for 270 children aged between 4 and 7. Neighbouring Maidenbower Junior School provides a SSC for children aged between 7 and 11.

Approval is required for the allocation of funding from the Capital Programme to provide the necessary accommodation at Maidenbower Infant School for the establishment of a Special Support Centre for 12 children aged 4 to 7 with Social Communication Needs. In addition the budget will fund all associated fees, ICT and furniture and equipment.

#### **Recommendations**

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

1. The allocation of £1.274m to fund the necessary accommodation and external play area as set out in paragraph 2.1 of the report to enable the establishment of a 12 place Special Support Centre at Maidenbower Infant School in Crawley from September 2023;
2. The authorisation to commence a procurement process and delegation to the Assistant Director (Property and Assets) to appoint contractors to complete the design and cost the new accommodation;

3. The delegation of authority to the Assistant Director (Property and Assets) to submit the necessary planning application and building regulations approval and to obtain any statutory consents, and to enter into a construction contract with the successful tenderer.
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## **Proposal**

### **1 Background and context**

- 1.1 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 out of county education provision. Increasing provision for children and young people with SEND through the creation of additional places in both County Council Special Schools and Special Support Centres (SSCs) will assist with the aim of enabling children to attend school locally and meets a key objective of the County Council's [SEND and Inclusion Strategy 2019 - 2024](#).
- 1.2 It has been identified that children with autism and/or social, emotional and mental health needs are more likely than not to move into Independent and Non-Maintained Schools (INMS) because it is currently not possible to meet their needs in maintained schools and academies. By creating more provision to meet these areas of need the County Council will be able to reduce spending on both expensive placements at INMS and costs associated with transporting children to out of county provision.
- 1.3 In West Sussex there are around 20,000 children and young people with SEND receiving support in an early years setting, school or college, with over 6500 of these having a Statement of Special Educational Needs (SEN) or an Education, Health and Care Plan (EHCP).
- 1.4 Depending on the requirements of the EHCP, children will require a place in a mainstream school, SSC or maintained Special School. In recent years, the requirement for SSC and Special School placements has increased significantly and projections indicate that this trend will continue. Additional capacity is therefore required in SSCs to enable children to be on roll at a mainstream school close to home; to reduce revenue costs of out of County placements in INMS and to reduce costly home to school transport costs.
- 1.5 In October 2020 the Cabinet Member for Education and Skills approved the budget required to develop the design for the capital works required for 6 SSCs including the establishment of a 12 place SSC at Maidenbower Infant School ([decision ES09 \(20/21\) refers](#)). Following this the County Council's Multi-Disciplinary Consultant (MDC), Faithful+Gould Ltd were appointed to undertake the full design in accordance with the Royal Institute of British Architects recommended process stages 2-7.

### **2 Proposal details**

- 2.1 The building project at Maidenbower Infant School would create a 12 place SSC for 4 to 7 year olds encompassing the provision of 2 classrooms; group room; calming room; sensory room; with associated WCs and kitchenette and external play area. The SSC is to be located in accommodation formerly used as the Maidenbower Children and Family Centre (C&FC) (a County Council owned

property identified as surplus to requirement during the [redesign of the Early Help Service](#) in 2021).

- 2.2 It is proposed that a procurement exercise is launched to appoint a contractor to undertake the construction required for the Special Support Centre through a two stage design and build tender. This will be advertised on the Council's e-Sourcing portal In-Tend, as well as Contracts Finder in accordance with the Council's Standing Orders on Procurement and Contracts and Public Contract Regulations 2015 (PCR 2015).
- 2.3 As part of this decision the Cabinet Member is asked to approve delegation of authority to award the contract to the Assistant Director (Property and Assets); the process to award will be subject to an officer key decision.
- 2.4 The MDC have been appointed to provide design services; 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 2023 with works commencing on site in Spring 2023.
- 2.6 The design and tendering exercise will be managed by the MDC and the County Council's Procurement Category Lead for Place.
- 2.7 The additional accommodation will be utilised by the school to support the placement of children into the Special Support Centre 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)**

- 3.1 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 Support Centre near to home.

### **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 support the proposals and they will continue to be involved as the design work continues at the school.
- 4.3 The details of the proposal have been shared with the local Member representing the Maidenbower and Worth Division.
- 4.4 The proposal will be subject to planning permission in relation to a small extension to the existing building. Pre-application advice has been sought and received from the appropriate planning authority.

4.5 The Commercial Panel, part of the County Council’s internal governance process for assessing procurement proposals, has been consulted on this proposal.

## 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 £1.274m to implement the proposal at Maidenbower Infant School.

5.2 The £1.274m being requested will be funded from the unallocated SEND Grant approved by the County Council in February 2022. 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 22/23.

5.3 The Funding table below shows the unallocated SEND Funding in the Approved Capital Programme if this is approved.

	Approved Capital Programme £m
Special Schools - SEND pipeline Capital Programme 2022/23 to 2026/27	26.582
Approved & requested since Capital Programme	-8.986
Additional requested QE2 urgent action	-0.951
Maidenbower SSC	-1.274
<b>Balance remaining – SEND Pipeline</b>	<b>15.371</b>

5.4 The remaining unallocated funds after the allocation for project implementation for recent decisions is £15.371m when looking at amounts approved or pending within the Capital Programme.

5.5 The total gross cost of the project, including the previously approved design fees of £0.146m is £1.420m inclusive of inflation and contingencies to reflect current market conditions. The gross cost per place is £118,000 which is significantly higher than national benchmarks for completed SEN projects of £70,000 per place but these national benchmarks reflect as built projects and do not take into account 20% contingencies to cover construction and client contingency; current fluctuations within the construction industry due to unprecedented inflationary rises and an allowance to meet the WSCC Carbon Strategy.

5.6 The budget requirement to complete the project is therefore £1.274m 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 £m</b>	<b>2022/23 £m</b>	<b>2023/24</b>	<b>Total £m</b>
Maidenbower Infant School SSC project allocation	0.146	0.600	0.674	1.420

5.7 The creation of additional SSC places is projected to save on average £34,000 per place per annum when comparing the cost of an SSC placement to the cost of a placement in INMS. This is anticipated to save £408,000 per annum once all 12 additional places in the SSC are filled.

5.8 Revenue Cost implications

Cost Implication	2023/24 (from Sept 23)	2024/25 Full year effect	2025/26 ongoing
Forecast cost of 12 places Independent sector *(£47k average) <b>(A)</b>	£329,000	£564,000	£564,000
Forecast cost of 12 places at Maidenbower Infant SSC (WSSC average £13k) <b>(B)</b>	£-91,000	£-156,000	£-156,000
Total Net reduction to high need block(A-B)	£238,000	£408,000	£408,000
NB assume no inflationary changes			

## 6 Risk implications and mitigations

<b>Risk</b>	<b>Mitigating Action</b>
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. There are some issues in the construction industry relating to inflation of materials. Contingencies have been included within the budget sought.
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 2023 occupation.
Planning permission is refused	Initial pre-planning consultation has been undertaken with Planners and will continue, along with liaison with statutory consultees to minimise the risk of issues arising.
Current volatile marketplace for supplies and securing contractors. Delay to programme and unavailable materials to deliver to programme	This will be monitored throughout the project and in particular when entering into the tender process. As the project construction is due to start Spring 2023, the market may have settled.

Design development to adhere to WSCC Carbon Strategy	Allowance has been made within the cost estimate.
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## 7 Policy alignment and compliance

7.1 [Our Council Plan](#) sets out the corporate priorities and includes a commitment to help people and communities to fulfil their potential. This proposal will provide appropriate accommodation and equipment to best meet the needs of the young people within the SSC but will also enable inclusion within a mainstream school setting.

### 7.2 Legal Implications

The value of the works are below the threshold for works set out in PCR 2015. The resulting construction contract will be procured via a 2 stage Design and Build tender on the Council's e-Sourcing portal In-Tend, as well as Contracts Finder in accordance with the Council's Standing Orders on Procurement and Contracts and Legal Services will be instructed in the usual manner.

### 7.3 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.

### 7.4 Climate Change

The County Council's Design Guides have been adhered to in relation to the design of the remodelled accommodation. The Design Guides have recently been updated to ensure school building designs are in line with the County Council's [Climate Change Strategy](#).

7.5 Crime and Disorder - None

7.6 Public Health - None

7.7 Social Value - Not applicable for this specific proposal.

Andrew Edwards  
**Assistant Director (Property and Assets)**

Paul Wagstaff  
**Assistant Director  
(Education and Skills)**

**Contact Officer:** Leigh Hunnikin, Education Capital Programme Manager, 0330 2223051

### **Background papers**

None