

Report to: Cllr J Russell, Cabinet Member for Children and Young People, Learning and Skills

October 2023

Phase 2 Special Support Centre Programme – Warden Park Secondary Academy, Cuckfield - Allocation of Additional Funding for Project Delivery

Report by Mr S Nyakatawa, Interim Assistant Director (Education and Skills) and Mr A Edwards, Assistant Director (Property and Assets)

Electoral division: Cuckfield and Lucastes

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.

Warden Park Academy in Cuckfield is a secondary academy and currently caters for 1500 children aged between 11 and 16. The academy has a SSC which is designated and resourced to provide 20 places for young people with Additional Learning Needs (ALN) and 4 with Social Communication Needs. Due to greater support being available within mainstream schools it is not currently expected that the SSC will be required to support future ALN Needs. It is therefore proposed to redesignate and expand the SSC. This will enable the 20 ALN places to be redesignated to offer provision for those with Social Communication Needs and increase the capacity of the SSC by 4 additional places.

As Warden Park Secondary is an Academy, it has been agreed that the accommodation required will be designed by consultants appointed by the Academy Trust and works would be delivered by the Academy Trust's appointed contractor. The mechanism for transfer of funds is to be set out in a Development and Funding Agreement agreed by both the Academy Trust and County Council.

Approval is required for the allocation of funding from the Capital Programme to provide the budget required. This will enable expansion of the Special Support Centre from 24 to 28 places for young people aged 11 to 16 and the redesignation of the SSC to support those with Social Communication Needs. In addition the budget will fund all

associated fees, ICT and furniture and equipment. As the school intend to procure and undertake delivery of the expansion works this funding will be passported to the academy to enable the project to proceed.

Recommendations

The Cabinet Member for Children and Young People, Learning and Skills is asked to approve:

- (1) The allocation of £2.268m (of which £1.795m is Section 106 and £0.473m is SEND capital) to fund the necessary accommodation and external play area as set out in paragraph 2.1 of the report. This will enable the redesignation of the Special Support Centre from Additional Learning Needs to Social Communication Needs and the expansion from 24 to 28 places at Warden Park Secondary Academy from September 2024.;
- (2) The passporting of £2.268m to Warden Park Secondary Academy in accordance with the relevant Section 106 Agreements and SEND capital grant to fund the work outlined in Section 2.1, and
- (3) The negotiation and completion of the Development and Funding agreement between the County Council and the Academy Trust as a pre-condition for the transfer of the funds.

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 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 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 enlargement and redesignation of the SSC at Warden Park Secondary Academy ([decision ES09 \(20/21\) refers](#)). As an Academy, it was agreed that the works would be designed and procured by the Academy Trust and their appointed Consultants. The County Council's Multi-Disciplinary Consultant (MDC), Faithful+Gould Ltd has been appointed to act as Technical Adviser to the County Council ensuring the SSC accommodation meets all County Council requirements for the enlarged and redesignated SSC.
- 1.6 As an Academy, the school site is owned by WSCC and leased to the Academy Trust under a 125 year lease.
- 1.7 Section 106 funds have been secured totalling £1.795m which must be spent on additional educational infrastructure and/or equipment at Warden Park Secondary Academy. To enable the project to progress the proposal is to passport the S106 funds, along with £0.473m funding from the SEND grant to the Academy under terms agreed within a Development and Funding Agreement. The Development and Funding Agreement with the Academy Trust will be conditional upon the Academy Trust correctly procuring the building contractor and professional team in accordance with requirements governing the Academy Sector and obtaining all statutory approvals for the works. There will be provision for WSCC to monitor the works if required.

2 Proposal details

- 2.1 The building project at Warden Park Secondary Academy will enable the redesignation and expansion of the SSC from 20 to 28 places for secondary aged children. The works will encompass the provision of classrooms; group room; calming room; sensory room; associated WCs; kitchenette and external play area.
- 2.2 Redesignating the SSC to cater for those pupils with Social Communication Needs will assist in meeting the growing demand for placements for young people with these needs. Existing pupils will continue on roll as the designation changes with all new placements relating to Social Communication Needs
- 2.3 As part of this decision the Cabinet Member is asked to approve the passporting of the required funds for the project from WSCC to the Academy Trust in accordance with the Development and Funding Agreement.
- 2.4 The current programme for delivery of the additional accommodation that has been shared with the County Council indicates this will be available for September 2024 with works commencing on site in Autumn 2023.
- 2.5 The design and tendering exercise will be managed by the Academy Trust and their appointed Consultants.
- 2.6 The proposal is subject to planning permission, building regulations approval, and, if required, Section 77 consent under the School Standards Framework Act 1998 (as amended by the Education Act 2011). These consents will be sought by the Academy/Academy Trust from the appropriate authorities. The relevant

consents must be obtained prior to the commencement of works or release of funds.

- 2.7 The additional accommodation will be utilised by the academy 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, Governors and Academy Trust have led the design and support the proposals.
- 4.3 The details of the proposal have been shared with the local Member representing the Cuckfield and Lucastes Division.
- 4.4 The proposal has received planning permission (subject to conditions) from Mid Sussex District Council under reference DM/22/1331.

5 Finance

- 5.1 There is provision in the capital programme to progress this project. The table below shows the draw down into the main Capital Programme required is £2.268m to implement the proposal at Warden Park Secondary Academy.
- 5.2 The £2.268m being requested will be funded from the unallocated SEND Grant approved by the County Council in February 2023 and received Section 106 contributions naming Warden Park Secondary Academy. 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 23/24.
- 5.3 The table below shows the projected profile of the gross project costs.

Capital Programme allocation	2022/23 £m	2023/24 £m	Total £m
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Warden Park Secondary Academy SSC project allocation – SEND capital	0	0.473	0.473
Warden Park Secondary Academy SSC project allocation – Section 106	0.678	1.117	1.795
Total	0.678	1.590	2.268

	Approved Capital Programme £m
Special Schools - SEND pipeline Capital Programme	19.377
Changes since the Capital Programme	-3.654
Requested Warden Park Academy	-0.473
Balance remaining	15.250

- 5.4 The remaining unallocated funds after the allocation for project implementation for recent decisions is £15.250m when looking at amounts approved within the Capital Programme. This does not take into account construction budgets for projects that have been approved for design only.
- 5.5 The total gross cost of the project is £2.268m inclusive of inflation and contingencies to reflect current market conditions. The gross cost per place for 28 places is £81,000 which is 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 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 creation of additional SSC places is projected to save on average £29,651 per place per annum when comparing the cost of an SSC placement in Warden Park to the cost of a placement in INMS. This is anticipated to save £712,000 per annum once all 24 additional Social Communication Needs places in the SSC are filled.
- 5.7 Revenue Cost implications

Do Nothing

	2023/24	2024/25	2025/26	2026/27	2027/28
No of INMSS placements	24	24	24	24	24
Cost of placement	£1,176,000	£1,176,000	£1,176,000	£1,176,000	£1,176,000

Expand SSC (Volumes pro-rata for part year effect)

	2023/24	2024/25	2025/26	2026/27	2027/28
No of INMSS placements	19	13	7	2	0
No of SSC placements	5	11	17	22	24
Cost of placement	£1,038,000	£835,000	£657,000	£514,000	£464,000
Cost Avoided	£138,000	£341,000	£519,000	£662,000	£712,000

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. There are some issues in the construction industry relating to inflation of materials. Contingencies and an allowance for inflation have been included within the budget sought. The mechanism for any budget changes is set out in the Development and Funding Agreement between WSCC and the Academy Trust.
Contractor's ability to deliver this project on time and to budget.	The school's appointed Consultant will work closely with the contractor and school to drive forward a programme to enable delivery for September 2024 occupation.
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 by the School's Consultant. The Development and Funding Agreement will set out the agreed process in relation to any change,
Design development to adhere to WSCC Carbon Strategy	Allowance has been made within the cost estimate.
The Academy Trust or School do not obtain all the required statutory consents , and or do not comply with the conditions attached to the consents	WSCC to check that the Academy Trust have obtained all required consents and that all pre commencement conditions have been complied with. WSCC not to release any funds to the Academy Trust until all consents have been obtained and the Academy Trust has complied with all pre commencement conditions

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

- 7.2.1 Warden Park Secondary Academy propose to undertake all procurements associated with the works and have confirmed all necessary processes governing the Academy Sector will be followed.
- 7.2.2 The proposal is subject to receipt of Landlord Consent from WSCC, receipt of Planning Permission, Building Regulations Approval, and consent from the DfE under the Section 77 of the School Standards Framework Act 1998 (as amended by the Education Act 2011) for changing the use of part of the playing field to that of a building.
- 7.2.3 The proposal is subject to both parties entering into a Development and Funding Agreement which will set the terms under which the project is to be delivered and the mechanism and conditions for funding to be transferred. The funds not to be transferred until the Academy Trust have obtained all statutory consents and complied with all pre-commencement conditions within the statutory consents.

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](#). As an Academy, the project does not need to comply with the Climate Change Strategy but the Trust have embedded the requirements within the design.

7.5 Crime and Disorder - None

7.6 Public Health – None

7.7 Social Value - Not applicable for this specific proposal.

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Background papers and Appendices None