

**Forward Plan reference number:** FP/328/03/22

<b>Report Title:</b> Reconstruction of the Fairview Pupil Referral Unit Basildon	
<b>Report to:</b> Cabinet	
<b>Report author:</b> Councillor Tony Ball, Cabinet Member for Education Excellence, Lifelong Learning and Employability	
<b>Date:</b> 24 May 2022	<b>For:</b> Decision
<b>Enquiries to:</b> Ralph Holloway Head of SEND Strategy and Innovation - email <a href="mailto:ralph.holloway@essex.gov.uk">ralph.holloway@essex.gov.uk</a>	
<b>County Divisions affected:</b> All divisions in Basildon, Brentwood, Castle Point and Rochford.	

### **Confidential Appendix**

This report has a confidential appendix which is not for publication as it includes exempt information falling within paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended.

## **1. Everyone's Essex County Council**

- 1.1 This report seeks approval to agree to demolish the existing Fairview Centre, Fairview Road, Basildon and replace with brand new teaching accommodation and facilities for pupils attending this Essex County Council maintained pupil referral unit. This supports the strategic aim of Everyone's Essex to achieve educational excellence and high standards for all children and young people as we recover from the pandemic and to work to improve outcomes for the most vulnerable and disadvantaged groups.
- 1.2 The new building is required to replace the current classrooms and facilities which are no longer fit for purpose.
- 1.3 The new building will provide pupils with greater opportunity to gain further skills and certification, such as BTEC, thus enabling them greater opportunities upon leaving education. Current and future pupils attending the school will benefit from purpose-built accommodation that caters for their needs and enables the PRU to continue teaching the pupils as well as preparing them for their adult life beyond statutory education.
- 1.4 The design of the building and a focus on pupil journeys via public transport will support the delivery of our net zero, transport and built environment commitments in Everyone's Essex.

## **2. Recommendations**

- 2.1 Agree that the Council will support the demolition and construction of an establishment of a new pupil referral unit with a capacity of up to 100 places on current site which will be managed by the Children's Support Service (CSS).
- 2.2 Agree to the procurement of the associated building works for Fairview through a two-stage design and build mini competition using the Essex Construction Framework Agreement.
- 2.2 Agree that the Director of Capital Delivery and infrastructure is authorised to award the contract to the successful bidder when he is content that the following conditions have all been met:
  - a. All pre-construction planning conditions associated with planning permission CC-BAS-102-21 have been discharged
  - b. The construction costs are within the agreed budget and represent value for money.
- 2.3 Approve the capital budget for construction and associated project fees as per the profile stated in the Confidential Appendix.

## **3. Background and Proposal**

- 3.1 ECC has a statutory obligation to ensure that a school place is provided for each child residing in Essex whose parents/guardians request one. We also have a duty to provide education for children who are unable to be educated in a school setting. The provision of pupil referral units helps improve the educational attainment of children who are not otherwise able to attend a setting. This contributes to the objectives in the Everyone's Essex of 'A Good Place for Children and Families to Grow'. In addition, ECC's corporate objectives include: deliver the best possible educational outcomes for children attending schools within its administrative border; improve public health and wellbeing across Essex and, safeguard vulnerable people of all ages
- 3.2 The need for capital investment in the PRU estate was set out in a Strategic Business Case (SBC) in May 2015. Since then there has been a significant year on year increase in pressure on existing capacity at Essex PRUs, as a result of rising permanent exclusions (50 in 2014/15 rising to 161 in 2019/20) and, at the same time, a rise in the number of children and young people who require provision due to their medical or mental health needs with 291 pupils with medical needs in 2019/20.
- 3.3 The primary purpose of a pupil referral unit is to support children and young people to successfully re-engage in education with the ultimate intention to support their return to their local mainstream school. Essex's commissioning arrangements with the Children's Support Service (CSS) in South Essex reflect this and joint working and collaboration with schools across South Essex will focus on ensuring that this is achieved. Whilst exclusion figures have risen, they remain lower than the national average and our strategy is focussed on

supporting schools to successfully support all their pupils without the need for offsite provision. However, where offsite provision is necessary it is important that it is of a high quality and that pupils do not feel that they are being removed from the education system. In addition to supporting children and young people by placement at a PRU ECC is also working with schools and settings to build their expertise in meeting the needs of all of their pupils.

- 3.4 ECC currently commissions the South Essex Children's Support Service, a pupil referral unit maintained and run by the Council, to provide 20 places for pupils in years 9-11 with an Education Health Care Plan due to social, emotional, and mental health needs who would otherwise be placed in independent provision. The cost of commissioning the provision from the South Essex PRU on a block contract at £25,000 per pupil, compares to individually commissioned provision from independent providers at £55,000 elsewhere in Essex. Where needed South Essex PRU has been able to support additional individually commissioned places which has relieved pressure on the High Needs Block.
- 3.5. The following factors have been taken into account when considering the need for investment to replace and improve the facilities at Fairview:
- A consistently high number of pupils with SEND cannot have their needs met in Essex schools and are subsequently educated in independent schools or outside of the county at higher cost to both the High Needs Block of the Essex Dedicated Schools Grant and ECC budgets. Independent special schools are more expensive than a maintained special school and there is less control over cost increases over the course of a pupil's education. Transport costs can be higher if we are placing pupil's further from their home address.
  - The requirement to place pupils and parents/carers at the heart of planning and provision for SEND is set out in the SEN Code of Practice and is a statutory duty when considering pupil placement. By enhancing the facilities at Fairview, we are able to give parents greater confidence that needs can be met locally and reduce appeals to the SEN tribunal for places in the independent sector.
- 3.6 Improvements to the infrastructure and increased physical capacity will enable the service to teach pupils in groups and minimise the more expensive delivery of one-to-one tuition in off-site settings for those pupils capable of attending a centre. There has been considerable overspend from the High Needs Block budget on securing alternative provision for children and young people who could not be accommodated at Essex PRUs due to restricted physical capacity.
- 3.7 A PRU estate that is fit for purpose, is a fundamental requirement to delivering and developing the core service offer (both statutory and non-statutory) as well as enabling the service to develop innovation. The responsibilities upon local authorities to provide appropriate education for pupils unable to attend school due to behaviour and ill health have increased considerably over the last fifteen years. As a result, the provision made by Essex PRUs in order to fulfil that duty has moved from being part-time tuition delivered, for many pupils, in the field, to

being centre based and full-time. Recent Ofsted inspections of Essex PRUs have been successful but have highlighted ‘the lack of sufficient space at some centres’ as having an impact upon ‘pupil’s attendance, safety and turnover’.

- 3.8 Fairview PRU will work with ECC to ensure as many journeys as possible are by public transport or foot/bicycle. The PRU will work closely with the travel training teams to prepare children and young people to successfully overcome any barriers to travelling independently to school. Independent travel is seen as a vital part of the preparing young people for adulthood.

### **Infrastructure Required**

- 3.9 It is proposed to completely demolish the existing Fairview Centre and construct a new building on the same site. The proposals seek to deliver a new, standalone two storey building as a replacement for the existing PRU which is no longer fit for purpose either in terms of capacity or condition. There is no requirement for any temporary accommodation for the existing students as they will relocate to the new PRU at Wickford which was completed in March 2022. The new 100 place PRU at Fairview will then be designed and built in full compliance with BB104 schedule of accommodation (the DfE recommended specification for new build specialist provision). The current physical capacity of the Fairview building is insufficient to meet the needs of the growing pupil population.
- 3.10 The design of the building and external spaces seeks to provide a modern facility to replace the dated facilities that are no longer fit for purpose. The new design meets all current standards and will provide an attractive building externally and internally that will be superior in its form, function, movement around the building, energy efficiency, maintenance, noise insulation and ventilation. The new building will be a very significant improvement on the current facilities and will provide a much better learning environment for the pupils that attend the PRU. The replacement of the existing PRU with the proposed building is also considered to enhance the area more generally, with the provision of a modern facility that is well presented. The design takes account of school-specific safety, security and safeguarding matters, to be delivered in accordance with the specific requirements of the CSS and the required standards for teaching and accommodation
- 3.11 The design of the building allows for photovoltaic panels (PV) which will ensure that the project can achieve an Energy Performance Certificate rating of A. This demonstrates that the building is very efficient in its use of energy and is promoting ECC commitment towards meeting climate change targets.
- 3.12 The building will include high standards of energy efficient building services equipment. These measures including but not limited to high efficiency LED lighting with daylight dimming and presence detection lighting controls, enhanced natural ventilation units, heat recovery units and supply and extract fans, high efficiency gas-fired boilers, smart learning and optimized Building Management System and Energy Metering.

3.13 Value for money will be checked throughout the construction phase of the project with the assistance of the internal quantity surveyor and cost comparisons provided by the framework. Construction quality and adherence to design will be monitored by the in-house quality inspector team

3.14 The proposed delivery timescales are as follows:

Milestone Description	Target Date
Start on Site	July 2022
Build completion for handover	September 2023

## 4. Options

4.1 **Option 1** – Demolish and construct 100 place PRU at the Fairview Centre, Basildon.

4.2 This is the preferred option. The new provision will greatly improve the service offer. It will increase the physical capacity of the school and improve the facilities for the pupils.

4.3 **Option 2** – Continue with current provision.

4.4 The current provision is no longer providing a positive environment that the children need and deserve. The existing facilities are becoming more costly to maintain. This option is not recommended.

## 6. Issues for consideration

### 6.1 Financial implications

6.1.2 Please see the confidential appendix for details of the financial implications of this decision.

6.1.3 The total capital cost is included in the current and future years' capital programme and the revenue implications are included in the Medium-Term Resource Strategy (MTRS). A contingency of 5% has been included to cover any financial risks.

6.1.4 £179,000 will be allocated from Dedicated Schools Grant (DSG) revenue funding for furniture and equipment

6.1.5 It is considered that there could be a saving on Home to School Transport costs, with reference to 3.8 above, where Fairview will work with ECC to ensure as many journeys as possible are by public transport or foot/bicycle. It is not possible to estimate this saving with credibility at this time.

### 6.2 Legal implications

6.2.1 The Council has a statutory duty to arrange education for pupils who are not able to attend school for certain reasons. Pupil Referral Units, including alternative provision academies which provide such services are one way in which the Council discharges that duty.

6.2.2 The building works will be procured by ECC using an existing framework agreement which will comply with the Public Contracts Regulations 2015.

6.2.3 The PRU site is owned by the County Council which operates it using its own employees meaning that it does not require collateral warranties or other agreements with the building user.

## **7. Equality and Diversity implications**

7.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:

- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
- (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
- (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

7.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

7.3 The equality impact assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

## **8. List of appendices**

8.1 Equality Impact Assessment

8.2 Confidential Appendix

## **9. List of Background Papers**

9.1 Strategic Business Case for provision of PRU places (2015)