

**Forward Plan reference number:** FP/823/10/20

<b>Report title:</b> Wickford Pupil Referral Unit (PRU)	
<b>Report to:</b> Cabinet	
<b>Report author:</b> Helen Lincoln, Executive Director, Children and Families	
<b>Date:</b> 24 November 2020	<b>For:</b> Decision
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<b>County Divisions affected:</b> Wickford Crouch	

## 1. Purpose of Report

- 1.1 To agree that ECC will self-deliver the construction of a 100-place pupil referral unit (PRU) on the site of the former Curriculum Development Centre in Alderney Gardens, Wickford. ECC will provide £6.9m to meet the full cost of construction using the Essex Construction Framework. The PRU will be operated by the South Essex Children's Support Service – a maintained PRU.
- 1.2 This report seeks Cabinet approval for the appointment of the contractor for the work.

## 2. Recommendations

- 2.1 Agree to the procurement of contracts for demolition of the existing site and construction of a new pupil referral unit in Wickford through a design and build mini competition using the Essex Construction Framework.
- 2.2 To delegate authority to the Head of Infrastructure Delivery to enter into a contract with Kier Construction Eastern for design and new build, when he is content that the following conditions have been met:
  - Satisfactory planning permission has been granted
  - The construction costs are within the agreed budget and represent value for money
- 2.3 Agree that the new PRU will be operated by the Council.

## 3. Summary of issue

- 3.1 ECC has a statutory obligation to provide a school place for each child residing in Essex whose parents/guardians request one. In addition, ECC's corporate objectives include: delivery of 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.
- 3.3 Since then, there has been a significant year on year increase in pressure on existing capacity at Essex PRUs, based on rising permanent exclusions (50 in 2014/15 to 162 in 2017/18) 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.
- 3.4 Demand for PRU places exceeds the physical capacity of the current estate, and the team are commissioning individual packages of one-to-one tuition from independent providers instead. It is anticipated that this PRU will reduce the Council's current reliance on expensive independent placements.
- 3.5 ECC has identified land in Wickford owned by ECC (the Curriculum Development Centre at Alderney Gardens) which would be suitable for use as pupil referral unit.
- 3.6 ECC has the technical and project management expertise in house to self-deliver the Wickford PRU
- 3.7 Subject to cabinet approval, the self-delivery procurement process using the Essex Construction Framework is as follows:
  - Appointment of preferred contractor and enter into a Pre-Construction Services Agreement (PCSA) for:
  - Submission of the contractor's proposals
  - Obtaining Planning Permission
  - Entering into Design and Build Contract (NEC3 Option A)
- 3.8 ECC has obtained pre-planning application advice from the County Planning Authority in relation to the principles of the proposed construction project. The advice provides evidence that the principles of the development are supported. This will guide the subsequent planning application in due course.

#### **4. Options**

- 4.1 **Option One** was to extend, remodel and refurbish the existing ex-primary school building, most recently used as a curriculum centre at an estimated cost of £7.059m, noting that this Option was discounted at the Outline Business Case stage in April 2019. Consequently the £7.059m value has not been refreshed to current value and therefore is not on a comparable basis to the preferred option cost below
- 4.2 Whilst this cost plan indicates it to be the cheaper option, this option is not recommended because there are a number of constraints within this option. Attempting to extend, remodel and refurbish the existing building may deliver

the overall floor area required but with staff and teaching accommodation not necessarily to the right size or in the optimum location. The numerous changes in floor level presents an obstruction to free movement throughout the building.

- 4.3 Under this option PRU would be built but it may not result in the best possible outcome for some of the most vulnerable children in Essex.
- 4.4 **Option Two** is to demolish the existing building and completely rebuild on the same site at an estimated cost of £7.584m (the costs since OBC have reduced to £6.9 million)
- 4.5 This will involve the complete demolition of the existing building and clearing the site of the existing stepped reinforced concrete floor slab. A significant earth mound retaining wall will need to be formed in order to rebuild the school on a single level, however the new school can then be designed and built in full compliance with BB104 schedule of accommodation.
- 4.6 Option two is the recommended option following review of the viability reports.
- 4.7 Officers have carried out a robust and comprehensive feasibility assessment and risk assessment which officers consider mitigates the cost escalation risk to ECC.
- 4.8 Officers will use their experience and skills of project delivery to ensure that the project is delivered within the estimated costs. If additional potential costs become evident during the project development, there will be clear pathways identified to ensure that either Additional capital funding is secured or value engineering techniques are employed to ensure the project can be delivered within the current and agreed capital.

## **5. Issues for consideration**

### **5. Financial implications**

- 5.1. The Estimated total capital cost of the project is £6.9m. This is fully funded by Essex County Council borrowing. This is included within the Education Capital programme and Medium Term Resource Strategy (MTRS) for future years.
- 5.2 The construction contract is an NEC option A fixed price contract which prevents additional inflationary pressures from impacting upon the final cost of the project. Construction costs are within benchmark rates to ensure value for money is being delivered.
- 5.3 A further £111,000 will be allocated from Dedicated Schools Grant (DSG) revenue funding for furniture and equipment.

## **6. Legal implications**

- 6.1 ECC have a statutory duty under section 14 of the Education Act 1996 to plan for and secure sufficient schools and places for their area.
- 6.2 The premises to be provided will need to meet the statutory requirements of the Education (School Premises) Regulations 1999 and the feasibility studies and the final programme will ensure that this happens.
- 6.3 ECC is a contracting authority for the purposes of the Public Contract Regulations 2015. The procurement of the replacement contractor will need to comply with domestic and European Public Contracts legislation and ECC's procurement rules.
- 6.4 The building works will be procured by ECC using framework agreements which it is entitled to use.

## **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

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

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