

**Forward Plan reference number: FP/109/04/23**

<b>Report title:</b> Construction Works at Castledon School, Wickford	
<b>Report to:</b> Cabinet	
<b>Report author:</b> Councillor Tony Ball, Cabinet Member for Education Excellence, Lifelong Learning and Employability	
<b>Date:</b> 20 June 2023	<b>For:</b> Decision
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<b>County Divisions affected:</b> Wickford Crouch	

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This report has a confidential appendix which is not for publication as it includes exempt information falling within paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended.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

- 1.1 Essex County Council are required to ensure that every child and young person has access to an appropriate school place. In executing these responsibilities, the Council also seeks to add value to the educational offer that can be made to parents and carers within a local area, to ensure that learners receive the best possible outcomes from their time in formal education.
- 1.2 A capacity assessment of the existing accommodation at all SEN schools was completed in 2020/21. This included Castledon School. It evidenced the required physical capability of the school to accommodate their existing pupil cohort and demonstrated that the school is operating significantly in excess of its building capacity. In addition, a number of temporary classrooms are nearing the end of their effective use and will need to be replaced.
- 1.3 This presents clear and obvious disadvantages to the operational delivery of effective education for children and young people with such a high level of special educational needs and will lead to poorer outcomes if not addressed.
- 1.4 Investing in new, permanent, accommodation for the school will deliver on a range of key commitments set out in Everyone's Essex – Our plan for levelling up the county: 2021-2025. These will include:
  - a) Supporting high quality education outcomes. The new accommodation will provide pupils with greater opportunity to gain further skills and certification, 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 school to continue teaching the pupils as well as preparing them for their adult life beyond statutory education.

b) Delivering infrastructure to support new homes and communities.

1.5 The aspiration to achieve zero carbon in the project specification is consistent with Essex County Council's emerging commitment towards commissioning zero carbon buildings as referenced in ECC's climate change policy.

## **2. Recommendations**

2.1 Agree to carry out construction works at Castledon School, Wickford so that it has the permanent accommodation required for its existing 240 pupil places along with 19 new car parking spaces and 2 mini-bus parking spaces.

2.2 Agree that the Head of Infrastructure Delivery is authorised to award a contract for enabling works to Morgan Sindall Construction PLC once he is satisfied that the enabling works costs are within the agreed budget and represent value for money.

2.3 Agree that the Head of Infrastructure Delivery is authorised to award a contract for the main construction works to Morgan Sindall Construction PLC once he is satisfied that:

- (a) The Academy Trust has given formal agreement to the works being undertaken
- (b) any relevant planning permission required for these works has been granted;
- (c) the enabling works costs are within the agreed budget and represent value for money; and
- (d) arrangements are in place for the end user(s) of the building to be provided with collateral warranties by the principal contractors.

2.4 Agree the reprofile of the budget as detailed in the Confidential Appendix.

## **3. Background and Proposal**

3.1 Castledon School is a Special Educational Needs (SEN) academy school which caters for children from 5 to 19 years old with moderate learning difficulties (MLD) and severe learning difficulties (SLD), including those on the autistic spectrum.

3.2 Essex County Council (ECC) has a statutory duty to ensure that there is a sufficient supply of school places for every child in Essex who requires one. Whilst there is no statutory requirement to have special schools or specialist provision for children with Special Educational Needs and Disabilities (SEND), many local authorities do have special schools and specialist provisions.

3.3 The following pressures have driven the requirement for significant investment in places in Essex:

- A consistently high number of pupils with SEND cannot have their needs met in Essex schools and are subsequently educated in independent schools at high cost to both the High Needs Block of the Essex Dedicated Schools Grant (DSG) and ECC budgets.
- A year-on-year increase in the number of children and young people who require an Education Health Care Plan and to be educated in a special school.
- The requirement to place pupils and parents/carers at the heart of planning and provision for SEND as stated in Section 19 of the Children and Families Act 2014.

- 3.4 The Council's spend on independent special school placements is rising and contributing to the over-spend on the High Needs Block of the DSG. If this is not addressed, this spend will not be containable in the longer-term. This is due to the absence of the appropriate facilities and provision to cater for specific types of severe and complex special education needs. With the reduction in funding from central government and the projected growth in the cost of independent placements, there is a need to develop more cost-effective alternatives to ensure that funding for special education needs is sustainable in the future. In addition to this, the pupil place forecast for the next 5 years shows a growth in demand for pupils who require places in special schools as well as a change in the pattern of the type of special education needs.
- 3.5 There is a need for provision for children and young people with moderate learning difficulties in South Essex. There is also a need to replace temporary classrooms, which have reached the end of their life cycle, and which will place considerable pressure on Castledon School if not addressed. Demand for places at the school has grown over the years due to population growth and a rise in the number of children and young people who require a special school place, putting pressure on the school's infrastructure. Whilst classroom capacity has expanded, the specialist spaces required to meet the admission number and a wider range of needs is not sufficient and needs to be addressed.
- 3.6 This is not a decision to increase the number of school places at the school but is a decision to carry out construction works to the school building to enable it to have suitable and permanent facilities for its existing pupil admission number.
- 3.7 Surveys of temporary classrooms known to be in poor condition were completed over summer 2019 across the county. The temporary classrooms at Castledon School were deemed amongst the worst condition in the county and in need of urgent replacement. There is evidence that significant investment would be required to ensure the temporary units are safe, which would only prolong their usable life for a brief period of time. This accommodation cannot be written off and simply removed as the capacity of the school would then be reduced, and this would not be a sustainable or acceptable solution. In addition, there is a risk that the temporary planning permissions that are extant on these units could be refused by the county planning authority as the need is no longer temporary, but a permanent need requiring a permanent built solution. Therefore, these temporary classrooms

should be replaced as soon as possible with fit-for-purpose permanent accommodation.

- 3.8 A capacity assessment of the existing accommodation at the school was completed in 2020/21. It evidenced the required physical capability of the school to accommodate their pupil cohort and demonstrated that the school is operating significantly in excess of the school's building capacity.
- 3.9 This presents clear and obvious disadvantages to the operational delivery of effective education for children and young people with such a high level of special educational needs and will lead to poorer outcomes if not addressed.
- 3.10 The project will deliver a new two storey teaching block consisting of 8 general classrooms, a 180m<sup>2</sup> sports hall with changing and store, food tech, science room, art room, hygiene room, two library areas, 4 group rooms, two therapy rooms, physio room, a calm room, two office areas (one with ICT (Information and Communications Technology)), reprographics, one site manager office/maintenance store and associated plant, circulation and toilets. The inclusion of two classrooms to compensate for the removal of two existing temporary classroom units will also be included within the new block accommodation. The scheme also benefits from one further additional classroom, group room, lobby, and W.C being extended onto an existing building in the school. In addition, active carbon reduction technologies including Photovoltaic Panels (PV) and Air Source Heat Pumps (ASHP) contribute to reduce the carbon impact of this scheme. The aspiration to achieve zero carbon in the project specification is consistent with ECCs (Essex County Council) emerging commitment towards commissioning zero carbon buildings as referenced in ECCs climate change policy. There will also be an additional 19 new car parking spaces plus 2 mini-bus spaces being delivered.
- 3.11 The scheme also has several elements of remodelling works to ensure the school is more operationally suitable for a SEND provision including relocation of walls to create larger teaching spaces and removal of an internal wall to the dining hall to accommodate more seating space for meals.
- 3.12 The land proposed for development is current unused space although by law it counts as part of the playing field, This means that we either have to mitigate the loss by providing an artificial turf pitch (which the law considers to be of high value because it is always usable) or make an application to the secretary of state to have less playing field. We are hopeful that the application will be successful and that the artificial turf pitch will not be required, It is considered that the school will have sufficient outdoor space in any event.
- 3.13 Castledon School will work with ECC to ensure as many journeys as possible are by public transport or foot/bicycle. Essex special schools 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 preparing young people for adulthood.

3.14 The construction works have been procured through a mini competition using the Essex Construction Framework 2 using a Two Stage Design & Build tender process and shall be delivered via a 2-phase programme of works including enabling works and then the main construction works. Following a tender evaluation process of four contractors, Morgan Sindall Construction Ltd were evaluated as the preferred contractor for the scheme.

3.15 The Project Delivery Timescales are as follows:

<b>Milestone Description</b>	<b>Target Date</b>
Cabinet Decision	11/05/2023
Enabling Works Package	01/07/2023
Planning Permission	14/09/2023
Final Business Case submitted	19/09/2023
Start on site	20/11/2023
Completion for Handover	21/10/2024

#### **4. Links to our Strategic Ambitions**

4.1 This report links to the following aims in the Essex Vision:

- Provide an equal foundation for every child
- Develop our County sustainably
- Share prosperity with everyone

4.2 This report links to the following strategic priorities in the emerging Organisational Strategy 'Everyone's Essex':

- A strong, inclusive and sustainable economy
- A high-quality environment
- Health wellbeing and independence for all ages
- A good place for children and families to grow

#### **5 Options**

##### **5.1 Option 1 – do nothing.**

The school has no internal capacity to continue to meet current annual admissions and our ability to place new pupils at the school is severely curtailed without these construction works.

If the new accommodation is not provided, the school will not be able to accommodate new admissions in September as there is insufficient physical capacity within the existing buildings for the current published admission number for the school. ECC would not be able to fulfil its statutory responsibility to provide appropriate school places for children with severe learning difficulties in Basildon.

There are no places in equivalent Essex special schools and so we would be looking to the independent sector. The average cost of an independent special school day placement in the 2020/21 financial year was £51,000 compared to a cost between £12,500 and £20,000 at Castledon. The financial impact of using independent provision would be further exacerbated by higher transport costs as journeys to school would be further due to no local provision being available.

## **5.2 Option 2 – approve the recommended proposal to carry out construction works at Castledon School**

Investing in carrying out construction works at the school represents value for money and is required to ensure that the school can continue to accept pupils up to its existing admission number. This is therefore the recommended option.

## **6 Issues for consideration**

### **6.1 Financial implications**

#### **6.1.1 Capital**

Please see the confidential financial appendix for detailed capital financial information.

#### **6.1.2 Revenue**

£102,650 will be allocated from the Dedicated Schools Grant (DSG) revenue funding for furniture and equipment.

### **6.2 Legal implications**

6.2.1 The recommended option will support ECC in meeting its duty to ensure that there is a sufficient supply of school places under section 14 of the Education Act 1996 as the recommended option will provide additional space so that the school can accept its published admission number.

6.2.2 The Essex Construction Framework 2 provides for a two-stage tender process to be used where ECC has a requirement for works.

6.2.3 An enabling works contract and the main construction contract should be awarded to Morgan Sindall Construction PLC in accordance with the procedures set out in the Framework Agreement. Since the Academy Trust will not be a party to the construction contract, it will be necessary for the contractor to provide collateral warranties instead.

## **7 Equality and Diversity Considerations**

- 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 comprehensive impact assessment indicates that the proposals in this report will have a positive impact on children with a particular characteristic (SEND, learning disabilities and mental health conditions).

## **8 List of Appendices**

- 8.1 Appendix 1 – ECIA
- 8.2 Appendix 2 – Confidential Appendix

## **9 List of Background papers**

- 9.1 None