



Essex County Council

## Cabinet

<b>10:15</b>	<b>Tuesday, 20 June 2023</b>	<b>Council Chamber County Hall, Chelmsford, CM1 1QH</b>
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**For information about the meeting please ask for:**

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## **Pages**

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### **Meeting Arrangements**

In accordance with paragraph 14.7 of the Council's Constitution, the Leader has agreed that all members may take part in the meeting and vote if they are present via Zoom. The link to the Zoom meeting has been sent to members separately. Members of the public may watch on YouTube and there will of course be the normal public access to the meeting room in County Hall, from which any member of the public may observe the meeting and make representations.

<b>1</b>	<b>Membership, apologies, substitutions and declarations of interest</b>	<b>5 - 5</b>
<b>2</b>	<b>Minutes: 23 May 2023</b>	<b>6 - 14</b>

### **3 Questions from the public**

A period of up to 15 minutes will be allowed for members of the public to ask questions or make representations on any item on the agenda for this meeting. No statement or question shall be longer than three minutes and speakers will be timed.

On arrival, and before the start of the meeting, please register with the Democratic Services Officer.

### **4 Procurement of a service to deliver positive outcomes for people with multiple and complex needs (FP/092/03/23) 15 - 25**

The Equalities Comprehensive Impact Assessment (ECIA) is available [online](#)

### **5 Construction Works at Castledon School (FP/109/04/23) 26 - 32**

The Equalities Comprehensive Impact Assessment (ECIA) is available [online](#)

### **6 Decisions taken by or in consultation with Cabinet Members (FP/119/05/23) 33 - 34**

### **7 Date of next meeting**

To note that the next meeting of the Cabinet will take place at 10.15am on Tuesday 18 July 2023 in Committee Room 1 at County Hall, Chelmsford, CM1 1QH.

### **8 Urgent Business**

To consider any matter which in the opinion of the Chairman should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.

### **Exempt Items**

(During consideration of these items the meeting is not likely to be open to the press and public)

The following items of business have not been published on the grounds that they involve the likely disclosure of exempt information falling within Part I of Schedule 12A of the Local Government Act 1972. Members are asked to consider whether or not the press and public should be excluded during the consideration of these items. If so it will be necessary for the meeting to pass a formal resolution:

**That the press and public are excluded from the meeting during the consideration of the remaining items of business on the grounds that they involve the likely disclosure of exempt information falling within Schedule 12A to the Local Government Act 1972, the specific paragraph(s) of Schedule 12A engaged being set out in the report or appendix relating to that item of business.**

**9                      Confidential Appendix - Construction Works at  
Castledon School (FP/109/04/23)**

- Information relating to the financial or business affairs of any particular person (including the authority holding that information);

**10                     Urgent Exempt Business**

To consider in private any other matter which in the opinion of the Chairman should be considered by reason of special circumstances (to be specified) as a matter of urgency.

**Committee:** Cabinet

**Enquiries to:** Emma Tombs, Democratic Services Manager  
[Emma.tombs@essex.gov.uk](mailto:Emma.tombs@essex.gov.uk)

**Membership, Apologies, Substitutions and Declarations of Interest**

**Recommendations:**

To note:

1. Membership as shown below
2. Apologies and substitutions
3. Declarations of interest to be made by Members in accordance with the Members' Code of Conduct

**Membership**  
(Quorum: 3)

**Portfolio**

Cllr Kevin Bentley	Leader of the Council (Chairman)
Cllr Louise McKinlay	Deputy Leader and Community, Equality, Partnerships and Performance (Vice-Chairman)
Cllr Tony Ball	Education Excellence, Life Long Learning and Employability
Cllr Malcolm Buckley	Waste Reduction and Recycling
Cllr Graham Butland	Devolution, the Arts, Heritage and Culture
Cllr Beverley Egan	Children's Services and Early Years
Cllr Lee Scott	Highways Maintenance and Sustainable Transport
Cllr John Spence	Adult Social Care and Health
Cllr Lesley Wagland	Economic Renewal, Infrastructure and Planning
Cllr Chris Whitbread	Finance, Resources and Corporate Affairs

## **Minutes of a meeting of the Cabinet that took place in the Council Chamber at County Hall at 10.15am on Tuesday 23 May 2023**

### **Present:**

<b>Councillor</b>	<b>Cabinet Member Responsibility</b>
Cllr Kevin Bentley	Leader of the Council (Chairman)
Cllr Louise McKinlay	Deputy Leader and Cabinet Member for Community, Equality, Partnerships and Performance
Cllr Tony Ball	Education Excellence, Lifelong Learning and Employability
Cllr Graham Butland	Cabinet Member for Devolution, the Arts, Heritage and Culture
Cllr Beverley Egan	Children's Services and Early Years
Cllr Lee Scott	Highways Maintenance and Sustainable Transport
Cllr John Spence	Health and Adult Social Care
Cllr Lesley Wagland	Cabinet Member for Economic Renewal, Infrastructure and Planning
Cllr Chris Whitbread	Finance, Resources and Corporate Affairs

Cllrs Tom Cunningham, Mark Durham, Ivan Henderson, Bob Massey, Mike Mackrory, Mark Platt and Peter Schwier were also present. Attending remotely via Zoom were Cllrs Alan Goggin, David King and Chris Pond.

### **1. Membership, Apologies, Substitutions and Declarations of Interest.**

The report of Membership, Apologies and Declarations was received, and the following were noted:

1. There had been no changes of membership since the last meeting.
2. Apologies for absence had been received from Councillor Malcolm Buckley, Cabinet Member for Waste Reduction and Recycling.
3. There were no declarations of interest.

### **2. Minutes: 18 April 2023**

The Minutes of the previous meeting, held on 18 April 2023, were approved as a correct record and signed by the Chairman.

### **3. Questions from the public**

None.

#### 4. 2022-23 Provisional Outturn Report (FP/307/02/22)

The Cabinet received a report which presented and provided commentary on the provisional outturn position for the financial year 2022/23 prior to formal closure of the accounts. The report also explained the key movements since the third quarter overview report (presented to Cabinet on 17 January 2023) to the year-end position.

In presenting the report, the Cabinet for Finance, Resources and Corporate Affairs highlighted amendments to appendices G, H and M of the report, revised versions of which had been circulated prior to the meeting. The recommendations contained within the report were unaffected.

The Cabinet Member for Finance, Resources and Corporate Affairs, with contributions by the Cabinet Members for Highways Maintenance and Sustainable Transport and Health and Adult Social Care, responded to questions on the following points by Councillors David King, Ivan Henderson and Chris Pond:

- When the current assumptions in respect of inflation would be revisited;
- The benefits of using earned value measures, rather than purely financial terms, when considering capital underspends;
- Whether the £8m allocated to the Reserve for Future Capital Funding was felt to be sufficient;
- How the £17m of incurred inflationary pressure had been managed and the impact on reserves;
- The relationship between the underspend for Highways and the level of compensation claims received in respect of damage to vehicles.

#### Resolved:

Agreed to approve the following in relation to the 2022/23 outturn position:

1. Appropriation of the net under spend **£11.742m** as follows:
  - **£8m** to the Reserve for Future Capital Funding to provide some level of resilience to the growing cost escalation risk across the £1.2bn capital programme,
  - Create a new earmarked reserve to be known as the Highways Reserve **and** transfer **£3m** to support one-off investment in Highways. Drawdowns will be approved by the Cabinet Member for Finance, Resources and Corporate Affairs in consultation with the Cabinet Member for Highways Maintenance and Sustainable Transport
  - **£742,000** to the Technology and Digitisation reserve to support ongoing digital transformation, including any emergent pressure coming from 2030 work.
2. Allocation of under spends between portfolios as set out within the 'Transfers of under / over spends between Portfolios' column of Appendix A to report FP/307/02/22.

3. Appropriation of the following amounts to / from restricted and other revenue reserves

### **Restricted Funds**

#### **- Private Finance Initiative (PFI) Reserves**

- Building Schools for the Future - **£574,000** contribution (Appendix D 8iii)
- Clacton Secondary Schools - **£880,000** contribution (Appendix D8iii)
- Debden School - **£22,000** withdrawal (Appendix D 8iii)
- A130 Road - **£1.034m** withdrawal (Appendix D 10iii)

#### **- Waste Reserve – £7.053m net contribution comprising:**

- Contribution of **£7.227m** to return balances not needed as tonnages were lower than anticipated and **£268,000** to replenish the reserve relating to interim investment in senior resources (Appendix D 12iii)
- Contribution of **£780,000** for site dilapidation works and unspent project funds, for use in 2023/24 (Appendix D 12iii)
- Withdrawal of **£1.222m** to fund waste related projects (Appendix D 12iii)

#### **- Schools - £5.508m net withdrawal from the Schools reserve, following net decreases against schools' budgets in 2022/23 (Appendix D 7i)**

#### **- Partnership Reserves**

- Youth Offending Service Partnership Reserve - **£94,000** net withdrawal (Appendix D 3iv)
- Essex Safeguarding Children's Board Partnership Reserve - **£38,000** withdrawal (Appendix D 3iv)
- Adults Safeguarding Board Partnership Reserve - **£33,000** contribution (Appendix D 1vii)
- Public Law Partnership Reserve - **£10,000** withdrawal (Appendix D 15iii)

### **Reserve for Future Capital Funding**

#### **- Capital funding - £781,000 net contribution to transfer revenue financing resources to capital in respect of:**

- Capital Financing - £2.508m contribution due to slippage in the capital programme (Appendix D 17ii)
- To offset write off expenditure in relation to Essex County Hospital - £1.182m withdrawal (Appendix D 6iii)
- Schools Devolved Formula Grant categorised as revenue - £612,000 withdrawal (Appendix D 7iii)
- Capital works relating to lift replacement - £20,000 contribution (Appendix D 15iii)



- DUCCL capital project - £47,000 contribution (Appendix D 15iii)
- This is in addition to the £8m contribution to this reserve proposed in recommendation 2.1 above, and will bring the net contribution to £8.781m (Section 2.1)

### Other reserves

- **Carry Forwards - £6.468m** contribution, in respect of revenue budget under spends that it is proposed are carried forward for use in 2023/24. The proposals for utilising this Reserve in 2023/24 are set out in **Appendix C** of this report
  - In addition to this there is a £298,000 contribution returning unused 2021/22 carry forwards no longer required, and a withdrawal of £24,000 relating to a 2021/22 carry forward not previously drawn down in year (Appendix D 3iv, 5iii & 13iii)
- **Adults Risk - £139,000** contribution relating to the Market Initiatives fund, the funding will be withdrawn for use in 2023/24 (Appendix D 1vii)
- **Adults Transformation – £780,000** net contribution comprising:
  - £951,000 contribution, due to unspent project funding (Appendix D 1vii)
  - £171,000 withdrawal to fund expenditure relating to Charging Reform and the Care Quality Commission (CQC). (Appendix D 1vii & 13iii)
- **Ambition Fund - £1.068m** net contribution comprising:
  - £1.404m of contributions, due in the main to unspent project funding, which is required for use in the next financial year and therefore will be withdrawn in 2023/24 (Appendix D 1vii, 4iii, 11iii, 13iii & 15iii)
  - £336,000 withdrawal to fund expenditure for various Leader led initiatives. (Appendix 5iii, 7iii, 8iii & 13iii)
- **Bursary for Trainee Carers Reserve - £75,000** withdrawal relating to the Nightingale Health and Care Bursary Programme (Appendix D 8iii)
- **Children's Transformation Reserve - £634,000** net withdrawal comprising:
  - £651,000 withdrawal to fund foster care fee uplifts and a number of projects to deliver the Children's Transformation Programme (Appendix D 3iv)
  - £17,000 contribution due to the under spend on Children In Care Books project to be used in 2023/24 (Appendix D 3iv)
- **Commercial Investment in Essex Places - £11,000** contribution due to unspent resource costs related to Essex Renewal Fund, for use in 2023/24 (Appendix D 6iii)
- **Community Initiatives Reserve - £279,000** withdrawal to support expenditure incurred on community projects during 2022/23 (Appendix D 4iii)
- **COVID Equalisation Reserve - £30,000** net withdrawals comprising:

- £786,000 contribution to return Covid funding where actual expenditure or income losses were lower than previously forecast in year, of which £660,000 is for use in 2023/24. (Appendix D 6iii, 10iii, 13iii & 15iii)
- £816,000 withdrawals to help cover the continued impact of the pandemic on services (Appendix D 3iv, 4iii & 8iii).
- **Emergency Reserve - £734,000** withdrawal to cover increases in Home to School transport public ticket increases and Local Bus fuel costs (Appendix D 10iii)
- **Essex Climate Change Commission - £846,000** contribution relating to Climate Change for use in 2023/24. (Appendix D 11iii)
- **Everyone's Essex Reserve - £218,000** net contribution comprising:
  - £415,000 contribution relating to Everyone's Economy and Everyone's Environment projects for use in 2023/24 (Appendix D 6iii, 8iii & 10iii)
  - £197,000 withdrawal mainly relating to the Arts and Culture Fund, Adult Community Learning and Community Challenge Fund initiatives (Appendix D 3iv, 5iii, 8iii)
- **General Risk Reserve - £4.296m** contribution relating to Utilities and Energy costs as additional costs were lower than anticipated due to the receipt of government funding and to replenish in relation to the approved pay award decision for 2023/24 (Appendix D 9iii, 10iii & 15iii)
- **Insurance Reserve - £4.865m** contribution due to year end actuarial evaluation and provision (Appendix D 15iii)
- **Quadrennial Elections Reserve - £13,000** contribution due to unspent election funds (Appendix D 4iii)
- **Technology and Digitalisation Reserve - £549,000** net contribution comprising:
  - £1.443m contribution relating to mitigation of future pressures and under spend against Social Care platform programme (Appendix D 15iii)
  - £894,000 withdrawal relating to various technology projects (Appendix D 15iii)
  - This is in addition to the £742,000 contribution proposed in paragraph 2.1 above, and will bring the total net contribution to this reserve to £1.291m (Section 2.1)
- **Transformation Reserve - £1.993m**, net withdrawal comprising:
  - £2.041m withdrawal relating to approved decisions mainly for work on Property Transformation, Libraries Strategy, Concessionary fares reimbursement, Charging Reform and CQC, Support Services and Corporate Print services projects (Appendix D 1vii, 4iii, 6iii, 10iii, 13iii & 15iii)
  - £48,000 contribution relating to the return of North East Quadrant Office Strategy and Digital Connectivity Resourcing funding for use in 2023/24 (Appendix D 6iii & 15iii)

4. Financing of capital payments in 2022/23 on the basis set out within **Appendix G** to report FP/307/02/22.
5. Reprofiting of capital payment budgets, and associated capital funding, of **£31.385m**, into subsequent financial years, in respect of slippage in schemes (as shown in the 'Slippage' column of Appendix H to report FP/307/02/22).
6. The bringing forward of capital payment budgets, and associated capital financing, of **£13.314m** in respect of schemes that have progressed ahead of schedule (as shown in the 'Advanced works' column of Appendix H to report FP/307/02/22).
7. Reduction of capital payment approvals by a total of **£33.395m** (as shown in the 'Reductions' column of Appendix H to report FP/307/02/22), with increases of **£36.244m** to other schemes (as shown in the 'Additions' column of Appendix H to report FP/307/02/22), to reflect achieved activity in 2022/23.
8. Agreed, in relation to the 2023/24 budget:
  - Delegation of authority to the Executive Director for Corporate Services (S151 Officer), in consultation with the Cabinet Member for Finance, Resources and Corporate Affairs, to apply the total of **£11.917m** from the Carry Forwards Reserve in 2023/24 for the purposes detailed in Appendix C to report FP/307/02/22 for amounts that have been requested at year end, plus amounts previously approved by Cabinet to carried into the Reserve during 2022/23. The Section 151 Officer will advise the Cabinet Member for Finance, Resources and Corporate Affairs if, after consultation with the relevant Executive Director, the amount of any carry forward should be reduced.

**5. Adoption and Implementation of ECC Tree Management Plan (FP/540/10/22)**

The Cabinet considered a report which sought approval for the adoption and implementation of an ECC Tree Management Plan

The Leader of the Council and the Councillor Peter Schwier (Climate Tsar), speaking at the invitation of the Leader, with contributions from the Cabinet Members for Highways Maintenance and Sustainable Transport and Economic Renewal, Infrastructure and Planning, responded to questions by Councillors Mike Mackrory, and Chris Pond in relation to:

- Whether Essex Highways had subscribed to the Plan;
- The intended dissemination of the Plan;

- The feasibility of simplifying the process of making small areas of land available for 'adoption' by residents;
- How Parish Councils would be engaged in the delivery of the Plan.

**Resolved:**

1. Agreed to adopt the Essex County Council Tree Management Plan as appended to report FP/540/10/22).
2. Noted that Tree Management Statements will be produced by officers and published on the ECC website.

**6. Supporting Local Bus Services – 2024 Onwards (FP/093/03/23)**

The Cabinet considered proposals regarding the review of ECC supported bus services following expiry of the existing contracts in July 2024.

The Cabinet Member for Highways Maintenance and Sustainable Transport responded to questions by Councillors Ivan Henderson, Mike Mackrory and Chris Pond in relation to:

- The opportunities for Scrutiny to consider the consultation proposals;
- Assurance that before any services were discontinued information on the impact of such on the socio-economic groups using the service were considered;
- Why the Bus Service Operator grant had not been included in the Financial implications data within the report;
- Whether decisions to stop particular services would be made on purely financial grounds;
- The time at which evening, as opposed to daytime, services commenced;
- Whether the contracts allowed for action to be taken against poorly performing operators.

**Resolved:**

1. Agreed that the Director, Highways and Transportation shall consult as follows:
  - a. Retendering the 97 Local Bus contracts set out in Appendix A to report FP/093/03/23, with an approximate annual net cost of £4.9m, for a four-year period with the possibility of extending for a further two years.
  - b. The redesign and re-procurement of 43 contracts as set out in Appendix B to report FP/050/02/23: the 39 bus contracts with an approximate annual net cost of £3.3m and four new Local Bus contracts with an approximate annual net cost of £1.1m for a two-year period with an option for extension for up to a further three years.

- c. That the consultation referred to in b above will be on the basis that if these services are not on course to meet the subsidy requirement of no more than £5 per passenger journey by the time the Council needs to make a decision on what happens after the end of the two-year period, the Council may consult on withdrawal, noting that consultation would not take place until 2025 at the earliest.
  - d. The withdrawal of the 21 low use Local Bus contracts listed in Appendix C to report FP/050/02/23 where the cost is currently more than £10 per passenger journey.
- 2. Noted that following consultation, decision on which services to extend, which services to procure, which services to award and which services to withdraw will be taken by the Cabinet Member for Highways Maintenance and Sustainable Transport as long as decisions can be accommodated within the overall local bus budget.
  - 3. Noted that some contracts for services may need to be the subject of a short-term extension if it is not possible to consult and award contracts by the expiry of the current contracts in July 2024.
  - 4. Noted that the proposals for innovative new delivery models will be brought forward for consideration, including, but not limited to, devolving hyper local services, digital demand responsive services, low-rate flat fares building on the success of the national £2 fare offer, and marketing and promotion of services, including wider ticketing offers. Such investment proposals will be subject to agreement in a decision taken by the relevant Cabinet Members

**7. Decisions taken by or in consultation with Cabinet Members (FP/119/05/23)**

The report was noted.

**8. Dates of Future Meetings**

Noted that Cabinet meetings would take place on the following dates in 2024:

16 January	23 July
27 February	10 September
26 March	8 October
23 April	12 November
28 May	17 December
25 June	

(Unless otherwise notified, all meetings will take place at 10.15am in the Council Chamber at County Hall, Chelmsford, CM1 1QH.)

**9. Date of the next meeting**

The next meeting of the Cabinet would take place at 10.15am on Tuesday 20 June 2023 in the Council Chamber at County Hall, Chelmsford, CM1 1QH.

**10. Urgent business**

There was no urgent business.

There being no further business, the meeting closed at 11.10am.

**Forward Plan reference number: FP/092/03/23**

<b>Report title:</b> Procurement of a service to deliver positive outcomes for people with multiple and complex needs	
<b>Report to:</b> Cabinet	
<b>Report author:</b> Councillor John Spence, Cabinet Member for Adult Social Care and Health	
<b>Date:</b> 20 June 2023	<b>For:</b> Decision
<b>Enquiries to:</b> Ben Hughes, Head of Public Health and Wellbeing <a href="mailto:ben.hughes@essex.gov.uk">ben.hughes@essex.gov.uk</a>	
<b>County Divisions affected:</b> All Essex	

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

- 1.1 Everyone's Essex sets out ECC's ambition to tackle different forms of disadvantage and improve outcomes for Essex residents, thereby ensuring that support is available and accessible to all members of the community, however challenged or vulnerable they may be.
- 1.2 Many individuals who come into contact with the criminal justice system are vulnerable adults with a range of multiple and complex needs, including, for example, combinations of mental ill health, alcohol addiction, substance misuse and homelessness. Due to their complexity, they are prevented from successfully engaging with treatment or support, and so end up falling through the gaps in conventional services, leading to poor health outcomes and health inequalities.
- 1.3 In 2016, ECC commissioned the Offenders with Complex and Additional Needs service, which provides effective, wrap around support to stabilise and support individuals with complex needs into recovery, and ultimately enable them to lead healthy and more fulfilling lives.
- 1.4 The service contributes to a number of commitments within ECC's four-year plan, Everyone's Essex, notably to support healthy lifestyles and level up health.
- 1.5 The service has a significant impact on the Council's commitment to safety. Seeking to address conditions that may influence offending behaviour can help prevent reoffending and rehabilitate them back into mainstream society and realise their full potential. It can also divert those who are on the periphery of offending, for example victims of criminal exploitation, from entering the criminal justice system.
- 1.6 The service is currently funded from the main Public Health Grant and continues to be extremely effective. The existing contract comes to an end on 31 March 2024 and cannot be extended.

- 1.7 Given the additional travel required in this proposal, commissioning this service will not be carbon neutral. However, it will work towards the Essex Climate Change Commission recommendations.

## **2 Recommendations**

- 2.1 Agree to launch a competitive procurement using the open procedure to procure a provider to deliver an Essex-wide Multiple and Complex Needs Service at a maximum total value of £9.5m over the initial five-year contract period. The estimated cost in year one is £1.9m.
- 2.2 Agree that the contract length will be five years with an option to extend for four years on a two plus two-year basis.
- 2.3 Agree that the following award criteria is applied in the procurement: 30% price: 70% quality of which 10% of the quality score will assess social value.
- 2.4 Agree that the Cabinet Member for Health and Adult Social Care is authorised to award the contract to the successful bidder following completion of the procurement process.

## **3 Background and Proposal**

- 3.1 As part of Everyone's Essex, ECC is committed to improving the health of Essex residents. Individuals in contact with the criminal justice system (both offenders and victims of exploitation) often have a range of multiple and complex needs, including combinations of substance misuse, mental ill-health, homelessness and domestic violence (victims and perpetrators) (often referred to as Severe Multiple Disadvantage – SMD). Many also have poor physical health, learning disabilities, autism and or neurological conditions.
- 3.2 Largely due to the way services are commissioned or designed to deal with single issues only, many struggle to access support. Similarly, they invariably do not reach the thresholds for statutory services, whilst still clearly needing some level of support. Coupled with often chaotic lifestyles, individuals with SMD are unable to navigate services and complex referral pathways, which prevent them from accessing the support they need at the time they need it. Instead, they are passed from service to service, and ultimately end up presenting in crisis to emergency and costly specialist services. This creates undue pressure on public services, and more importantly, destabilizes the person further, causing their needs to escalate.
- 3.3 In addition, they are often socially isolated, with little or no connection with their families, or local community. As highlighted in a report in 2021, *Making Every Adult Matter*, the culmination of these factors also means individuals impacted by SMD are at higher risk of premature death and likely to have high rates of suicide compared to the general population.



- 3.4 Other research, such as that undertaken by the Lankelly Chase Foundation in 2015, highlights the ripple effect caused by not effectively responding to the needs of those with SMD. By way of example, they found that almost 60% of adults with SMD live with children or have ongoing contact with them. The report refers to the potential indirect social cost and detrimental impact to children caused by substance misuse, chaotic lifestyle etc, and moreover, increased risks of neglect, abuse and domestic violence.
- 3.5 In 2016, ECC commissioned the Offenders with Complex and Additional Needs service, to provide practical support to those in contact with the criminal justice system, such as advocacy and attending appointments, to enable them to access necessary support.
- 3.6 ECC currently has a contract with Phoenix Futures, to deliver the Offenders with Complex and Additional Needs service. The contract was awarded following the completion of a competitive procurement process.
- 3.7 This contract commenced on 1 April 2016 and was due to expire on 31 March 2023. The contract was extended for a further 12 months until 31 March 2024, but cannot be extended further because all contract extensions have been utilised.
- 3.8 Over time, in response to increasing recognition of the barriers to accessing support for those with multiple and complex needs, the provision of the Offenders with Complex and Additional Needs service was broadened to encompass therapeutic, holistic, wrap around intensive support (referred to as Full Circle) which together with Offenders with Complex and Additional Needs is referred to as the 'Service'.
- 3.9 The current contract with Phoenix Futures provides support across Essex to people who have a range of multiple and complex needs. The Service offers both practical and therapeutic support which is person-centred, non-time limited, and non-punitive, i.e., they will continue to work with service users when they struggle to engage or following disengagement. The Service is able to flex, increasing or decreasing support to meet individuals needs and circumstances which may fluctuate over time. Service users are encouraged to identify their own positive outcomes, including the pursuit of enjoyable recreational and educational/learning activities, which help them connect with others and their wider community, and ultimately enable them to live healthier and more fulfilling lives.
- 3.10 The Service has continued to forge strong links with partners from across all sectors including for example, police, probation, drug and alcohol treatment, housing, and social care. Rather than passing individuals from service to service, they form a multi-disciplinary team to address all of their needs at one time, while also ensuring that all services engaged fulfil their respective responsibilities.

### **Prison link support**

- 3.11 The Service has a dedicated Prison Link Worker, who provides support for service users transitioning into the community following their release from prison, in particular, those with substance misuse issues requiring treatment, as well as those with mental ill health.
- 3.12 In addition, working in close collaboration with the police, probation and the courts, the Service also provides dedicated Criminal Justice Practitioners whose role it is to encourage and seek the use of Alcohol Treatment Requirements orders, Community Orders and Out of Court disposals where appropriate.
- 3.13 Co-production with service users is integral to the continued evolvement of the service. Service user feedback is continuously captured to inform service improvement and development. This includes engagement with key partners such as the Essex Recovery Foundation, and the wider recovery community. The Service also facilitates the growth and development of peer mentors, and where possible, supports them into paid employment.

### **Futures in Mind**

- 3.14 The Service works in partnership with the Futures in Mind service which is funded through the Public Health Grant and provides mentoring advice and a broad range of meaningful and enjoyable activities which can help support and sustain service users' recovery. The Futures In Mind service is currently subject to a separate contract which is jointly commissioned by ECC Public Health and ECC Mental Health. Using a volunteer-led peer support model, activities are co-designed and co-produced by service users, their families and carers.
- 3.15 This contract commenced on 1 February 2017 and was due to expire on 31 January 2023. Following an extension of the contract for a period of 14 months, the contract is now due to expire on 31 March 2024, and cannot be extended further.
- 3.16 It is proposed that the current Futures in Mind service will be incorporated within the new Multiple and Complex Needs Service procurement.

### **Expansion of the service model**

- 3.17 The positive outcomes achieved through delivery of the service model, have yielded a number of positive outcomes, in particular, helping to reduce the stigma often associated with and faced by individuals experiencing SMD, as well as being able to demonstrate the positive outcomes through delivery of therapeutic, non-clinical interventions. Local partners remain supportive of the service, and there is increasing recognition as to how the same approach can be adapted to support vulnerable individuals with a broader range of complexities within different settings. Key examples include two pilots currently

being delivered by Phoenix Futures under different contractual arrangements, namely:

### **Vulnerable Adults service**

- 3.18 The project is being delivered in partnership with Adult Social Care and provides support to vulnerable adults who are known/open to the Learning Disability and Autism Team, and who are being, or who are at risk of criminal, sexual or financial exploitation by others. Originally piloted in the Mid and North of the County in 2020, it has now been extended to South and West Essex. There is increasing acknowledgement that a number of individuals who are known to Adult Social Care do not reach the statutory threshold imposed by the Care Act, but nevertheless are vulnerable and do require a level of support which this service brings. Adult Social Care has committed to providing additional funding for the new contract to ensure that this becomes a core part of the multiple and complex needs service going forwards.

### **Alcohol High Intensity User Pilot**

- 3.19 The Alcohol High Intensity User (HIU) pilot is being delivered across three hospital sites. Working in partnership with Mid and South Essex NHS Foundation Trust, the HIU pilot identifies and offers support to individuals who regularly present in crisis to Emergency Services and/or their GP due to their alcohol use, but which is triggered or exacerbated due to a range of other underlying complex needs. The wrap around support helps stabilise and address individuals' needs, supporting them into recovery and thereby also alleviating pressure on hospitals. For example, one service user prior to referral had been admitted to hospital 27 times within 12 months. Following engagement and support over an 8-month period, this significantly reduced, equating to a 96% reduction in presentation rate. There are currently ongoing discussions with health partners as to if and how this service could be extended and incorporated as part of this procurement.

### **Proposed new contract**

- 3.20 It is proposed to go out to the market to procure a provider to deliver a multiple and complex needs service on behalf of ECC so that arrangements will be in place when the existing contract expires on 31 March 2024.
- 3.21 The contract will be for five years in duration with the option to extend for a further four years (two plus two years).
- 3.22 A contract with a single provider is proposed. The service is unique in its approach and the type of wrap around support being provided which aims to prevent service users falling through gaps. Similarly, the level and complexity of needs of service users means that there are few providers who could deliver the service and therefore other options, such as a framework agreement, are not recommended.

- 3.23 The service covers the whole ECC area and is key in reducing demand on more specialist services. While benchmarking of the service is difficult as there are no other exact analogous services in the UK, commissioners know from developmentally commissioning this service for nearly eight years, that the proposed contract value is the minimum required to achieve these ambitions.
- 3.24 As commissioners continue to explore with wider partners how the overarching service model can be adapted to support broader combinations of complexity, it is vital to ensure that the market is able to respond in a way that evidences their ability to be flexible in developing future provision as needs change, and as new evidence is developed, and which enables ECC to support vulnerable residents.
- 3.25 Currently, only a very small proportion (around 5%) of service users re-present within 12 months following support from the service. Notwithstanding their multiple and complex needs, a high proportion of clients (47.1% for the year to date) have been closed with their outcomes met.
- 3.26 Service performance will be managed through quarterly contract monitoring meetings and the provision of reports detailing management information and performance against outcomes as detailed in the service specification. Using current performance measures as a baseline, commissioners will work with the provider to develop these during the term of the contract to adapt and meet changing needs. Where appropriate, remedial action will be taken to address any shortfall in relation to performance.
- 3.27 It is proposed that the current Futures in Mind service will also be incorporated within the new Multiple and Complex Needs Service.
- 3.28 The new contract may also have a number of partnership posts (the details of which are yet to be confirmed) which will be funded by the Probation Service but which will be hosted and managed by the new provider. The intention is that these new posts will provide an 'in-reach' service within probation across the County. This funding has not yet been agreed and will be confirmed before the procurement process commences.

### **Consultation and engagement**

- 3.29 There has been an early engagement event with prospective providers, and there are plans for a further event, focusing on what is required to fulfil the social value element of the contract, planned for June 2023. There has also been ongoing consultation with other stakeholders including commissioners for Adult Social Care, Mental Health and Learning Disabilities.
- 3.30 Co-production of the specification with service users continues to be at the heart of the service. Evolvment and enhancement of the service has been driven by continuously taking on board and responding to the needs of service users.

## Staffing resource and implications

- 3.31 The staff engaged in delivering the existing Offenders with Complex and Additional Needs contract are employed by Phoenix Futures. The incoming and outgoing providers will need to manage the transfer of staff, where necessary, in accordance with the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE). Phoenix Futures will be expected to provide accurate TUPE information and prospective bidders will be expected to conduct their own due diligence to check the accuracy of the information provided.
- 3.32 The Futures in Mind service is a volunteer-led peer support model. However, it does also employ paid members of staff who will potentially be subject to a TUPE transfer.

## Procurement approach

- 3.33 An open, one stage, procurement process will be undertaken for the Service in order to identify, evaluate and select suitable suppliers. The tender will be scored on a 30% price: 70% quality (of which 10% of the quality score will assess social value). Timescales are dictated by the procurement process and contract commencement is planned for 1 April 2024.

3.34 Timetable:

July 2023	Advertise procurement
July 2023	Invitation to Tender issued
Mid September	Tender closes
October - November	Tender evaluation and internal governance
November 2023	Delegated Authority to Award Contract
December 2023	Final Award
Jan – March 2024	Mobilisation and handover arrangements (including TUPE)
1 April 2024	Contract Commencement

## 4 Links to our Strategic Ambitions

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

- Enjoy life into old age
- Strengthen communities through participation

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

- Health wellbeing and independence for all ages
- A good place for children and families to grow

4.3 This report links to the commitments in Everyone's Essex and plans for levelling up the County:

- Health lifestyles
- Promoting independence
- Place based working
- Levelling up health
- Family resilience and stability
- Safety
- Levelling up outcomes for families

4.4 This report links to the following overarching priority areas in the Essex Joint Health and Wellbeing Strategy:

- Improving mental health and wellbeing
- Supporting long term independence
- Alcohol and substance misuse
- Health inequalities and the wider determinants of health

4.5 This report links to the outcomes in the Children and Young People's Plan:

- Stable and thriving families
- Safe and accessible neighbourhoods

4.6 The recommendations in this report will have a direct environmental or climate change implications. However, Providers undertaking this contract will be expected to demonstrate how they are upholding and contributing to the themes of the Essex Climate Change Commission recommendations including a focus on low carbon transport, waste reduction and recycling, effective use of energy contributing towards the carbon neutral agenda

## 5 Options

### 5.1 Option 1: Proceed with the procurement

For the reasons set out above in this report, it is recommended that the Council undertakes a procurement process to appoint a provider for the Multiple and Complex Needs Service. A new contract needs to be in place on expiry of the existing contract to ensure that the services will continue to be delivered without a gap in the provision. **This is the recommended option.**

### 5.2 Option 2: Do nothing

This option is not recommended. The existing contractual arrangements for delivery of the service will expire on 31 March 2024. The Council has committed to improving the health and wellbeing of Essex residents, and to address health inequalities; for the reasons outlined above, this option would be contrary to the Council's commitment to Levelling Up. This would also be detrimental to the needs of vulnerable adults experiencing SMD who are unable to navigate complex service pathways without support, and which would result

in them presenting in crisis to emergency and specialist services who do not have the capacity or expertise/experience to provide support.

## 6 Issues for consideration

### 6.1 Financial implications

6.1.1 Both the Offenders with Complex and Additional Needs and the Futures in Mind contracts are due to expire in March 2024. They are currently funded annually from the overall annual Public Health Grant, the value of which is £67.76m in 2023/24.

6.1.2 The funding structure for the proposed procurement of the multiple and complex needs service from 2024/25 is as follows. There is no assumed inflationary uplift included year on year, the service will be procured at a maximum cost of £9.5m over 5 years within which, any assumed inflation will be included. Nevertheless, commissioners are mindful of the impact of inflation on services and will keep this under review:

Funding source	2024/25 £000	2025/26 £000	2026/27 £000	2027/28 £000	2028/29 £000
Public Health grant	1,367	1,367	1,367	1,367	1,367
Supplementary Alcohol/Criminal Justice grant	270	270	270	270	270
Vulnerable Adults Service grant	112	112	112	112	112
Probation Service: Substance misuse contribution	151	151	151	151	151
<b>Total Income</b>	<b>1,900</b>	<b>1,900</b>	<b>1,900</b>	<b>1,900</b>	<b>1,900</b>

6.1.3 The element of the funding provided from the Public Health grant assumes that the grant does not fall below current levels. The 2021 Comprehensive Spending Review confirmed that the Public Health grant will be maintained in real terms at 2022/23 levels and therefore it would seem reasonable to assume this revenue cost can be contained in 2024/25. For the period from 2025/26 until the contract expires, there is no further assurance at this time about the level of funding of the public health grant and as such, should a pressure arise as a result of a reduction in funding levels, action would need to be taken to mitigate any crystallising pressure including re-prioritisation of existing resources from other services if no solution can be found within the public health service.

6.1.4 The additional drug and alcohol treatment grant funding allocations are published until 2024/25, beyond which, there is no further assurance about the level of funding expected. Therefore, similarly to the public health grant, should a pressure crystallise as a consequence of a reduction in future grant funding, action would be required to mitigate that pressure as above.

6.1.5 The partnership posts funded by the Probation Service are dependent on agreeing and receiving this funding. If the financial contribution from the Probation Service were to cease, this element of the service would also cease, therefore mitigating any financial risk to ECC for this element of the contract.

6.1.6 Option 2 is not recommended as it goes against ECC's commitment to levelling up and addressing health inequalities within Essex.

## **6.2 Legal implications**

6.2.1 These services are subject to the 'light touch' regime in the Public Contracts Regulations 2015. This means that the Council is required to undertake a competitive process before awarding any contract with a value of over £663,540. ECC can use one of the main procurement routes, such as the open procedure, for light touch services but is not obliged to.

6.2.2 The Transfer of Undertakings (Protection of Employment) Regulations 2006 (as amended) are likely to apply to some or all staff delivering transferring between provider organisations.

6.2.3 The Public Services (Social Value) Act 2012 replaces a requirement on contracting authorities to consider, when procuring services, how the economic, environmental and social wellbeing of the local area may be improved and how this can be delivered through the procurement.

6.2.4 Contracts should be awarded on the basis of the most economically advantageous tender and qualitative, environmental and/or social aspects should be linked to the subject matter of the contract.

6.2.5 The proposed funding from the Probation Service has not yet been confirmed and should be agreed before the procurement commences. ECC will need an agreement in place with the Probation Service relating to the provision of this funding and any risks arising from the incorporation of these posts in the contract.

6.2.6 Changes to a contract during its term are permitted subject to compliance with the Public Contract Regulations 2015 and internal decision-making processes. Any changes to the outcomes to be delivered during the term of the contract, the provision or withdrawal of a probation service or the inclusion of the Alcohol High Intensity User service, should be clearly set out in the procurement documents and included in the contract as clear, precise and unequivocal review clauses.

## **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, sex, 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 Equalities Comprehensive 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**

Appendix 1 - Equalities Comprehensive Impact Assessment

## **9 List of Background papers**

None

**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
<b>Enquiries to:</b> Clare Kershaw, Director, Education – clare.kershaw@essex.gov.uk	
<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:

Milestone Description	Target Date
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



<b>Report title:</b> Decisions taken by or in consultation with Cabinet Members	
<b>Report author:</b> Secretary to the Cabinet	
<b>Date:</b> 20 June 2023	<b>For:</b> Information
<b>Enquiries to:</b> Emma Tombs, Democratic Services Manager, 03330 322709	
<b>County Divisions affected:</b> All Essex	

The following decisions have been taken by or in consultation with Cabinet Members since the last meeting of the Cabinet:

### **Leader of the Council**

**FP/579/11/22\*** Extension to the Household Support Fund: Funding to Support Families and Vulnerable Adults

**FP/149/06/23** Essex Community Equipment Services contract extension

### **Cabinet Member for Children's Services and Early Years**

**FP/132/05/23\*** Registered Short Term Group Care Residential Children's Home – Lavender House

### **Cabinet Member for Education Excellence, Life Long Learning and Employability**

**FP/048/02/23\*** Amalgamation of Sunnymede Infant School and Sunnymede Junior School, Billericay

**FP/130/05/23** Appointment and Re-appointment of School Governors by Essex LA – Schedule 47

**FP/131/05/23** Individual Packages of Educational Support (IPES) Framework – Contract Award

**FP/136/05/23** ACL Service Strategy

**FP/139/06/23** Appointment and Re-appointment of School Governors by Essex LA – Schedule 429

**FP/141/06/23** Appointment and Re-appointment of School Governors by Essex LA – Schedule 428

### **Cabinet Member for Finance, Resources and Corporate Affairs**

<b>FP/122/05/23</b>	Drawdown from Waste Reserve Food Waste Recycling project
<b>FP/123/05/23</b>	Drawdown of reserves to support transformation activity
<b>FP/125/05/23</b>	Support Services Programme – Drawdown from enabling Technology Reserve for Automation Project
<b>FP/129/05/23</b>	Additional Getting Building Funding Award 2023
<b>FP/089/06/21*</b>	Development Loan to Essex Housing Development LLP to acquire land
<b>FP/134/05/23</b>	Crawdown from the Ambition Fund Reserve: funding for the Budget Executive Statement
<b>FP/135/05/23</b>	Drawdown from the Reserve for Further Funding for Transformation Programme Shaping Support
<b>FP/137/06/23</b>	My Oracle: Contract and Funding for System Support and Development
<b>FP/151/06/23</b>	Migration of the 'Essex Schools Infolink' website

### **Cabinet Member for Highways Maintenance and Sustainable Transport**

<b>FP/120/05/23</b>	Proposed implementation of a 'Zebra Crossing' – Shrub End Road, in the City of Colchester
<b>FP/121/05/23</b>	Proposed introduction of bus gate Traffic Regulation Order on A134 Northern Approach Road, to restrict access except for local buses, in the City of Colchester
<b>FP/372/04/22*</b>	Active Travel Fund 2 – Proposed Conversion of Footway & Carriageway to a Cycle Track, on Head Street, Colchester The Essex County Council (Head Street, Colchester) (One Way) Order 20 The Essex County Council (Colchester City) (Prohibition of Waiting, Loading and Stopping) and (On-Street Parking Places) (Civil Enforcement Area) (Amendment No.39) Order 20
<b>FP/138/06/23</b>	Route taken by Bus Services 313/314 and 322/323/324 through Woodlands Park, Great Dunmow
<b>FP/152/06/23</b>	Proposed Upgrade of Existing Advisory Disabled Parking Bay to Enforceable 'Disabled Badge Holders Only' Bay, 27 Mumford Close, West Bergholt, Colchester
<b>FP/153/06/23</b>	Proposed 'No Waiting at Any Time', Priory Grange, Stonepath Drive, Hatfield Peverel, Braintree