

Forward Plan reference number: FP/111/07/21

Report Title: Walnut Tree Pupil Referral Unit (PRU) – new 80 place PRU capacity on vacant land adjacent to new Paxman Academy, Colchester	
Report to: Cabinet	
Report author: Councillor Tony Ball, Cabinet Member for Education Excellence, Life Long Learning and Employability	
Date: 21 September 2021	For: Decision
Enquiries to: Ralph Holloway Head of SEND Strategy and Innovation email ralph.holloway@essex.gov.uk	
County Divisions affected: All Colchester divisions	

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This report has a confidential appendix which is not for publication as it includes exempt information falling within paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended.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

- 1.1 There is a need for more capacity in pupil referral units in North East Essex. The current provider is North East Essex Co-operative Alternative Provision Academy (NEECA) which operates from a site at Turner Road, Colchester but which is operating beyond the design capacity of the premises. Meanwhile the Council has vacant land as part of the site of the new Paxman Academy which has been earmarked for new provision. This report asks the Cabinet to agree to build on this site to provide 80 places of a Pupil Referral Unit (PRU) in Colchester for; 30 places for Key Stage 1 and 2 pupils, 20 places for year 6/7 transition pupils and 30 places for secondary age medical/anxious school refusers and to lease the site to Keys Co-operative Academy Trust, the operator of the Turner Road site. Both sites will be managed as a single pupil referral unit.
- 1.2 The report explains how the proposed building will contribute to reducing carbon emissions.

2. Recommendations

- 2.1 Agree that the Council will support the construction of an establishment of a new pupil referral site with a capacity of 80 places on surplus land adjacent to Paxman Academy, Colchester to be known as the Walnut Tree site which will be managed by Keys Co-operative Academy Trust as part of its current PRU provision .

- 2.2 Agree to the procurement of the associated building works for Walnut Tree through a two-stage design and build mini competition using the Essex Construction Framework 2.
- 2.3 Agree that the Head of Infrastructure Delivery is authorised to award the contract to the successful bidder, when he is content that the following conditions have been met:
 - a. A satisfactory planning permission has been granted; and
 - b. The construction costs are within the agreed budget and represent value for money.
 - c. collateral warranties are in place between the bidder and the end user of the building.
 - d. a funding agreement between the Secretary of State for Education and the Keys Co-operative Academy Trust allows the trust to expand on this site.
- 2.4 Approve the capital budget for construction and associated project fees as per the profile stated in the confidential financial appendix.
- 2.5 Agree to lease the new PRU building to Keys Co-operative Academy Trust on a 125 year term at nominal rent.

3. Summary of issue

- 3.1 ECC has a statutory obligation to ensure that a school place is provided for each child residing in Essex whose parents/guardians request one. We also have a duty to provide education for children who are unable to be educated in a school setting. The provision of pupil referral units helps improve the educational attainment of children who are not otherwise able to attend a setting. This contributes to the emerging objectives in the draft Organisational Strategy of '*A Good Place for Children and Families to Grow*'. In addition, ECC's corporate objectives include: deliver the best possible educational outcomes for children attending schools within its administrative border; improve public health and wellbeing across Essex and, safeguard vulnerable people of all ages.
- 3.2 The need for capital investment in the pupil referral units was set out in a Strategic Business Case (SBC) in May 2015. Since then there has been a significant year on year increase in pressure on existing capacity at Essex PRUs, as a result of rising permanent exclusions (50 in 2014/15 rising to 161 in 2019/20) and, at the same time, a rise in the number of children and young people who require provision due to their medical or mental health needs with 291 pupils with medical needs in 2019/20 with 90 of them being in North East Essex
- 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. The development of the site at Walnut Tree Way will enable Keys Co-Operative Academy Trust who run the current

provision in North East Essex to open up additional pathways that they cannot currently offer on their site. This will help with new demand for such places in the commutable area thus avoiding the more costly spot placements that may need to be sourced as alternative provisions. In addition, there is no key stage one or two provision in North East for children with social, emotional and mental health needs; the new provision will enable this provision to be made because it will allow a more flexible use of the Turner Road site offering a greater ability to support longer-term commissioning arrangements not currently available in the locality.

- 3.5 The current PRU site in Colchester at Mile End does not have sufficient capacity to accommodate the number of places commissioned by ECC and there is insufficient space for an expansion. A feasibility study of the Mile End site was undertaken in order to assess whether there was sufficient capacity to enable an expansion but this was not possible.
- 3.6 The establishment of a new secondary school on the Paxman Avenue site leaves surplus land retained by ECC, to develop a primary and secondary PRU which will be able to accommodate the number of pupils necessary to provide a sufficiency of provision for Colchester. There are no other suitable sites available in the town.
- 3.7 The primary purpose of a pupil referral unit is to support children and young people to successfully re-engage in education with the ultimate intention to support their return to their local mainstream school. Essex's commissioning arrangements with NEECA reflect this and joint working and collaboration with schools across North-East Essex will focus on ensuring that this is achieved. Whilst exclusion figures have risen they remain lower than the national average and our strategy is focussed on supporting schools to successfully support all their pupils without the need for offsite provision. However, where offsite provision is necessary it is important that it is of a high quality and that pupils do not feel that they are being removed from the education system. In addition to supporting children and young people by placement at a PRU ECC is also working with schools and settings to build their expertise in meeting the needs of all of their pupils.
- 3.8 The Sustainable Transport team have been engaged in preparing the highway plan for the PRU at Walnut Tree Way and, going forward, NEECA will work with ECC to ensure as many journeys as possible are by public transport or foot/bicycle. The Essex PRUs work closely with the travel training teams to prepare children and young people to successfully overcome any barriers to travelling independently to school.
- 3.9 The design of the building allows for photovoltaic panels (PV) which will ensure that the project can achieve an Energy Performance Certificate rating of A. This demonstrates that the building is very efficient in its use of energy and is promoting ECC commitment towards meeting climate change targets.

- 3.10 The building will include high standards of energy efficient building services equipment. These measures including but not limited to high efficiency LED lighting with daylight dimming and presence detection lighting controls, enhanced natural ventilation units, heat recovery units and supply and extract fans, high efficiency gas-fired boilers, smart learning and optimized Building Management System and Energy Metering.
- 3.11 To allow for the future installation of Electric Vehicle (EV) charging points to two suitable parking bays in the car park, the Academy Trust has agreed to cover the cost of the ductwork in the ground to enable these points to be easily installed.

Infrastructure Required

- 3.12 The site considered for the construction of Walnut Tree PRU was previously part of the playing field to the old Paxman Secondary School. When the school was rebuilt, the site area (which has now been allocated for the PRU) was considered surplus to the new Secondary school and the land was retained by ECC.
- 3.13 It is proposed that the scheme will be procured using the Essex Construction Framework 2 through a Two Stage tender process. A mini-competition (Stage 1) will be held and the design will be fully developed by the successful contractor under a Pre-construction Agreement and then a Fixed Price (Stage 2) will be presented in the FBC for endorsement before proceeding into construction under an NEC ECC – Option A Contract.
- 3.14 The framework provides the opportunity for the project to be tendered swiftly allowing the programme dates set to be met. Value for money will be checked throughout the project with the assistance of the internal quantity surveyor and cost comparisons provided by the framework. Construction quality and adherence to design will be monitored by the in-house quality inspector team
- 3.15 This new site is accessible off Walnut Tree Way, Colchester. There is an existing vehicular access junction, but this will need to be reconfigured to provide entry and exit arrangement onto the new PRU site. A total of 42 car parking spaces will be provided, which will include 2 disabled spaces and space for 2 minibuses. Cycle storage will also be provided

- 3.16 Proposed delivery timescales are as follows:

Milestone Description	Target Date
OBC Endorsed by Recovery Advisory Board	July 2020
Pre-Construction Contract Award	December 2020
Planning Submission	March 2021
Planning Permission	August 2021
Final Business Case to Recovery Advisory Board (RAB)	August 2021
Start on Site	November 2021
Build completion for handover	October 2022

- 3.17 When the building is completed it will be leased on a 125 year lease to Keys Co-operative Academy Trust on a standard academy lease at nominal rent. The PRU will be an expansion of NEECA with all places at the site commissioned by ECC.

4. Options

- 4.1 **Option 1** – Create a new 80 place PRU in Colchester (30 places for Key Stage 1 and 2 pupils; 20 places for year 6/7 transition pupils; 30 places for secondary age medical/anxious school refusers)
- 4.2 This is the preferred option. There are no other suitable sites available in the town. The site is fit for purpose and the new provision will greatly improve the service offer.
- 4.3 **Option 2** – Do nothing
- 4.4 There has been an increase in the number of children and young people who have social, emotional and mental health needs in schools both nationally and within Essex, seeing an increase of 15% over the last three years; and in North East Essex in particular, the increase has been 26%. The number of referrals to PRUs as a result of exclusions and inability to attend school for medical reasons has also continued to be high. Without this additional PRU, Essex will find it difficult to be able to provide sufficient local places to meet need. This option is not recommended.

5. Links to Everyone's Essex

- 5.1 This report links to the following aims in Everyone's Essex:

- Enjoy life into old age
- Provide an equal foundation for every child
- Strengthen communities through participation
- Develop our County sustainably
- Connect us to each other and the world
- Share prosperity with everyone

For more information visit www.essexfuture.org.uk.

- 5.2 This links to the following strategic aims in the Organisational Plan:

- Enable inclusive economic growth
- Help people get the best start and age well
- Help create great places to grow up, live and work
- Transform the council to achieve more with less

- 5.3 Finally it aligns well to the emerging aims of the draft organisational strategy 'Everyone's Essex' '*A Good Place for Children and Families to Grow*',

particularly the aims around educational outcomes and outcomes for vulnerable children.

6. Issues for consideration

6.1 Financial implications

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

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

6.1.3 £110,000 will be allocated from Dedicated Schools Grant (DSG) revenue funding for furniture and equipment.

6.2 Legal implications

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

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 Confidential Appendix

8.2 Equality Impact Assessment

9. List of Background Papers

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