

Forward Plan reference number: FP/278/01/22

Report title: Replacement of temporary accommodation and enhancement of provision at Cedar Hall School, Benfleet	
Report to: Cabinet	
Report author: Councillor Tony Ball, Cabinet Member for Education Excellence, Lifelong Learning and Employability	
Date: 15 February 2022	For: Decision
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County Divisions affected: Thundersley	

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This report has a confidential appendix which is not for publication as it includes exempt information falling within paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended.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. This report seeks approval to use the Essex Construction Framework to appoint a contractor to provide permanent accommodation to replace existing dilapidated temporary buildings on the Cedar Hall School site. In addition, new accommodation, such as offices and group rooms, are to be provided where there is currently a deficit within the existing school buildings.
- 1.2. The new accommodation is required to replace the current temporary classrooms and facilities which are no longer fit for purpose. If the classrooms are not replaced there will be a loss of 60 places at the school which cannot be provided elsewhere within Essex maintained special schools. Sourcing these places at independent special schools would be considerably less cost-effective.
- 1.3. The new accommodation will provide pupils with greater opportunity to gain further skills and certification, such as BTEC, thus enabling them greater opportunities upon leaving education. Current and future pupils attending the school will benefit from purpose-built accommodation that caters for their needs and enables the school to continue teaching the pupils as well as preparing them for their adult life beyond statutory education.
- 1.4. A full review of the school identified deficits in learning resource space, therapy spaces and staff/office space. By providing permanent purpose-built accommodation, pupils will not need to be sent out of county or to independently run education which will allow taxpayer's money to be spent efficiently within the county. The additional facilities created will give parents greater confidence in the school's ability to meet need and will reduce the risk of adverse tribunal outcomes where parents seek places in the independent sector.

- 1.5. It is proposed that the new accommodation will be net-zero in operation. This means that the total amount of energy used by the building on an annual basis is equal to the amount of renewable energy created on the site using technology such as heat pumps, high efficiency windows and insulation and solar panels.
- 1.6. The proposal fits in with Everyone's Essex Organisational Strategy by providing purpose-built accommodation, including separate construction / mechanics classroom and a hair & beauty / textiles classroom (previously taught in a combined under-sized space).

2. Recommendations

- 2.1. Agree to replace temporary classrooms, and provide additional new accommodation in a new, permanent building, to be net-zero in operation, at Cedar Hall School, Benfleet.
- 2.2. Agree to enter into a Pre-Construction Agreement with the successful contractor following completion of the first stage tender process in the Essex Construction Framework.
- 2.3. Agree that the Head of Infrastructure Delivery is authorised to agree the terms of the Pre-Construction Agreement.
- 2.4. Agree that the Head of Infrastructure Delivery is authorised to award a construction contract to the successful contractor, following the completion of the second stage tender process in the Essex Construction Framework, when he is content that the following conditions have been met:
 - 2.4.1. A satisfactory planning permission has been granted; and
 - 2.4.2. The construction costs are within the agreed budget and represent value for money.
- 2.5. Approve the capital budget for construction and associated project fees, as per the profile stated in the Confidential Appendix.

3. Background and Proposal

- 3.1. Cedar Hall School is a Special Educational Needs and Disabilities (SEND) school which caters for children from 5 to 16 years old with moderate learning difficulties (MLD) and severe learning difficulties, 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 requirement to have special schools or specialist provision for children with SEND, the majority of local authorities do have special schools and specialist provisions.

- 3.3. The following factors have been taken into account when considering the need for investment to replace temporary accommodation to continue to maintain the 60 places which would otherwise be lost, and improve the facilities at, Cedar Hall:
- A consistently high number of pupils with SEND cannot have their needs met in Essex schools and are subsequently educated in independent schools or outside of the county at higher cost to both the High Needs Block of the Essex Dedicated Schools Grant and ECC budgets. Independent special schools are more expensive than a maintained special school and there is less control over cost increases over the course of a pupil's education. Transport costs can be higher if we are placing pupil's further from their home address. The loss of 60 school places would inevitably mean a greater need to commission places via the independent sector.
 - The requirement to place pupils and parents/carers at the heart of planning and provision for SEND is set out in the SEN Code of Practice and is a statutory duty when considering pupil placement. By enhancing the facilities at Cedar Hall we are able to give parents greater confidence that needs can be met locally and reduce appeals to the SEN tribunal for places in the independent sector.
- 3.4. There is increased need for provision for children and young people with MLD in South Essex and the need to replace temporary classrooms, which have reached the end of their life cycle, will place considerable pressure on Cedar Hall 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. Pupil numbers at the school have been increasing steadily and at the same time the school has accommodated a wider range of SEND. Whilst classroom capacity has expanded, the specialist spaces required to meet both increased pupil numbers and a wider range of needs is not sufficient and needs to be addressed. The school relies on the temporary classrooms to accommodate existing pupils. Without the new facilities, the school will no longer be able to meet current needs and have no capacity for future admissions in line with the school's usual intake.
- 3.5. The number of children and young people in Essex with an Education Health Care Plan in Essex has risen steadily year on year since the introduction of the national SEND reforms in 2014. Numerically this means that there is a higher number of children and young people who require a special school place. A newly developed forecasting tool has shown that numbers will rise further meaning that there will need to be investment in new special school places in the county. The SEND strategy will focus on improving the offer from mainstream schools to ensure more children and young people have their needs met in their local school but natural growth in numbers due to overall population growth will still require that we both maintain current capacity in special schools as well as enable growth where needed.
- 3.6. Surveys of temporary classrooms known to be in poor condition were completed over summer 2019 across the county. The majority of the temporary classrooms

at Cedar Hall School were deemed to be approaching the end of their life-expectancy and in need of replacement. There is evidence that significant investment would be required to ensure the temporary units remain in a safe and suitable condition for ongoing use, however this would only prolong their usable life for a short 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. Therefore, to ensure sufficiency of permanent school places (i.e., meet basic need), to avoid wasteful short-term maintenance investment, and to adhere to planning requirements, these temporary classrooms should be replaced as soon as possible with fit-for-purpose permanent accommodation.

- 3.7. The proposal is to demolish the existing temporary accommodation, that provides 4 general classrooms, an Art room, a combined Hair & Beauty / Textiles classroom, a combined Construction / Mechanics classroom, Library, Staff Room and group room, and construct a permanent, standalone, building which will provide 4 general classrooms, an Art room, a combined Hair & Beauty / Textiles classroom, a combined Construction / Mechanics classroom, Library, Staff Room, Changing Rooms, 2 Staff Offices / Meeting Rooms, 3 Group Rooms, stores, toilets and cloak areas. Within the main school, an existing Staff Office and Resource room will be remodelled to enable the Hall to be extended thereby providing additional space for the school.
- 3.8. A capacity assessment of the existing accommodation at the school was completed in 2020/21. This identified significant deficiencies in areas associated with Learning Resources & Therapy and Staff. The works proposed will enable the school to ensure that they can provide the support and teaching for their pupils by providing additional classroom and general storage, group rooms and office space within the new building. In addition, the accommodation currently accommodated within the temporary buildings will be increased in size to meet current standards for those spaces.
- 3.9. In line with ECC's targets to reduce carbon emissions and address climate change concerns it is proposed that the new building will be designed using operational energy targets set out through the London Energy Transformation Initiative (also known as LETI). LETI has been chosen as it has specific performance, design and energy criteria that can be applied to schools. This approach will result in a building that has an energy efficient structure along with technologies that could include solar panels and air source heat pumps. While these are potential options, the successful contractor will be responsible for working up a design that meets the operational energy targets.
- 3.10. Cedar Hall 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 the preparing young people for adulthood.
- 3.11. By providing purpose-built accommodation the school will be able to continue, and even improve, on the education and qualifications that they can offer pupils thus giving them greater opportunity once their education is completed. This

meets ECC's Strategic Aim of helping people in Essex prosper by increasing their skills, enabling vulnerable children to fulfil their potential, enable vulnerable adults to live independent of social care and develop the capability, performance and engagement of our people. Lastly, by providing a net-zero building ECC will be helping to secure sustainable development and protect the environment.

- 3.12. A public consultation will be carried out within the initial design period, prior to planning submission. This will include (but is not limited to) pupils, parents, teachers and local neighbours.
- 3.13. The Essex Construction Framework is a framework agreement set up by ECC with principal contractors appointed to the framework to carry out design and construction related works. The framework uses a two-stage mini-competition process to select the successful contractor. Following completion of the first stage of the tender process, a Pre-Construction Agreement is entered into which requires the successful contractor to develop their design and apply for planning permission. A construction contract is then entered into following completion of the second stage of the tender process which requires the submission of the Final Tender Submission from the Contractor.
- 3.14. Contractors on the Essex Construction Framework have been invited to the first stage of the mini competition. These responses will be evaluated using a 60% price and 40% quality split. Following evaluation of all of the bids received, a Pre-Construction Agreement will be entered into with the successful contractor to enable them to work up their design and start the planning approval process. Once the design has been finalised and planning permission obtained, the successful contractor will be asked to submit a Final Tender.
- 3.15. The Final Tender submission will be assessed, and a construction contract will be awarded subject to the project being within budget, quality criteria being satisfactorily met, and the contractor having achieved planning approval.
- 3.16. The Project Delivery Timescales are as follows:

Milestone Description	Target Date
Planning Approval (target date)	May 2022
Contract Award (subject to conditions being met)	June 2022
Start on site (subject to conditions being met)	July 2022
Works complete	August 2023

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
- 4.2. Approving the recommendations in this report will have the following impact on the Council's ambition to be net carbon neutral by 2030:
- Reduce the School's reliance on fossil fuels by providing them with a new classroom block that will be net zero in operation.
- 4.3. 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 (recommend) – Approve the recommended proposal and replace the temporary accommodation and address accommodation deficit

This proposal is part of the overall strategic response to meet the need for replacing temporary accommodation with permanent classrooms as part of ECC's drive to improve the education estate.

The outcome of the strategic analysis indicated that replacing the temporary classrooms, and thereby retaining the 60 SEND places, is a viable option that represented good value for money to the Essex taxpayer.

Option 1 is therefore the recommended option.

5.2. Option 2 (not recommended) – Replace the temporary accommodation through a phased approach

It was considered whether the temporary accommodation could be replaced on a phased approach, prioritising those in the worst condition. This could be done in as little as 2 phases or a phase per building (4 buildings in total).

This was considered to be the most disruptive option to the school with construction potentially taking place over a period of up to 8 years. This would have an impact to pupil's learning and wellbeing plus impact severely on the school's operation. From a construction perspective this would also result in a disjointed approach to the works therefore resulting in buildings spread over the site, potentially impacting on the outdoor areas and reducing the cost benefits afforded from economies of scale.

5.3. Option 3 (not recommended) – Do nothing

Some of the temporary buildings would be required to be removed as they are in a dilapidated condition and this reduces the burden on the school's budget going forward in the short to medium term. Remaining buildings will require on going expenditure to maintain or repair, this is a burden on the school's budget, unless it is in excess of £10,000 in which case the liability is with the Council.

If the accommodation were not replaced this would result in the loss of 60 SEND places currently at the school. The school would have no other accommodation to use for their pupils that are already registered at the school and therefore they would have to be placed out of County in a residential setting at a considerable cost to ECC.

There are no alternative SEND places available in the area and there is a growing need in the area. This would therefore result in a high demand for home to school transport as children currently attending, or potential future pupils, would have to be transported to other schools outside of the area.

6. Issues for consideration

6.1. Financial implications

6.1.1. Capital

Please see the confidential financial appendix for capital financial information.

6.1.2 Revenue

£1,400 will be allocated from the Dedicated Schools Grant (DSG) revenue funding for furniture and equipment. The existing furniture and equipment will be used in the permanent building replacing the temporary accommodation.

It is considered that there could be a saving on Home to School Transport costs, with reference to 1.10 above, where Cedar Hall will work with ECC to ensure as many journeys are by public transport or foot/bicycle. It is not possible to estimate this saving with credibility at this time.

In contrast, with reference to 4.3 (Option 3 - Do Nothing) above, it is anticipated that Home to School transport costs may vary away from the current cost if the temporary accommodation is not replaced. This is because pupils may have to be transported to other schools out of county on a daily basis at an additional cost to ECC or may require less transport if they are placed out of County in a residential setting. It is not possible to estimate this variation in cost with credibility at this time.

The average cost of pupils placed at Cedar Hall is between £12,000 and £15,000 per annum and the equivalent cost of a place in a 38-week independent special school is currently averaging £51,000. Therefore, without the replacement of the temporary accommodation as referenced in section 4.3

(Option 3 – Do Nothing), it is likely that this would result in a higher cost to ECC to commission the alternative suitable provision.

6.2 Legal implications

6.2.1 The recommended option will support ECC meeting its duty to ensure that there is a sufficient supply of school places under section 14 of the Education Act 1996.

6.2.2 The Essex Construction Framework provides for the two-stage tender process to be used where ECC has a requirement for Works. The first stage of the tender process has been conducted in accordance with the published procedures for awarding pre-construction agreements under the Framework Agreement. Under the Public Contracts Regulations 2015, a standstill period is not required for awards under a framework agreement.

6.2.3 Subject to approval of this decision, the pre-construction agreement will be entered into with the successful contractor in order to allow the contractor to develop their design and apply for planning permission in time to meet the project delivery timescales set out in this report.

6.2.4 If successful as part of the second stage of the tender process, a construction contract should be awarded in accordance with the procedures set out in the Framework Agreement.

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 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 Appendix A – Equality Impact Assessment

8.2 Appendix B – Confidential Appendix

9 List of Background papers

None.