

Report to: Lead Member for Resources

Date of meeting: 28 January 2020

By: Director of Children's Services

Title: Future options for de-designating Children's Centres – Rye Children's Centre

Purpose: To seek the Lead Member for Resources' approval to enter into a 125 year Standard Academy Lease, that supports the consolidation of the Children's Services Early Help Strategy and the plan, agreed by Lead Member for Children and Families, to De-designate Rye Children's Centre.

RECOMMENDATION: The Lead Member is recommended to:

(1) Enter into a Deed of Variation of the existing 125 year school lease with Rye Academy Aquinas Trust to incorporate the Children's Centre building under the same terms as the rest of the site.

(2) Delegate authority to the Chief Operating Officer to conclude terms in accordance with s. 123 of the Local Government Act 1972.

1. Background information

1.1 The Rye Children's Centre is a purpose-built building sitting adjacent the main entrance of Rye Community Primary School: Aquinas Trust, behind the school gates. It is held freehold by East Sussex County Council (ESCC).

1.2 Aquinas Trust is an academy trust which leases the whole school site, including a nursery, primary school, secondary school and college.

1.3 After a public consultation, held in 2019 by ESCC Children's Services, the Lead Member for Children and Families approved the proposal to apply to de-designate the building before the 1st of April 2020, such that it will cease to be a statutory ESCC Children's Centre.

1.4 The building was built using a Surestart Capital Grant with the mandated expectation that it be used for 25 years subsequent to the grant giving for the purposes of Early Years (0-5) provision. The Department for Education (DfE) are responsible for overseeing centres funded by Surestart Capital Grants and agreeing which can de-designated, and whether in their judgement the buildings are being used as intended.

1.5 The Lead Member for Children and Families agreed in principle to apply for the de-designation of the building on the basis that an ongoing use for the building could be made by the school or other body that matches the aim of the grant. If the aim of the grant is not met, the risk of clawback from the DfE applies.

1.6 It is within usual practice to de-designate specific Children's Centre buildings; a process which involves informing the DfE that the site will no longer be managed by ESCC, but that other parties will continue to use the building as intended within the grant, as per DfE: '*has continued to offer a sufficient level of early years services for children and their*

families from the building in question to meet the original aims of the grant. (Written question – 28205)'. The DfE will decide whether to waive the threat of clawback based on evidence of ongoing early years activity.

1.7 Aquinas Trust have expressed interest in taking on the management of the Children's Centre building with a plan to augment their own early years offer. Aquinas Trust are experienced providers of early years activity and have a nursery on the adjoining Rye site (Pugwash). If agreed, Aquinas Trust would welcome negotiating ongoing use of the building by community bodies, NHS and ESCC for the provision of groups and other interventions alongside their own use.

1.8 The proposition going forward is to:

- i) Enter into a Deed of Variation to include the Children Centre building in the Academy's existing 125 year Lease on standard academy lease terms.
- ii) Delegate final terms to the Chief Operating Officer acting through the Director of Children's Services.
- iii) Request Dedesignation by written submission to the DfE.
- iv) Support Aquinas Trust to consolidate their early years activity offer.

1.9 Rye Children's Centre sits firmly within the enclosed school site and there is no practical opportunity to sell or lease to a private, voluntary or independent organisation.

1.10 Including the building in the Academy lease restricts to the use of the building to educational purposes. It does not require the Trust to provide early years activity. The Trust have expressed an intention to use the building for early years activity and ESCC will support this, but they will not be legally bound. The liability for clawback will remain with ESCC and will not be transferred. The Trust are unwilling to enter into any additional clauses in the lease where they take on liability for potential clawback. The terms of the grant do not mandate a clawback agreement between a Local Authority and a 3rd party receiving a capital asset:

"In circumstances where the funds received from the Department are allocated to third parties, it will be entirely up to each local authority, as the accounting body, to decide whether a clawback arrangement should be put in place as part of the agreement with the third party." Sure Start Early Years and Childcare Grant Capital Guidance

2. Supporting information

2.1 A plan of the Rye Children's Centre site is attached in Appendix 1.

2.2 All local members were notified during the consultation of the intention to dedesignate the Children's Centre.

2.3 Rye Aquinas Academy have held the 125-year lease for the Rye site since 2015.

2.4 The Children's Centre was designated in 2008 with 13 years remaining on the 25 year grant terms, ending 2033.

3 Conclusion and Reason for Recommendations

3.1 The revised early help strategy reduced the number of centres that the service required to deliver the strategy. As a result, a number of centres were identified for de-designation which includes Rye Children's Centre. This proposal has the potential of securing the continuation of the service whilst removing an ongoing duty on the County Council.

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Local Member: Councillor Keith Glazier

Background Document: None

2 Map of the Aquinas Academy Site

