

# Birmingham City Council

## Report to Cabinet

Date: 14<sup>th</sup> May 2019



**Subject:** EDEN GIRLS' LEADERSHIP ACADEMY FULL BUSINESS CASE AND CONTRACT AWARD

**Report of:** Director for Education & Skills

**Relevant Cabinet Member:** Cllr Jayne Francis - Education, Skills and Culture  
Cllr Tristan Chatfield - Finance and Resources

**Relevant O &S Chair(s):** Cllr Mariam Khan - Learning, Culture and Physical Activity  
Councillor Sir Albert Bore - Resources

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|--|---|--|
| Are specific wards affected?   | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No – All wards affected |
| If yes, name(s) of ward(s): Balsall Heath and Small Heath                            |   |  |
| Is this a key decision?  | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No                      |
| If relevant, add Forward Plan Reference 006448/2019                                  |   |  |
| Is the decision eligible for call-in?  | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No                      |
| Does the report contain confidential or exempt information?                          | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No           |
| If relevant, provide exempt information paragraph number or reason if confidential : |   |  |

### 1.0 Executive Summary

- 1.1 To seek approval to the Full Business Case attached as Appendix A and Contract Award for the capital scheme at Eden Girls' Leadership Academy. The capital cost of the scheme will not exceed £25,205,090.

## **2 Recommendations**

That Cabinet:

- 2.1 Approves the Full Business Case (Appendix A) for the capital works at Eden Girls' Leadership Academy at a total project cost of up to £25,205,090.
- 2.2 Authorises the Director for Education & Skills in consultation with the Cabinet Member for Finance & Resources to instruct Acivico to raise work orders up to the value of £21,666,905, which includes £500,000 for loose and fixed furniture, with Morgan Sindall in order for works to commence and to release contingencies and place further orders up to £1,235,195 if required.
- 2.3 Authorises the Director for Education & Skills to place orders up to the value of £1,070,900 with Acivico for professional services.
- 2.4 Approves orders with Link2ICT for ICT up to the value of £500,000.
- 2.5 Authorises the City Solicitor to negotiate, execute and complete all necessary documents to give effect to the above recommendations.

## **3 Background**

- 3.1 The Local Authority has a statutory duty to ensure that there are sufficient pupil places, secure diversity in the provision of schools and increase opportunities for parental choice through planning and securing additional provision (Section 14, Education Act 1996 and Education & Inspections Act 2006). This duty extends to our landlord responsibility to maintain the Education property portfolio to prevent school closure and asset failure, thus improving safeguarding for children.
- 3.2 A report on the changing demand and supply of school places was shared at the Overview and Scrutiny Committee for Learning, Culture and Physical Activity in September 2018.
- 3.3 The Local Authority made a proposal for a new Islamic single-sex secondary school for girls to open in Birmingham for September 2019. The proposal was made through the government's free school process (Local Authority presumption route). The need for the new school has arisen partly due to the removal of secondary provision at Al Hijrah School thus creating a gap in provision by removing the only Islamic Girls' provision and partly due to our Basic Need requirements.
- 3.4 The new school will have a Pupil Admission Number (PAN) of 120 in Y7 but will also accommodate Years 8,9,10 and 11 pupils, giving priority to the displaced pupils from Al- Hijrah School.
- 3.5 The Local Authority has gone through the prescribed selection process and recommended Star Academies as the potential sponsor to run the new school. Local Authority's recommendation was ratified by the Regional School Commissioner (using delegated powers) in March 2019.

- 3.6 Two sites have now been provided for the proposed Eden Girls' Leadership Academy (neither site is big enough to accommodate both temporary and permanent build);
- 3.7 Site One (Temporary) – Clifton Road, Balsall Heath, Birmingham B12 8NJ. This temporary site will be remodelled to accommodate the pupils admitted whilst the permanent school site is built. It is anticipated that the school will operate from the temporary site for two years. This temporary site is approximately 1.2 miles from the new primary academy school site for Al-Hijrah School. A hold over temporary lease will be put in place with the Star Academies Trust whilst the permanent site is developed.
- 3.8 Site Two (Permanent) – Hobmoor Road, Small Heath, Birmingham B10 9HH. The permanent Girls' School site is approximately 0.8 miles from the new primary academy school site for Al-Hijrah School. It is 2 miles from the temporary Girls' School site. In line with Academy leases a 125 year lease will be put in place with Star Academies Trust for the permanent site.
- 3.9 Timescales for this new provision are challenging for both temporary and the permanent site. A Form of Authority was approved to allow some early works to be undertaken on the temporary site to meet the tight timescales. The risk of not doing these early works would have meant that we would not have the temporary site up and running for September 2019 leading to a shortage of places across the city and in particular for the displaced pupils from Al Hijrah School.
- 3.10 The Full Business Case (FBC) for this scheme is included in Appendix A. The FBC details the works which will be undertaken at Eden Girls' Leadership Academy.
- 3.11 A Planning Application on the temporary provision was approved on 25<sup>th</sup> April 2019. The planning application for the permanent school provision is scheduled to be submitted on the 7<sup>th</sup> May 2019 and is due for determination on the 2nd August 2019.
- 3.12 Subject to FBC and statutory approvals the main works are due to commence on 21<sup>st</sup> October 2019 with a proposed completion of 26<sup>th</sup> February 2021. The works order for the temporary site will be let on the 20<sup>th</sup> May subject to FBC approval with a proposed completion of 30<sup>th</sup> August 2019.

#### **4 Options considered and Recommended Proposal**

- 4.1 The option of doing nothing would mean the City Council would fail to meet its statutory obligation of securing appropriate provision to meet the needs of the children.
- 4.2 To approve the proposed capital works for the temporary and permanent provision for Eden Girls' Leadership Academy.

## **5 Consultation**

### **5.1 Internal**

The Leader and Ward Members for Balsall Heath and Small Heath have been consulted in relation to the proposals. Officers from City Finance, Corporate Procurement and Legal and Governance have been involved in the preparation of this report.

### **5.2 External**

All pupils, parents, governors, teaching and non-teaching staff, relevant Members of Parliament, Teaching Associations, Trade Unions, neighbouring authorities and the Archdiocesan and the Anglican Diocese of Birmingham will be consulted as a result of the school providing additional places.

## **6 Risk Management**

6.1 Regular stakeholder engagement is undertaken and programmed in as part of the pre-construction works to ensure that comments are addressed as the scheme progresses to ensure that the Council mitigate against stakeholder non-buy in.

6.2 Weekly meetings are held to ensure that all parties are informed of progress to ensure any concerns are picked up at the earliest opportunity and resolved to ensure that the programme stays on track. Where costs are seen to escalate, a value engineering exercise is undertaken to ensure that the costs do not exceed the approved budget.

6.3 Regular meetings have taken place and will continue to do so with transportation colleagues to mitigate the impact on the highway throughout construction and post construction with the site being allocated for temporary use a secondary school for girls. Mitigation includes updated travel plans which will highlight measures undertaken as well as physical improvements on the highways in consultation and agreement with transportation colleagues.

6.4 Additional risks and associated mitigation are highlighted in Appendix B of the FBC.

## **7 Compliance Issues:**

### **7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?**

7.1.1 These works are required to enable the Local Authority to meet its statutory duty to not only ensure the provision of sufficient pupil places but also to secure diversity and increase opportunities for parental choice through planning and securing the provision of additional school places (Section 14 Education Act 1996 and Education & Inspections Act 2006). The spending priorities proposed are in accordance with the Schools' Capital Programme 2019-20 and the Council's Vision and Forward Plan priorities for Children, particularly 'A great place to grow up in by providing an environment where children have the best start in life and are able to realise their full potential

through great education'. The provision of these school places is also beneficial to the safeguarding of children.

#### 7.1.2 Birmingham Business Charter for Social Responsibility

The selected CWM contractor is signed up to the principles of the Birmingham Business Charter for Social Responsibility and will develop a relevant and proportionate action plan, demonstrating how the principles of the Charter will be implemented to deliver social value outcomes for the school and local community. This action plan will be agreed with the Council prior to the works order being placed.

## 7.2 Legal Implications

7.2.1 This report facilitates the discharge of the local authority's duty under section 14 of the Education Act 1996 to ensure that sufficient school places are available.

7.2.2 The Education Act 2011 changed the arrangements for establishing new schools and introduced section 6A (the 'free school presumption') of the Education and Inspections Act 2006 which requires that, where a local authority identifies the need for a new school in its area, it must seek proposals to establish an academy (free school).

## 7.3 Financial Implications

7.3.1 The total cost of the capital works at Eden Girls' Leadership Academy will be up to £25,205.090. All capital project costs will be funded from Department for Education (DfE) Basic Need Grant and Presumption Free School Capital Grant. Cost details are included in the FBC.

7.3.2 The DfE has also awarded £250,000 Presumption Free School Revenue Grant to BCC to be used towards the set up costs. The grant will be used to fund the appointment of staff and purchase of goods / services in order to admit students at Eden Girls' Leadership Academy.

7.3.3 Consequential revenue costs arising including additional staffing, utility costs and any on-going day to day repair and maintenance of the asset will be the responsibility of the Academy and funded from the Academy's General Annual Grant (received by the Academy from the EFA).

## 7.4 Procurement Implications (if required)

7.4.1 The procurement route for this project was via the Constructing West Midlands (CWM) Framework using Morgan Sindall as the construction partner. Acivico applied previously approved criteria to achieve best value for money based on current DfE education space guidelines and industry benchmark rates. Acivico will provide Project Management and to ensure value for money is achieved throughout delivery.

## 7.5 Human Resources Implications (if required)

7.5.1 N/A

## **7.6 Public Sector Equality Duty**

7.6.1 A Full Equality Analysis (EA0001202) was carried out in May 2016 for Education Infrastructure's Education Development Plan and Schools' Capital Programme 2018-19. The outcomes from consultation demonstrate that proposed capital developments support positive outcomes for children, young people, their families and carers. No negative impact on people with Protected Characteristics was identified. It was concluded that sufficiency of educational places and opportunities for all children and young people contributes to providing positive life chances, and supports a positive approach to Safeguarding in Birmingham: actively reducing the number of children and young people out of school helps to mitigate risk to their safety and wellbeing.

## **8 Appendices**

8.1 Appendix A - Full Business Case

## **9 Background Documents**

9.1 Schools' Capital Programme - School Condition Allocation 2019-20+ Future Years Cabinet Report March 2019

9.2 Changing demand and supply of school places – Overview & Scrutiny Report – September 2018