

Birmingham City Council
Report to Cabinet

17 October 2023



Subject: **FULL BUSINESS CASE AND CONTRACT AWARD - FLAT ROOFING, DAMP AND STRUCTURAL WORKS AT COFTON PRIMARY SCHOOL**

Report of: **Sue Harrison, Director of Children and Families**

Relevant Cabinet Member: **Cllr Karen McCarthy - Children, Young People & Families**

Relevant O &S Chair(s): **Cllr Kerry Jenkins - Education, Children & Young People**

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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): Longbridge and West Heath		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 011872/2023		
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 checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, state which appendix is exempt, and provide exempt information paragraph number or reason if confidential: Exempt Appendix 3. Part C2 of the constitution Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information		

1 Executive Summary

- 1.1 To seek approval for the Full Business Case and the award of a contract for Flat roofing, damp and structural works at Cofton Primary School. The project costs of the scheme will not exceed £1,289,090.

2 Recommendations

That the Cabinet:

- 2.1 Approve the project costs for roofing, damp and structural works at Cofton Primary School at a total project cost of up to £1,289,090.
- 2.2 Approve the Full Business Case appended to this report.
- 2.3 Approves the award of a contract for Flat roofing, damp and structural works at Cofton Primary School to Graham Facilities Management Limited.
- 2.4 Authorises the City Solicitor and Monitoring Officer to 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 provide pupil places, promote diversity and increase parental choice in planning and securing 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 In its role as landlord for community schools, a local authority has a duty (section 542(2) Education Act 1996; School Premises Regulations 2012) to ensure that school buildings are safe, warm, and dry. This includes reasonable weather resistance, safe escape routes; lighting, heating and ventilation which meets the required standards.
- 3.3 Birmingham City Council, as the local authority for Birmingham, has a statutory duty to ensure sufficient school places. The City has a growing population with one of the youngest populations in Europe. The Local Authority is keen to ensure that future places are provided in the areas that they are needed; helping children to attend a school nearer to home and as part of their local community. Cofton Primary School is in the right location to support the Local Authority in meeting some of the required need for additional places. Cofton Primary School is an Ofsted "Good" rated 2FE school in the Southwest of the City with a capacity for 420 pupils. Their current PAN forecast shows a continuation in healthy pupil numbers, maintaining full capacity into 2023/24 admissions. The school has been struggling with limited space for some time, having expanded from a 1FE to a 2FE school in September 2018 due to an increase in population affecting this locality. To address the capacity of the site, the local authority added a two-classroom temporary building whilst the development of a permanent solution

was developed. Due to the Covid-19 Pandemic, this was delayed. The school now has had a considerable number of children with High Needs who are coming through from KS1 to KS2 cohorts. The KS2 Primary building is not large enough or set up to accommodate this number of children and level of need. The building has no adequate break out space to meet their additional learning needs and maintain a safe environment for teaching and supporting these pupils through key stage 2.

3.4 A separate Cabinet report is recommending a permanent extension and refurbishment of classrooms in the key stage 2 building to meet the need for additional space under Basic Need requirements. In addition to this need, the remainder of the building has widespread issues cracks in the walls, damp, mould, and extensive water ingress from a failing and poor roof structure.

3.5 For works related to this report, detailed surveys of the condition of the building, including timber and damp and structural appraisals, have determined the extent of the issues. Wooden floors are uneven and lifting in the middle. Linoleum floors are blistering and there is evidence of extensive damp salt efflorescence, blistering and paint flaking to the bases of the walls in all areas of the building. Evidence of mould infestation was also noted with high moisture readings in most areas of the building including classrooms, the hall, dining area and toilets. Urgent remedial works to rectify the issues is recommended.

3.6 Completion of these works will ensure that children and young people have safe, warm, and dry space to learn, grow and develop in while providing sufficient school places to meet the need of Birmingham children and families.

3.7 These works will provide the remedial works needed to address the roofing, structural and damp issues that the site has been suffering with for some time. This will include flat roofing works, pitched roofing works, window replacements, replacing external decayed doors, replacing floors, damp remediation works to walls, refurbishment works to toilets, boiler room works, electrical and mechanical works associated with the building work and asbestos removal.

3.8 Options Considered and Recommended Proposal

3.9 Doing nothing would mean the City Council would fail to meet its statutory obligation to maintain the school and provide a safe, secure, and warm environment for the pupils at Cofton Primary School.

3.10 The recommended option is for the works to be undertaken and the contract to be awarded to enable the school to ensure that children and young people have a suitable and safe space to learn, grow and develop in so their full potential can be achieved.

4 Consultation

4.1 The Head Teacher and governors of Cofton Primary School have been consulted and are fully supportive of the scheme.

- 4.2 The Ward Members for Longbridge and West Heath have been consulted in relation to the proposals via email and are supportive with the project progressing for decision.

5 Risk Management

- 5.1 Risks have been considered as part of the design process. A contingency sum of £160,000 has been allocated to the project. This contingency sum has been included in the overall project costs.
- 5.2 The risk of cost overruns with the volatile construction environment of increases in materials and labour is being mitigated by a fixed price contract with robust contract management by the Council's technical advisor, Acivico Ltd.

6 Compliance Issues:

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

- 6.1.1 These works are to ensure that all pupils are provided with a safe and secure teaching environment. The spending priorities proposed are in accordance with the [Schools' Capital Maintenance Programme 2023/24 approved by Cabinet on 16th May 2023](#), and the Council's Vision and Forward Plan priorities for Children.

6.2 Legal Implications

- 6.2.1 This report facilitates the discharge of functions contained within section 22 of the School Standards and Framework Act 1998 whereby the local authority has a duty to maintain its schools; this includes expenses relating to premises.
- 6.2.2 The Local Authority has a statutory duty, by virtue of section 542 of the Education Act 1996 and the School Premises (England) Regulations 2012, to ensure that maintained school buildings are maintained to a standard such that, so far as is reasonably practicable, the health, safety and welfare of pupils are ensured.
- 6.2.3 Under Section 1 of the Localism Act 2011, the Council has the power to enter into the arrangements set out in this report, which are within the remit and limits of the general power of competence in Sections 2 and 4 of the Localism Act 2011. Any and all legal powers under the Council's Constitution and Procurement and Contract Governance Rules will be upheld when contracting with and or agreeing contracts with third parties.

6.3 Financial Implications

- 6.3.1 The project costs totalling up to £1,289,090 will be funded from the School's Capital Maintenance allocation. This is inclusive of £118,938.20 Acivico Ltd.'s professional fees and £37,547 of EDI capitalisation fees.

- 6.3.2 Consequential revenue costs arising, including the need for additional staffing and any on-going day-to-day repair and maintenance of the asset, will be the responsibility of Cofton Primary School and funded from the school's delegated budget.
- 6.3.3 The request for spend was cleared by the Children and Families Spend Control Board on the 20th September 2023 and is covered under the Section 151 Spend Control Board blanket approval, received on the same day.

6.4 Procurement Implications (if required)

- 6.4.1 The procurement implications for the award of a contract for Flat roofing, damp and structural works at Cofton Primary School following a further competition exercise using Acivico Ltd's Constructing West Midlands Lot 1 and 2 R&M Framework Agreement are detailed in **Appendix 2** and **Exempt Appendix 3**.

6.5 Public Sector Equality Duty

- 6.5.1 A Full Equality Analysis EQUA650 was reviewed and updated in March 2023 for Education Infrastructure's Schools' Capital Programme 2023-24. The outcomes from consultation demonstrate that the 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. This scheme falls within the umbrella of the equality analysis EQUA650 and will support a positive outcome.

6.6 Environmental and Sustainability Implications

- 6.6.1 A completed Environment and Sustainability Impact Assessment is attached as **Appendix 4**

7 Appendices

- 7.1 **Appendix 1** - Cofton Primary School - Full Business Case
- 7.2 **Appendix 2** - Cofton Primary School - Procurement Methodology
- 7.3 **Appendix 3 (Exempt)** - Cofton Primary School
- 7.4 **Appendix 4** - Environment and Sustainability Impact Assessment

8 Background Documents

Schools' Capital Programme - School Condition Allocation 2023-24 report to Cabinet dated 16th May 2023.