

Birmingham City Council

Report to Cabinet

14 November 2023



Subject: SWANSHURST SCHOOL - APPROVAL FOR THE AWARD OF A GRANT FOR CAPITAL WORKS FOR CURTAIN WALLING REPLACEMENT

Report of: Sue Harrison - Director Children & Families

Relevant Cabinet Member: Cllr Karen McCarthy – Children, Young People and Families

Relevant O &S Chair(s): Cllr Kerry Jenkins– Education, Children and 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): Billesley		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 011874/2023		
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 checked="" 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 £14m School Condition Allocation was approved by Cabinet in May 2023. This project forms part of the profile spend included in that report.
- 1.2 This report seeks approval for the replacement of Curtain Walling at Swanshurst School. The capital costs of the scheme will not exceed £1,400,000.
- 1.3 Given the prior approvals, the urgent health and safety need and to minimise potential disruption to pupils' education, a decision was taken to commence these works in July 2023 so that the summer break could be used to carry out asbestos removal whilst the children were off and ensure a water/airtight building.

2 Recommendations

That Cabinet:

- 2.1 Approve the project costs for the replacement of the Curtain Walling works at Swanshurst School at a total project cost of up to £1,400,000.
- 2.2 Approve the Full Business Case appended to this report.
- 2.3 Approves the award of a grant payment for the sum of £1,400,000 for the replacement curtain walling to Swanshurst School.
- 2.4 Authorise the City Solicitor & Monitoring Officer to negotiate, execute and complete all necessary documents to give effect to the above recommendations.

3 Background

- 3.1 Swanshurst School is an Ofsted Outstanding graded secondary school in the south of the city with approximately 1,820 pupils. The school is currently undergoing extensive refurbishment on their buildings due to the deteriorating curtain walling system. Curtain walling is an external covering of building material where the outer covering is non-structural to protect the internal wall build. From 2018 to 2022, the school undertook four phases of work for the curtain walling replacement and have contributed £2.4 Million. The school have received grant funding support from the City Council for each of the previous four phases of a maximum of £199,000. Due to limited funding for this current phase, the school is seeking 100% contribution from the City Council. The original building was built between 1950 and 1960 and the curtain walling and windows are dated and in very poor condition. The previous phases to improve the curtain walling have had a substantial positive impact on the buildings and improved the safety, security, and energy efficiency of the buildings, bringing them up to modern standards and a reliable safe, warm, and dry environment for children to be educated.
- 3.2 This phase will address the deteriorating building fabrication to the rear and east of the Central Block which has been highlighted as the most critical area due to its south-facing exposure to the elements. The current building is not watertight, with many of the existing windows having to be sealed shut due to the extent of the problem, meaning the building cannot be safely ventilated. This poses a

significant challenge, particularly when educating children during the hot summer months.

- 3.3 The school continue to experience issues with ageing curtain walling in general across site. This application is in relation to the proposed next phase which is the replacement of curtain walling to the rear and east elevation of the Centre Block. This block is considered the next most critical of this phased project owing to its exposure to the elements being south facing. It is proposed to adapt the east elevation to reduce the amount of glazing by increasing brickwork.
- 3.4 The grant will provide Swanshurst School with the funds to progress the next phase of the curtain walling replacement project that the school has been undertaking over recent years. This phase of work commenced in July 2023 and will be completed by October 2023.
- 3.5 Due to the age of the building the current curtain wall is full of asbestos and this project would completely remove all asbestos and bring it up to modern standards. The school currently spends over £150,000 a year on gas and the issue of this grant will support the significant reduction of this. In addition the carbon footprint will be reduced once these works are completed.
- 3.6 In its role as landlord for community schools, the 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.

4 Options considered and Recommended Proposal

- 4.1 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 Swanshurst School.
- 4.2 For the school to fund the project themselves. This was rejected as the school does not have significant funding for this work.
- 4.3 The recommended option is to award a grant to Swanshurst School so that they can complete this next phase of their curtain walling project. The school have limited funds and will not be able to complete this phase of the curtain walling project without the financial support of the City Council.

5 Consultation

- 5.1 The Head Teacher and governors of Swanshurst School have been consulted and are fully supportive of the award of the grant from the City Council.
- 5.2 The Ward Members for Billesley have been consulted in relation to the proposals via email and are supportive with the project progressing for decision.

6 Risk Management

- 6.1 The School will manage this project directly and have extensive experience in managing risk as has been done in previous phases as mentioned above.
- 6.2 The risk of any rising costs will be mitigated and managed by the consultant employed by the school to oversee and advise on the project – market rates will be monitored and tested for best value.

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 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 Programme 2023/24 approved by Cabinet on 16th May 2023](#), and the Council's Vision and Forward Plan priorities for Children.

7.2 Legal Implications

- 7.2.1 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.
- 7.2.2 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.
- 7.2.3 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.

7.3 Financial Implications

- 7.3.1 The grant up to a maximum of £1,400,000 will be funded from the Local Authority's School Condition Allocation.
- 7.3.2 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 Swanshurst School and funded from the school's delegated budget.

7.3.3 A Condition of Grant Aid (COGA) will be put in place outlining the school's responsibility for delivering the scheme within the agreed budget. The Council will only fund the amount that has been agreed.

7.3.4 This report proposes the use of ringfenced DfE grant (school condition) and does not seek approval for the use of any corporate capital resources. Financial risks have been considered as part of the design process. This is a school led project and any cost overruns will be the responsibility of the school.

7.3.5 The funding will not be provided to the school up front. In order to release the payment to the school we will require evidence that the school has paid out against certified invoices. The school will also need to provide evidence via finance statements highlighting what they have paid out.

7.3.6 Ordinarily capital grants are released on staged basis to support schools with cash flow, however in this instance as the report is retrospective and the works have been completed, the payment will be made in one lump sum based on evidence described above provided by the school.

7.3.7 The school have delivered previous similar schemes and have a good record of delivering these capital projects within budget and to timescales.

7.3.8 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.

7.4 Procurement Implications (if required)

7.4.1 There are no procurement implications with the recommendations in this report. The responsibility for the procurement and award of contract for the works is with Swanshurst School under their governance arrangements. The Conditions of Grant Aid agreement will include the requirement to demonstrate to the Council value for money and compliance to any legislation including the Public Contracts Regulations 2015 (PCR2015) from the issue of the payment.

7.4.2 The Head of Service, Education Infrastructure will manage and monitor the delivery of the outcomes specified in the Conditions of Grant Aid are delivered to ensure value for money to the Council with compliance to the PCR2015 and the school's governance.

7.5 Public Sector Equality Duty

7.5.1 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.

7.6 Environmental and Sustainability Implications

- 7.6.1 A completed Environment and Sustainability Impact Assessment is attached as **Appendix 4** for which no negative impacts are indicated.

8 List of Appendices

- 8.1 **Appendix 1** - Swanshurst School - Full Business Case
- 8.2 **Appendix 2** - Hazard Awareness identification checklist
- 8.3 **Appendix 3** - Exempt Information
- 8.3 **Appendix 4** - Environment and Sustainability Impact Assessment

9 Background Documents

- 9.1 [Schools' Capital Programme - School Condition Allocation 2023-24 report to Cabinet dated 16th May 2023.](#)