

**Birmingham City Council**  
**Report to Cabinet**



**17 October 2023**

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**Subject:** **FULL BUSINESS CASE AND CONTRACT AWARD – REFURBISHMENT AND EXTENSION 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:	011873/2023	
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
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 capital scheme and award of a contract for the installation of a modular building on a temporary basis and the associated enabling works and the extension and refurbishment works to the existing building at Cofton Primary School. The project costs of the scheme will not exceed £1,897,272.

## **2 Recommendations**

That Cabinet:

- 2.1 Approve the project costs for the installation of a modular building on a temporary basis and the associated enabling works and the extension and refurbishment works to the existing building at Cofton Primary School at a total project cost of up to £1,897,272.
- 2.2 Approve the Full Business Case appended to this report.
- 2.3 Notes that a Pre-Construction Services Agreement (PCSA) was entered into with Seddon for the initial design stage to be completed for the estimated value of up to £42,500 and approved under Chief Officer delegated authority to enable the works to meet the deadline for the completion of the works.
- 2.4 Delegates authority to the Director of Children and Families in conjunction with the Assistant Director, Procurement, the Interim Director of Finance (Section 151 Officer) and the City Solicitor & Monitoring Officer (or their delegates) to award a contract for the Works after completion of the PCSA stage, subject to the value being within the approved budget.
- 2.5 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 ensure 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).
- 3.2 The Council 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 2 form entry (2FE) school in the south westt of the city with a capacity for 420 pupils. Their current Planned Admission Number (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 in this locality. To address the capacity of the site, a two-classroom temporary building has been put in place funded by the Council whilst the development of a permanent solution was developed. Due to the Covid-19 pandemic, the development of the permanent solution 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. The building itself has considerable issues cracks in the walls, damp, and leaks through the ceiling.

- 3.3 There is a requirement for works to the school to meet its needs. The works are for the construction of a single-story extension to the KS2 Teaching Block with internal refurbishment to provide a much better, safer space and adequate teaching environment to meet the high needs of the cohort of children now coming through KS2. In addition, a modular block is required on a temporary basis to provide additional space as an interim supportive measure whilst the KS2 teaching block is being developed.
- 3.4 The proposed 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's children and families.
- 3.5 There is modular classroom block under ownership of the Council, Education Infrastructure and currently located at the old Skilts School site. It is proposed that this existing building will be relocated from its current location to Cofton Primary School for the temporary provision.
- 3.6 The Planning Application for the modular building for a three-year period was approved on 14 November 2022. Subject to Full Business Case (FBC) (**Appendix 1**) and Statutory Approvals the main works are due to commence on 23 October 2023 with a proposed completion of 9 April 2024.

#### **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 Cofton Primary School.
- 4.2 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.

## **5 Consultation**

- 5.1 The Head Teacher and governors of Cofton Primary School have been consulted and are fully supportive of the scheme.
- 5.2 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.

## **6 Risk Management**

- 6.1 Risks have been considered as part of the design process. A contingency sum of £177,789 has been allocated to the project. This contingency sum has been included in the overall project costs.
- 6.2 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.

## **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 Maintenance 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 project costs totalling up to £1,897,272 will be funded from the School's Basic Need allocation. This is inclusive of £99,035 Acivico Ltd.'s professional fees and £55,260 of EDI capitalisation fees.
- 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 Cofton Primary School and funded from the school's delegated budget.
- 7.3.3 The request for spend was cleared by the Children and Families Spend Control Board on the 20<sup>th</sup> 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 The procurement implications for the award of a contract for refurbishment and the installation and enabling works of a modular building for Cofton Primary School following a further competition exercise using Acivico Ltd's Constructing West Midlands Capital Works Lot 1 Framework Agreement are detailed in **Appendix 2** and **Exempt Appendix 3**.

### **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**

## **8 Appendices**

- 8.1 **Appendix 1** - Cofton Primary School - Full Business Case
- 8.2 **Appendix 2** - Cofton Primary School - Procurement Methodology
- 8.3 **Appendix 3 (Exempt)** - Cofton Primary School

8.4 **Appendix 4 - Environment and Sustainability Impact Assessment**

**9 Background Documents**

9.1 Schools' Capital Programme – Basic Need 2023-24 report to Cabinet dated 16th May 2023.