

Birmingham City Council

Report to Cabinet

Date: 25th June 2019



Subject: ST BENEDICT'S PRIMARY SCHOOL - FULL BUSINESS CASE AND CONTRACT AWARD

Report of: Director for Education and Skills
Dr Tim O'Neill

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

Relevant O &S Chair(s): Cllr Kath Scott - Education and Children's Social Care
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): Small Heath		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 006450/2019		
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 St. Benedict's Primary School. The capital cost of the scheme will not exceed £3,663,436.

2 Recommendations

That Cabinet:

- 2.1 Approve the Full Business Case (Appendix A) for the capital works at St. Benedict's Primary School at a total project cost of up to £3,663,436, which includes Edl fees of £106,702.
- 2.2 Authorise the Director for Education & Skills in consultation with the Cabinet Member for Finance & Resources and Chief Finance Officer to instruct Acivico to raise work orders up to the value of £3,256,594 with Balfour Beatty in order for works to commence.
- 2.3 Authorise the Director for Education & Skills to place orders up to the value of £226,140 with Acivico for professional services.
- 2.4 Approve orders with Link2ICT for ICT up to the value of £50,000.
- 2.5 Notes that loose furniture to the value of £24,000 will be ordered directly by the school. Costs will be reimbursed by Edl on the production of (paid invoices) evidence.
- 2.6 Authorise 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 St Benedict's Primary School is a Local Authority Maintained school (Community School). Up until September 2017, St Benedict's was an Infant School with a Planned Admission Number (PAN) of 150 in Reception.
- 3.4 The school has experienced falling rolls in recent years, due to the changes in falling birth rate and the opening of the Perry Beeches V all through free school (age range 4 – 16 years and now known as Ark Victoria all through school) within 0.5km from St Benedict's School.
- 3.5 In 2017, the governing body of St Benedict's School proposed to change the PAN from 150 to 60 in Reception and change the age range from being an Infant school to become a Primary school. These proposals have been approved and implemented accordingly.

- 3.6 This effectively changes the school from a five form entry infant school to a two form entry primary school for pupils from Reception to Year 6. Pupils would no longer have to transfer to another school at Year 3. The published admission number (PAN) for Reception will be 60 and the capacity of the school, over time, will be 420. Adaptations will be needed to the school building to accommodate key stage 2 pupils in line with Building Bulletin guidelines
- 3.7 The Full Business Case (FBC) for this scheme is included in Appendix A. The FBC details the works which will be undertaken at St Benedict's Primary School.
- 3.8 A Planning Application on the temporary provision was submitted on the 8th April 2019 and is due to be determined by June 2019.
- 3.9 Subject to FBC and statutory approvals the demolition works are due to start in July 2019 with a proposed completion of May 2020.

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 at St. Benedict's Primary School.

5 Consultation

5.1 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 have been consulted as a result of the school changing its age range.

5.2 Internal

The Leader and Ward Members for Small Heath have been consulted in relation to the proposals. No responses were received from Ward Members.

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.

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 and will contain some of the following outputs;

- 210 employment weeks
- 1 apprentice taken on
- 80% of new employment retained
- 30% of spend will be with SME's
- 70% of spend will be with a 30 mile radius

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. Section 22 of the School Standards and Framework Act 1998 places a duty on the authority to maintain the school, which includes the duty of making premises available to be used for the purposes of the school.

7.3 Financial Implications

7.3.1 The total cost of the works at St. Benedict's Primary School will be funded from Department for Education (DfE) Basic Need Grant. The total capital project costs will be up to £3,663,436. Cost details are included in the FBC.

7.3.2 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 St. Benedict's Primary School and funded via the school's delegated budget.

7.4 Procurement Implications (if required)

7.4.1 The procurement route for this project was via the Constructing West Midlands (CWM) Framework using Balfour Beatty 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. We have assessed the content and can confirm that it still remains relevant to proposed expansions by having a positive impact.

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