

Birmingham City Council

Report to Cabinet Member



03 July 2024

Title: FULL BUSINESS CASE AND CONTRACT AWARD –
NEW BUILD EXTENSION AT SELLY OAK TRUST
SCHOOL

Lead Cabinet Portfolio: Councillor Mick Brown, Cabinet Member for Children,
Young People & Families

**Relevant Overview and
Scrutiny Committee:** Councillor Kerry Jenkins, Education, Children & Young
People

Report Author: Zahid Mahmood, Interim Head of Service
Education Infrastructure
Phone Number 0121 464 9855
zahid.mahmood@birmingham.gov.uk

Authorised by: Dr Sue Harrison, Strategic Director of Children &
Families
Children and Families Directorate

Is this a Key Decision? No

**If this is a Key Decision,
is this decision listed on
the Forward Plan?** No

**Reason(s) why not
included on the Forward
Plan:** If yes, list reason(s). If no, insert 'Not Applicable'.
Not Applicable

Is this a Late Report? No
Reason(s) why Late: Not Applicable

**Is this decision eligible
for 'call in?'** Yes

If not eligible, please provide reason(s):

Not Applicable

Wards:

Bournville & Cotteridge

Does this report contain exempt or confidential information?

No

Has this decision been included on the Notification of Intention to consider Matters in Private?

No

Reasons why not included on the Notification:

Not Applicable

1 EXECUTIVE SUMMARY

- 1.1 To seek approval for the project costs for the design services for the capital scheme for the build of the extension to Selly Oak Trust School and to award the contract for the Pre-Construction Services Agreement (PCSA) period to commence. The project costs for this stage of the scheme are up to £737,850.

2 COMMISSIONERS' REVIEW

- 2.1 This report has been approved by Commissioners with no comments.

3 RECOMMENDATIONS

That the Cabinet Member for Children Young People and Families:

- 3.1 Approve the project costs for the design services to complete the PCSA stage for the extension at Selly Oak Trust School at a cost of up to £737,850.
- 3.2 Approves the Full Business Case appended to this report.
- 3.3 Approves the award of a contract to enter into a PCSA for the extension at Selly Oak Trust School to Morgan Sindall Construction & Infrastructure Ltd commencing in May 2024 for the estimated value of £397,644 plus an allowance of £40,000 for surveys and £10,000 for Planning and Building Regulations compliance.
- 3.4 Notes the award of the main works contract will be reported to Cabinet following successful completion of the PCSA services, subject to the cost, inclusive of fees, being within the approved value.
- 3.5 Authorises the Interim City Solicitor and Monitoring Officer to execute and complete all necessary legal documents to give effect to the above recommendation.

4 KEY INFORMATION

Context

- 4.1 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).
- 4.2 The Schools Capital Programme – School Condition Allocation & High Needs Allocation 2024-25 + Future Years report to Cabinet dated 19th March 2024 approved the procurement strategy of using the Constructing West Midlands 2 Framework Agreement for the Basic Need and Schools' Condition Allocation schemes above the procurement governance threshold of £0.250m (ex VAT) and delegated the award of contracts to the Cabinet Member for Children, Young People & Families in consultation with the Strategic Director for Children and Families.

- 4.3 The works comprise of the demolition and removal of existing modular teaching and changing room blocks which are no longer fit for purpose, and the construction of a new 2 storey extension to the existing school building with internal alterations. The extension will include general and specialist teaching space, pupil and staff changing facilities, toilets and ancillary, staff and administration space.
- 4.4 The PCSA period is where the detailed design for the works is completed. Following successful completion of the detailed design, it is programmed for the works to commence in January 2025. This is subject to recommendation 2.4, with the construction work to be carried out for a period of 60 weeks. To minimise disruption to the education of the pupils, some of the work will be carried out in the evenings, weekends and school shut down periods with a project completion programmed for March 2026.

Proposal and Reasons for Recommendations

- 4.5 The recommended option is for the project costs to be approved and the award of a contract for the PCSA period to commence to enable the school to ensure that children and young people have a suitable and safe space to learn, grow and develop.

Other Options Considered

- 4.6 There are no other options but to carry out the work as otherwise it would mean the City Council would fail to meet its statutory obligation to provide sufficient school places at Selly Oak Trust School.

5 RISK MANAGEMENT

- 5.1 Risks to design stage have been considered as part of the process. The risk of the PCSA not being completed in time will cause delays to the commencement of the overall project. A contingency sum of £40,000 for survey costs and £10,000 for Planning and Building Regulation compliance has been allocated to the project. This contingency sum has been included in the project costs for the design stage.
- 5.2 There are unknowns with the site and a requirement to obtain Planning and Building approval. Any risks from any issues arising will be mitigated by robust surveys being carried out during the PCSA period to inform the detailed design for the works required to be delivered.

6 CONSULTATION

- 6.1 The Head Teacher and governors of Selly Oak Trust School have been consulted and are fully supportive of the building extension scheme.

7 MEMBER ENGAGEMENT

Ward Councillor(s)

7.1 The Ward Members for Bournville & Cotteridge have been consulted in relation to the proposals via email and are supportive with the project progressing for decision.

Other

7.2 Not Applicable.

8 IMPACT AND IMPLICATIONS

Finance

8.1 The project costs totalling up to £737,850 will be funded from the High Needs Grant (HNG). This is inclusive of £268,715 for Acivico Ltd's professional fees and £21,491 of EDI capitalisation fees.

8.2 The cost for the PCSA period is £397,644 plus £50,000 for any planning and survey costs.

8.3 This report proposes the use of ringfenced DfE High Needs Allocation Grant and does not seek approval for the use of any corporate capital resources. Spend Control Board approval was granted on xx for the project costs of £737,850.

8.4 The Council has a good record of delivering these school capital projects within budget and to timescales.

Legal

8.5 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.

8.6 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.

8.7 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.

Equalities

8.8 The Council must have regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it. On review, no negative

impact on people with Protected Characteristics was identified. It was concluded that having the proposed safe, accessible building and classroom space at Selly Oak Trust School would support the Council's performance of its Equality Act duties.

Procurement

- 8.9 The procurement implications are for the award of a contract for a PCSA for the extension to Selly Oak Trust School following a further competition exercise using Acivico Ltd's Constructing West Midlands 2 Framework Agreement and are detailed in Appendix 2.

People Services

- 8.10 There are no staffing implications.

Corporate Parenting

- 8.11 There are no direct implications or opportunities in relation to the Corporate Parenting responsibility arising from the recommendations in this report.

Other

- 8.12 There are no other implications arising from the recommendations in this report.

9 APPENDICES

- 9.1 Appendix 1 – Selly Oak Trust School - Full Business Case
9.2 Appendix 2 – Selly Oak Trust School - Procurement Methodology

10 BACKGROUND PAPERS

- 10.1 [Schools' Capital Programme 2024/25 approved by Cabinet on 19th March 2024](#)