

# BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

<b>Report to:</b>	<b>Cabinet Members for Children's Services and for Commissioning, Contracting and Improvement jointly with the Strategic Director for People</b>
<b>Report of:</b>	<b>Service Director - Education and Commissioning</b>
<b>Date of Decision:</b>	<b>28<sup>th</sup> July 2015</b>
<b>SUBJECT:</b>	<b>LANGLEY SCHOOL – FULL BUSINESS CASE AND CONTRACT AWARD</b>
<b>Key Decision: No</b>	<b>Relevant Forward Plan Ref: N/A</b>
<b>If not in the Forward Plan: (please "tick" box)</b>	<b>Chief Executive approved</b> <input type="checkbox"/> <b>O&amp;S Chairman approved</b> <input type="checkbox"/>
<b>Relevant Cabinet Member:</b>	<b>Councillor Brigid Jones – Cabinet Member - Children's Services</b> <b>Councillor Stewart Stacey – Cabinet Member - Commissioning, Contracting and Improvement</b>
<b>Relevant O&amp;S Chairman:</b>	<b>Cllr Susan Barnett - Education and Vulnerable Children Overview and Scrutiny</b> <b>Cllr Waseem Zaffar - Corporate Resources</b>
<b>Wards affected:</b>	<b>Sutton Four Oaks</b>

### 1. Purpose of report:

- 1.1 To seek approval to the Full Business Case (FBC) and Contract Award for the capital scheme at Langley School to provide 11 additional pupil places as described in Appendix A. The total capital cost of this scheme will not exceed £848,177 which includes £151,989 for professional and statutory fees.
- 1.2 To seek approval for the Service Director Education and Commissioning to place orders to progress the proposed works.

### 2. Decision(s) recommended:

That the Cabinet Members for Children's Services and for Commissioning, Contracting and Improvement, jointly with the Strategic Director, People:

- 2.1 Approve the Full Business Case (Appendix A) for the capital works at Langley School at a total capital cost of £848,177 which will be funded from the DfE Basic Need Grant.
- 2.2 Authorise the Service Director Education and Commissioning to instruct the General Manager of Acivico to place orders with the Constructing West Midlands (CWM) Framework contractor, Thomas Vale Construction up to the value of £693,188 to progress the works on site.
- 2.3 Authorise the Service Director Education and Commissioning to place orders with Acivico up to the value of £127,372 for professional services and statutory fees.
- 2.4 Note that loose furniture up to the value of £3,000 for classrooms will be ordered directly by the School using BCC procurement procedures and costs will be reimbursed to them by the Education & Skills Infrastructure (EdSI) Finance Team on production of evidence (paid invoices), which will be verified by the EdSI Team.
- 2.5 Authorise the Director of Legal and Democratic Services to negotiate, execute and complete all necessary documents to give effect to the above recommendations.

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### **3. Consultation**

#### **3.1 Internal**

The Deputy Leader, together with the Chairs of the Overview and Scrutiny Committees for Education and Vulnerable Children; and the Chair of Corporate Resources, have been consulted and agree that the proposals may go forward for an executive decision. Ward Councillors for Sutton Four Oaks and the Executive Member for Sutton Coldfield have also been consulted and support the proposals contained within the report. Officers from City Finance and Legal and Democratic Services will be involved in the preparation of this report.

#### **3.2 External**

All pupils, parents, governors, teaching and non-teaching staff have been consulted regarding the build proposals.

### **4. Compliance Issues**

#### **4.1 Are the recommended decisions consistent with the Council's policies, plans and strategies?**

These works are required to enable the Local Authority to meet its statutory duty to not only provide pupil places but also to promote diversity and increase parental choice in planning and securing the provision of school places (Section 14 Education Act 1996 and Education & Inspections Act 2006). The spending priorities proposed are in accordance with the Education Development Plan and Schools' Capital Programme 2013-17 and in the Project Definition Document (PDD) Provision of remodelled Special School Accommodation to meet immediate need from 2015 onwards approved by Cabinet on 19<sup>th</sup> January 2015. Works will contribute to Council Business Plan 2015+, particularly a Prosperous and a Fair City, by ensuring that vulnerable children have access to suitable school places enabling them to benefit from education through investment at a neighbourhood school. The provision of additional places in permanent accommodation will also aid the safeguarding of children as, compared with temporary accommodation; it is fully integrated with existing facilities.

#### **4.2 Financial Implications.**

The capital cost of adaptations to the main hall including providing 2 additional classrooms and associated accommodation at Langley School is £848,177. This will be funded from the part of the DfE Basic Need Grant earmarked for special school places (SSAP 2). Consequential revenue costs of additional staffing and any on-going day to day repair and maintenance of the asset will be the responsibility of the School and funded from its own delegated budget.

The currently estimated capital cost (alongside already approved Special School FBC reports) will exceed the total indicative capital cost included in the PDD report approved by Cabinet on 19<sup>th</sup> January 2015. The indicative costs included in that PDD were based on early advice and did not have the benefit of detailed survey works that have now been undertaken and therefore make the figures in this FBC more accurate.

The cost increases are a result of several factors: a) early cost advice without detailed surveys; b) further deterioration in the building; c) market increases as a result of

inflation; d) design modifications as a result of the building needing to meet the required standards for special schools.

The additional funding required for this project compared to that stated in the PDD will be funded by drawing down on the funding currently earmarked for Stage 3 of the programme. The impact on, and formal approval for, Stage 3 will be addressed in the overall Capital Programme report to Cabinet in July 2015.

#### 4.3 Legal Implications

This report exercises legal powers which are contained within Section 14 of the Education Act 1996 and Section 22 of the School Standards and Framework Act 1998, by which the Authority has a responsibility to provide places and maintain schools - this includes expenses relating to premises.

#### 4.4 Public Sector Equality Duty

A Full Equality Analysis (EA000124) was carried out in March 2014 for Education and Skills Infrastructure's Education Development Plan and Schools' Capital Programme 2013–2017. 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.

#### 4.5 Birmingham Business Charter for Social Responsibility (BBC4SR)

All CWM contractors are required to adhere to the principles of the BBC4SR and prior to contract award, an action plan proportionate to the contract value will be agreed with the contractor on how the charter principles will be implemented and monitored during the contract period.

### **5. Relevant background/chronology of key events:**

5.1 The Local Authority has a statutory duty to not only provide pupil places but also to promote diversity and increase parental choice in planning and securing the provision of school places (Section 14, Education Act 1996 and Education & Inspections Act 2006).

5.2 Long-term projections of births provided by the Office of National Statistics (ONS) suggest that the current trend of an increasing birth rate will continue. The implications will be an ongoing need to provide additional special school places over the next 10 years. An Education Sufficiency document was released in November 2013 and presented to the Education and Vulnerable Children Overview and Scrutiny Committee in December 2013 detailing the impact of increased birth rates and cohort growth on the demand for school places across Birmingham. An update to this document was published in February 2015.

5.3 The Birmingham Special Education Development Plan (SEDP), approved by Cabinet on 16<sup>th</sup> February 2015, highlights the fact that the SEND population is predicted to increase and the existing specialist school provision is almost at full capacity. Birmingham is a young city and is getting younger - between 2000 and 2012 the number of children born in Birmingham increased by 25%. The SEND population is predicted to increase by approximately 10% in line with population growth by 2021. This translates into a likely additional 800–1,000 young people with SEN Education and Health Care Plans. The Schools Capital programme provides a key opportunity to align capital investment into the education infrastructure with robust commissioning of places for young people with SEND in order to meet local need and population growth.

5.4	In addition to sustained birth rate increase, each cohort of Birmingham children has increased annually in recent years as a result of net migration into the city: more children arrive in our schools than leave them. Pressure for school places is severe in a number of our Special Schools; reactive measures have been implemented over a number of years to accommodate growth in demand for special school places and a planned programme of special school expansions is being implemented as a priority.
5.5	The Education Development Plan and Schools' Capital Programme 2013-2017 was approved by Cabinet on 17 <sup>th</sup> March 2014 and this programme identified funding that would increase Birmingham City Council schools' capacity to help address the current shortfall of special places. This scheme at Langley School was included in the PDD approved by Cabinet on 19 <sup>th</sup> January 2015 and will help fulfil the Authority's statutory obligation to provide sufficient special school places, promote diversity and increase parental choice as well as maximising the impact on pupils' learning outcomes and addressing barriers to learning. The Head Teacher and governors participated in the design process, as strategic partners of BCC and as representatives of the end users.
5.6	The proposed works at Langley School will create a mezzanine floor which will be constructed within the hall to provide two new class spaces. Refurbishment of existing accommodation will provide a larger staffroom, learning and support room and storage. Also enclosing two breakout rooms to form teaching areas.
5.7	The PDD approved in January 2015 stated 14 new places were to be created at Langley however following the feasibility study it was evident that the school could only physically accommodate an additional 11 pupils. Therefore to meet demand an additional 3 places will be created elsewhere i.e. Beaufort school which is yet to go through consultation. The cost for providing 11 spaces for the same amount of capital is still seen as value for money.
5.8	The procurement route proposed for delivery of this scheme is via the Constructing West Midlands Framework with Thomas Vale Construction selected as the Construction Partner and Acivico acting as Project Manager. Thomas Vale Construction's involvement with similar schemes was taken into consideration alongside cost factors generated from a value-for-money exercise. In addition Thomas Vale Construction has signed up to the principles of the Birmingham Business Charter for Social Responsibility and will work on an action plan demonstrating how the principles of the Charter will be implemented with Langley School and the local community. This action plan will be agreed before build works commence.
5.9	Work will be programmed and phased to have minimal impact on the children's education whilst the School remains operational. Arrangements will be agreed by the school, and the Principal Contractor to ensure absolute health and safety provisions are in place.
5.10	Planning approval is not required for these works. Subject to approval of the FBC, work will commence at the School on 3 <sup>rd</sup> August 2015 and will complete on 27 <sup>th</sup> November 2015.
<b>6.</b>	<b>Evaluation of alternative option(s):</b>
6.1	The option of doing nothing would mean the City Council would fail to meet its statutory obligation in providing additional school places.
<b>7.</b>	<b>Reasons for Decision(s):</b>
7.1	To approve the additional special school places and capital works at Langley School funded through the DfE Basic Need Grant.

**Signatures:**

Cabinet Member, Children's Services, Cllr Brigid Jones

..... Date: .....

Cabinet Member, Commissioning, Contracting and Improvement, Cllr Stewart Stacey

..... Date: .....

Strategic Director, People, Peter Hay

..... Date: .....

**List of Background Documents used to compile this Report:**

Provision of Re-modelled Special School Accommodation to meet Immediate Need from 2015 Onwards PDD – Cabinet 19<sup>th</sup> January 2015

Education Development Plan and Schools Capital Programme 2013-17 - Cabinet 17<sup>th</sup> March 2014.

BCC Bid for Targeted Basic Need Outcome of Bids – Joint CM/Strategic Director Report 10<sup>th</sup> February 2014.

The Birmingham Special Education Development Plan – Cabinet 16<sup>th</sup> February 2015

Education Sufficiency Document – Education and Vulnerable Children Overview & Scrutiny Committee December 2013 Updated February 2015

**List of Appendices accompanying this Report (if any):**

A FBC Doc	B Risk Assessment
C Stakeholder Analysis	D Milestone Dates and Resources

<b>Report Version</b>	V3	<b>Dated</b>	13/07/15
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