

Birmingham City Council

Report to Cabinet

25 April 2023



Subject: HAMILTON SCHOOL - APPROVAL FOR CAPITAL WORKS TO CREATE A TEMPORARY TWO-STOREY CLASSROOM BLOCK, PLAY AREA AND CAR PARKING TO INCREASE TO KS3 PROVISION

Report of: Sue Harrison - Director Children & Families

Relevant Cabinet Member: Cllr Karen McCarthy - Children, Young People & Families
Cllr Yvonne Mosquito - Finance & Resources

Relevant O &S Chair(s): Cllr Kerry Jenkins - Education & Children's Social Care
Cllr Akhlaq Ahmed - 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): Holyhead		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 011288/2023		
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 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:		

1 Executive Summary

- 1.1 To seek approval for the Full Business Case for the temporary two-storey temporary classroom block capital scheme at Hamilton School (part of Birmingham Special Schools' Co-Operative Trust) as described in **Appendix A**. The capital costs of the scheme will not exceed £2,704,224.

2 Recommendations

That Cabinet:

- 2.1 Approves the Full Business Case (**Appendix A**) for the temporary two-storey modulars capital scheme at Hamilton School at a total project cost of up to £2,704,224 including Education Infrastructure Capitalisation of £78,764, Professional Fees of £142,531, Loose Furniture, Fixtures & Equipment of £38,250 and Client Contingency of £166,171.
- 2.2 Authorises the Director of Children & Families to place orders to the value of £142,531 to Acivico Ltd for technical professional services.
- 2.3 Authorises the Director of Council Management and the City Solicitor to negotiate, execute and complete all necessary documents to give effect to the above recommendations.
- 2.4 Authorises the relevant decision maker to approve any overspend in a revised Full Business Case in line with resource thresholds outlined in the constitution document.

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 There are significant pressures in respect of the sufficiency of special school places within the city and there is an urgent need to develop a five-year plan that will underpin the commissioning of appropriate special school places for SEND pupils. Forecast for special school places has been completed and officers are working on the strategy to meet future needs which will be published in the very near future.
- 3.3 However, we know already that there is a significant need for more school places for children with Education, Health and Care Plans (EHCPs), in special school and resource base sectors, as well as in mainstream. As a result of annual commissioning conversations with special schools, we have increased places by over 650 (or 13%) over the last six years. We are currently working with nine of our special schools on urgent capital proposals to increase places further from September 2023. There is a particular pressure in respect of secondary transition. The size of the secondary transfer EHCP cohort for 2022 was 20% higher than 2020 and the 2023 cohort is already 12% higher. In addition, the percentage of

parental preference for specialist provision has been increasing year on year. For 2020 this amounted to 68% of the cohort and an immediate need was identified for a further 90 special school places for Year 7 alone.

- 3.4 More generally, there has been an increase in the number of EHCPs maintained for school aged pupils within the city – 823 in 2021, and over 1,000 in 2022. We are also seeing an increase in the numbers of requests for statutory assessments which could lead to the issuing of EHCPs. New requests are currently averaging 170 per month.
- 3.5 Hamilton School is one of 27 Special Schools and currently has up to 131 pupils on roll with an Education and Health Care Plan (EHCP) for Autism. This project is subject to school organisation proposals being approved which would increase the total number of pupil places offered up to a total of 179 by 2024. The additional capacity will also cater for pupils that are currently on roll within the school. Hamilton is a Foundation Special School within the Birmingham Special Schools' Co-Operative Trust, as such, The Governing Body was the decision maker for this temporary change of age range (the proposal) and, following consultation with stakeholders, on the 9th February 2023 decided unanimously to implement the change from September 2023.
- 3.6 Subject to all approvals including statutory, work at the school will begin in May 2023 and completed by August 2023.
- 3.7 The project is proposing to create a temporary two-storey classroom block hired for a two-year period with a play area and car parking provision with pupil drop off/pick up to provide an additional 24 Key Stage 3 SEND places for September 2023, with a further 24 places created for 2024.
- 3.8 A separate scheme will be progressed to provide a permanent solution for secondary provision to replace the temporary modular units at Hamilton School and this scheme will be presented to Cabinet in due course for approval.

4 Options considered and Recommended Proposal

- 4.1 The option of 'do nothing' would mean the Local Authority fails to meet its statutory obligation to ensure that there are sufficient SEND places.
- 4.2 The recommended option is to create temporary additional classrooms hired on a two-year period to increase the number of SEND places to enable the permanent solution to be worked up.

5 Consultation

- 5.1 The Governing Body at Hamilton School fully supports the proposed improvements to the school, and it is fully welcomed by the parent/carers community for children attending the school.
- 5.2 Staff (teaching and non-teaching), parents, Governors, Councillors, MP, Department for Education, schools adjudicator and BCC staff, diocese and NHS

have been consulted as a result of the proposed development and were supportive.

- 5.3 The Leader and local Ward Members for Holyhead have been consulted in relation to the proposals and are supportive of the proposals proceeding to an executive decision.

6 Risk Management

- 6.1 Availability of materials and labour. With the impact of Brexit and the situation in Eastern Europe, there is a risk of shortage of materials and labour. As a result, cost increases from materials and delay to programme could occur. Project meetings are held to ensure that all parties are informed of progress and that any issues and concerns are picked up at the earliest opportunity and resolution is sought to ensure the project meets the required timescales.
- 6.2 Completing the project on time for the classroom block and car parking to be fully operational for the start of School term in September 2023. Any delay to the manufacture process of the modular units would impact installation timescales. Regular 2 – 4 weekly project meetings will be held to ensure that all parties are informed of progress and that any issues and concerns are picked up at the earliest opportunity and resolution is sought to ensure the project meets the required timescales, as a priority. Also, regular meetings between Education Infrastructure and Acivico Ltd will also be held to closely monitor financial budgets to ensure that costs do not exceed the approved budget.
- 6.3 Acivico Ltd has many years' experience at delivering modular building projects of this nature and will manage and co-ordinate the works with the principal contractor, overseen by the Local Authority.
- 6.4 A project risk register will be maintained and managed by Acivico Ltd. The risks will be observed and apportioned between the Council and 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 at Hamilton School are provided with a safe and secure learning environment. The spending priorities proposed are in accordance with the Schools' Basic Need Programme 2022-23 approved by Cabinet on 26 April 2022, 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'.

7.2 Legal Implications

- 7.2.1 The recommendations in this report facilitate the discharge of functions contained within section 14 of the Education Act 1996 whereby the local

authority has a duty to ensure that there are sufficient school places to provide all pupils the opportunity of appropriate education.

7.2.2 The Local Authority must also keep under review the educational provision, training provision and social care provision made in its area for children and young people who have special educational needs or a disability, under section 27 of the Children and Families Act 2014.

7.2.3 The arrangements set out in this report comply with the powers of general competence as set out in Section 1 of the Localism Act 2011 and they are within the boundaries and limits of the general power of competence set out in Section 2 and 4 of the Localism Act 2011.

7.3 Financial Implications

7.3.1 The capital costs of the proposed works at Hamilton School are detailed in the attached FBC (**Appendix A**). The capital costs will not exceed £2,704,224 and will be funded from the High Needs Allocation. There is sufficient funding available to deliver the scheme.

7.3.2 Consequential revenue costs arising including additional staffing, utility and any on-going day to day repair and maintenance of the asset will be the responsibility of Hamilton School and will be funded via the school's budget.

7.4 Procurement Implications (if required)

7.4.1 There are no procurement implications with the recommendations in this report. Cabinet was advised of the procurement route to use the Crown Commercial Services Modular Buildings Framework Agreement in the Planned Procurement Activities Report dated 21 March 2023. The contract award will be approved under delegated authority in accordance with the Council's Procurement Contract and Governance Rules.

7.5 Human Resources Implications (if required)

7.5.1 The project will be managed by Education Infrastructure staff.

7.6 Public Sector Equality Duty

7.6.1 A Full Equality Analysis EQUA650 was carried out in 2021 for Education Infrastructure's Schools' Capital Programme 2021-22. 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. This scheme falls within the umbrella of the equality analysis EQUA650 and will support positive outcome.

7.7 Environmental and Sustainability Implications

- 7.7.1 With the use of Modern Methods of Construction we are reducing the impact of the building works on the environment whilst providing the required pupil spaces. A completed Environment & Sustainability Assessment is attached as **Appendix B**.

8 List of Appendices

- 8.1 **Appendix A** - Full Business Case
- 8.2 **Appendix B** – Environment & Sustainability Assessment

9 Background Documents

- 9.1 Schools' Capital Programme –School Condition Allocation, Basic Need Allocation 2022-23+ Future Years Cabinet Report (Approved at Cabinet 26 April 2022).
- 9.2 Planned Procurement Activities Report dated 21 March 2023.