

Birmingham City Council

Report to Cabinet Member(s) for Education, Skills and Culture & Finance & Resources

Date: July 2020



Subject: MAYFIELD 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): Lozells | | |
| Is this a key decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| If relevant, add Forward Plan Reference | | |
| 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 for the Full Business Case attached as **Appendix A** and Contract Award for the capital scheme at Mayfield School. The capital cost of the scheme will not exceed £762,756

2 Recommendations

That the Cabinet Member(s) :

- 2.1 Approve the Full Business Case (**Appendix A**) for the capital works at Mayfield School at a total project cost of up to £762,756 which includes £22,216 of Education Infrastructure Capitalisation, £195,000 Acivico fees and £15,000 for furniture.
- 2.2 Authorise the Director for Education & Skills in consultation with the Cabinet Member for Finance & Resources to raise work orders up to the value of £530,540 with Engie and Albany Limited (Birmingham Schools SPC Phase 1a Limited) in order for works to commence.
- 2.3 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 and overall responsibility for the capital strategy for schools 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 The overall scheme is made up of 2 phases, this being the second and Appendix C was approved to accommodate specific early works that are highlighted within the FOA (Phase 1). These works started on the 29th June 2020.
- 3.4 This change would allow Mayfield to take significantly more Autistic Spectrum Conditions (ASC) pupils and Mayfield could change from its 285 pupils (in 2018) to expand to accommodate up to 315 pupils. The school has allocated accommodation for additional ASC pupils and will have 305 pupils on roll for September 2020, with capacity to take a further 13 pupils up to 315pupils. The school are receiving multiple referrals a day from SENAR to take more ASC pupils, but the Q &C cluster switch is essential for the new pupils already accepted to start in September 2020.
- 3.5 A recent feasibility study undertaken by the PFI Facilities Management Provider (FM Provider), Engie, concluded that the required 13 additional pupil spaces could be achieved by moving the current Mayfield section of the School (Q Cluster) to the Holte section of the School (C Cluster). This would require several building alterations to accommodate the move, all of which are included within **Appendix A**.
- 3.6 The Full Business Case (FBC) for this scheme is included in **Appendix A**. The FBC details the works which will be undertaken at Mayfield School.

- 3.7 No planning would be required for these works, however, building control are engaged and will be part of the project sign off.

4. Options Considered and Recommended Proposal

- 4.1 Do nothing – this option would mean that the Local Authority cannot meet its statutory duty to provide sufficient school places.
- 4.2 This would mean that the Authority will have to provide alternative placements for the additional pupils using expensive out of city provision.
- 4.3 To provide these additional places at another BCC special school would require new build expansion at that school and would not present the same value for money.
- 4.4 The preferred option is to switch Cluster C (Holte School) and Cluster Q (Mayfield School) to accommodate up to 315 , Severe Learning Difficulties (SLD) and Profound & Multiple Learning Difficulties (PMLD) pupils and thus giving the required space within the newly Mayfield occupied C cluster. To facilitate the cluster switch the current worksurfaces and sink would need to be relocated from Q cluster to C Cluster, reconfigure 3 further rooms to:
- a) accommodate staff in Q Cluster
 - b) create 1 large classroom in C Cluster and
 - c) re-designate a Music room into an ICT suite.
 - d) Create a new sensory provision

The proposed cluster switch will also enable Mayfield School to put further measures in place in line with recommendations from HSE after a fatal incident at the School. The new configuration will bring the Mayfield School to the ground floor by pursuing the preferred option as described above.

5. Consultation

- 5.1 The governing bodies of Holte School and Lozells School, and Mayfield School are in support of the cluster switch which will enable Mayfield school to increase their pupil intake in order to admit up to 315 pupils. Other relevant stakeholders have been informed of the proposed change.
- 5.2 In accordance with the requirements set out in the statutory guidance “Making ‘prescribed alterations’ to maintained schools – statutory guidance for proposers and decision-makers” published by the Department for Education (DfE) in October 2018, this proposed change to pupil numbers does not constitute the need for a formal statutory consultation process.
- 5.3 The Leader and Ward Member for Lozells Ward have been consulted in relation to the proposals and are supportive of proceeding to an executive decision.

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. All monitoring and meeting details are within section D1 of the FBC.

6.2 Monthly 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 If works fall behind due to Covid-19 leading to school places not being available on time

6.3.1 Regularly monitoring situation. A process is in place to facilitate the Council, Engie, Contractors and end-user staff to remotely engage in programmed and extraordinary meetings to keep the project moving. It may be that Covid 19 is no longer a significant issue when works start on site, however if it is still an issue then the Council and Engie would work closely with Contractor Partners to minimise the impact on the project.

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 2020-21 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 FM Provider have signed up to the Birmingham Business Charter, Engie's service delivery models across all its Birmingham PFI contracts have pledged a commitment to acting as a conscientious service provider through its FM Services and, when engaged, in capital projects. The pledge states that they shall demonstrate an integrated approach to sustainable development in line with the Authority's own policy. That will include the following:

Conservation - energy, wood, paper, horticulture, water

Pollution- climate change, ozone depletion, vehicle emissions,

biocides and artificial fertilisers, asbestos, hazardous substances, batteries, solvents and paints, bio-degradable and litter;

Procurement.
Estate management
Monitoring and auditing.
Waste- recycling.

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.

7.3 Financial Implications

- 7.3.1 The total cost of the works at Mayfield School will be funded from the Department for Education (DfE) Special Provision Grant. The total capital project costs will be up to £762,756. Cost details are included in the FBC.
- 7.3.2 Consequential revenue costs arising from additional places including additional staffing, utility costs and any on-going day to day repair and maintenance of the asset will be the responsibility of Mayfield School and funded via the school's delegated budget. Upon conversion to an Academy, these costs will still be the responsibility of Mayfield School and funded from the Academy's General Annual Grant (received by the Academy from the EFA).

7.4 Procurement Implications (if required)

- 7.4.1 The Authority signed up to the BSF PFI contract in 2009 with Albany. The works proposed within this report were included within the scope of this contract. As the contracted provider, Albany will be delivering this project using their subcontractor Engie.

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 2020-21. 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.
- 7.6.2 The Local Authority has considered whether a full equality impact assessment should be conducted in relation to the decision to authorise the full business

case at **Appendix A** and decided that the recommendations in this report were considered unlikely to have an adverse impact on those with a protected characteristic and therefore the current equality impact assessment remains relevant.

8 Appendices

8.1 Appendix A - Full Business Case

8.2 Appendix B – Risk Register

8.3 Appendix C - FOA

9 Background Documents

9.1 Schools' Capital Programme - School Condition Allocation 2020-21+ Future Years Cabinet Report April 2020

9.2 Changing demand and supply of school places – Overview & Scrutiny Report – September 2018