

Birmingham City Council

Report to Cabinet Members Children, Young People and Families and Finance & Resources

27th May 2022



Subject: THE CITY OF BIRMINGHAM SCHOOL CAPITAL MAINTENANCE – FULL BUSINESS CASE AND CONTRACT AWARD

Report of: Sue Harrison, Director of Children and Families

Relevant Cabinet Member: Cllr Karen McCarthy – Children, Young People and Families
Cllr Yvonne Mosquito - Finance and 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): Sparkhill		
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, 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 capital scheme at The City of Birmingham School. The capital costs of the scheme will not exceed £765,996.

2 Recommendations

That the Cabinet Members for Children Young People and Families and for Finance and Resources:

- 2.1 Approve the capital works at The City of Birmingham School at a total project cost of up to £765,996 including Acivico professional fees of £83,876 and Education Infrastructure fees of £22,311.
- 2.2 Approve the Full Business Case appended to this report.
- 2.3 Approve the award of a contract to Graham Asset Management Ltd using Constructing West Midlands 2 (CWM2) Framework, up to the value of £621,309 for the works to commence, and to release contingencies and place further orders for unforeseen work related to the project up to £38,500 if required.
- 2.4 Approve the value of £83,876 to Acivico for professional services and statutory fees.
- 2.5 Authorise the Acting City Solicitor and Monitoring Officer 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 maintain its schools in order to ensure children have a safe and secure teaching environment.
- 3.2 The City of Birmingham School has 7 teaching sites one of which is currently located at the Marywood Centre. The building at the Marywood Centre site has several condition related issues. Following detailed investigative works, it was discovered that the existing heating distribution pipework is significantly aged and corroded, the boilers are non-operational, and both need to be replaced. The centre is currently heated using temporary heating which is not a viable long-term solution as it is not cost effective and as a temporary system does not provide adequate heating.
- 3.3 The Marywood Centre does not have the capacity for the pupil numbers of 70 required at The City of Birmingham School. Once refurbished the ground floor of the Sparkhill Council House building will provide The City of Birmingham School with the required space for 70 pupils.
- 3.4 The Olive School occupied the ground floor area of the Sparkhill Council House building until May 2021. This building is owned by the Council and this area is currently vacant and ideal for educational use. During the time they occupied the building The Olive School ensured that the maintenance was kept to a good standard including refurbishment. This building is in a much better condition than the Marywood Centre, and it is best to allocate our limited resources here to provide The City of Birmingham School with a much better environment conducive to education, and on completion of the project The City of Birmingham School will relocate to the Sparkhill Council House building.
- 3.5 The cost for identified statutory testing and maintenance items has amounted to £25,000 and approval has been provided by the Head of Education Infrastructure via a form of authority.

- 3.6 The proposed works are to carry out a refurbishment of the ground floor area of the Sparkhill Council House building, including works to the grounds to create the required play area and car parking for The City of Birmingham School.
- 3.7 The works are scheduled (subject to approval) to commence in June 2022 and are anticipated to be completed by September 2022.

4 Options considered and Recommended Proposal

- 4.1 Doing nothing would mean the City Council would fail to meet its statutory obligation to maintain the school and provide a safe, secure and warm environment for the pupils at The City of Birmingham School.
- 4.2 Resources could be allocated to the Marywood Centre, however this is not the most effective use of our limited resources, and the ground floor of the Sparkhill Council House building is in much better condition and has the space required for 70 pupils required by the City of Birmingham School.
- 4.3 The recommended option is to refurbish, the ground floor area of Sparkhill Council House, previously occupied by the Olive School for use by The City of Birmingham School which will ensure the school will have a newly refurbished school in which to provide education. Once refurbished the area should provide a life span of more than 10 years and ensure educational continuity for the school, while minimising potential disruptions caused by building related issues.

5 Consultation

- 5.1 The Head teacher and governors at The City of Birmingham School have been consulted and are fully supportive of the scheme including the proposed relocation.
- 5.2 Local Ward Members for Sparkhill have been consulted and are supportive of the proposals proceeding to an executive decision.

6 Risk Management

- 6.1 Risks have been considered as part of the design process. A contingency sum has been allocated to the project as referenced in section 2.2.
- 6.2 Availability of materials and labour, with the impact of Brexit, Covid-19 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.
- 6.3 Working in a live site ensuring Health & Safety is maintained. As the designated project manager, Acivico have many years' experience at delivering large scale refurbishments of this nature and will safely co-ordinate the works in consultation with the school and EDI.

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 are provided with a safe and secure teaching environment. The spending priorities proposed are in accordance with the Schools' Capital Maintenance Programme approved by Cabinet on 26th April 2022, and the Council's Vision and Forward Plan priorities for Children.
- 7.1.2 The value of the proposed contract is below the threshold of £4.45m ExVAT for works, and there is not the requirement for a BBC4SR action plan to be produced. However, the payment of the Real Living Wage will be a mandatory requirement for contractors.

8 Legal Implications

- 8.1.1 Section 19(1) of the Education Act 1996 requires the Council to make arrangements for the provision of suitable education at school or otherwise than at school for those children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them. A school established and maintained by a local authority in England which is specially organised to provide education for such children, and is not a community or foundation school, a community or foundation special school, or a maintained nursery school, shall be known as a "pupil referral unit".
- 8.1.2 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. This duty applies to Pupil Referral Units.
- 8.1.3 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.

8.2 Financial Implications

- 8.2.1 The works totalling up to £765,996 will be funded from the Schools' Capital Maintenance allocation.
- 8.2.2 Consequential revenue costs arising, including the need for additional staffing and any on-going day-to-day repair and maintenance of the asset, will be the responsibility of The City of Birmingham School and funded from the school's delegated budget.

- 8.2.3 The Marywood Centre will be declared surplus and the costs met via the surplus properties' revenue budget held by Education Infrastructure.

8.3 Procurement Implications (if required)

- 8.3.1 The procurement of this contract has been undertaken and managed by Acivico Ltd.
- 8.3.2 The procurement route for delivery of this scheme was via Acivico's CWM2 Framework, Repairs & Maintenance Contract and with a mini tender exercise. Only one tender was returned within the tender time frame, this was reviewed and scrutinised by Acivico's Quantity Surveyor, Value for Money was assessed by checking rates on projects of a similar nature, current price books and BCIS rates. A Value for Money report was produced, and Acivico's Quantity Surveyor was satisfied that the tender return offered Value for Money. The contractor recommended for award is Graham Asset Management Ltd and they will work with Acivico who are acting as Project Manager.

8.4 Public Sector Equality Duty

- 8.4.1 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. We have assessed the content and can confirm that it still remains relevant to the proposed works referred to in this report by having a positive impact.

9 Appendices

- 9.1 The City of Birmingham School Full Business Case.

10 Background Documents

- 10.1 Schools' Capital Programme - School Condition Allocation 2022-23.