

Birmingham City Council

Report to Cabinet

Date: 23rd June 2020



Subject: WAVERLEY ACADEMY 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): Bordesley Green | | |
| Is this a key decision? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| If relevant, add Forward Plan Reference: 007704/2020 | | |
| 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 Waverley Academy. The capital cost of the scheme will not exceed £1,107,924.

2 Recommendations

That Cabinet:

- 2.1 Approves the Full Business Case (**Appendix A**) for the capital works at Waverley Academy at a total project cost of up to £1,107,924, which includes £32,270 of Education Infrastructure Capitalisation.
- 2.2 Authorises the Director for Education & Skills in consultation with the Cabinet Member for Finance & Resources to raise work orders up to the value of £1,060,654 with Engie and Albany in order for works to commence.
- 2.3 Notes that loose furniture to the value of £15,000 will be ordered directly by the school. Costs will be reimbursed by Edl on the production of (paid invoices) evidence.
- 2.4 Authorises 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. This covered the requirement for an additional 134 pupil spaces on the Waverley School site.
- 3.3 Waverley School caters for pupils aged 4 to 19 years and has a Secondary Resource Base for pupils with identified special educational needs around Cognition and Learning. The Academy currently has capacity for 1,797 pupils. The School was built during Phase 2 of the Birmingham BSF Schools programme in 2011.
- 3.4 A recent feasibility study undertaken by the PFI Facilities Management Provider (FM Provider), Engie, concluded that the required 134 additional pupil spaces could be achieved by infilling currently unused external balcony areas to create the required classrooms. As part of the feasibility, the FM Provider also considered the need for additional changing room spaces.
- 3.5 The Full Business Case (FBC) for this scheme is included in **Appendix A**. The FBC details the works which will be undertaken at Waverley School.
- 3.6 Full planning permission for this Scheme was approved in December 2019.

4. Options Considered and Recommended Proposal

- 4.1 Do nothing – this option would mean the necessary additional places to the school which the area needs would not be provided.
- 4.2 The preferred option is to create teaching areas for the additional 134 pupils by developing classrooms within the unused external balcony areas and to build an additional hot kitchen servery, by converting and extending an existing large school store located within the current dining area. An increase in the changing room capacity is also required for the increased pupil numbers, which is being accommodated through the conversion of an external terrace area into changing room facilities.

5. Consultation

- 5.1 All pupils, parents, governors, teaching and non-teaching staff, relevant Members of Parliament, Teaching Associations, Trade Unions, neighbouring authorities and the Archdiocesan and the Anglican Diocese of Birmingham have been consulted as a result of the school providing additional places and are supportive of the proposals.
- 5.2 The Leader and Ward Member for Bordesley Green have been consulted in relation to the proposals proceeding to an executive decision. No response was received from the ward member.

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.
- 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 Regularly monitor situation to ensure that building works do not fall behind due to Covid-19 leading to school places not being available on time. The Council, Engie, Contractors and end-users' staff working on the project remotely and having virtual 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

Engie are signed up to the themes of the Birmingham Business Charter for Social Responsibility. They 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.

As this project is taking place during the unprecedented outbreak of the Covid-19 pandemic the level of Student and Community engagement is limited as per the social distancing guidelines. However, the contractor is committed to involving the students (where possible) on design, colour schemes and potentially any other social charter activities that Engie arrange in the future when all restrictions are lifted.

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 Waverley School will be funded from the Department for Education (DfE) Basic Need Grant. The total capital project costs will be up to £1,107,924. Cost details are included in the FBC.

7.3.2 Consequential revenue costs arising including additional staffing, utility costs and any on-going day to day repair and maintenance of the asset will be the responsibility of Waverley 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 are 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 2016-17. 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

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