

Birmingham City Council

Report to Cabinet

7th June 2022



Subject: THE PINES SCHOOL - APPROVAL FOR CAPITAL WORKS TO CREATE A TWO STOREY CLASSROOM BLOCK AND CAR PARKING TO INCREASE KS1/2 AND 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): Stockland Green		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 010174/2022		
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 and note the contract award for the capital scheme at The Pines School (part of Birmingham Special Schools Trust) as described in **Appendix A**. The capital costs of the scheme will not exceed £1,719,446.
- 1.2 The procurement route for the works is to use the Constructing West Midlands 2 Framework Agreement by direct award.

2 Recommendations

That Cabinet:

- 2.1 Approves the Full Business Case (**Appendix A**) for the capital expansion works at The Pines School at a total project cost of up to £1,719,446 including Education Infrastructure Capitalisation of £64,351, Professional Fees of £91,780, Loose F&F of £12,000 and Client Contingency of £115,543.
- 2.2 Approves the award of a contract to Seddons Construction Limited for the capital works for a two-storey classroom block and car parking for The Pines School by direct award using Constructing West Midlands 2 (CWM2) Framework Agreement for a period of 5 months.
- 2.3 Authorises the Director of Children & Families to place orders to the value of £91,780 to Acivico Ltd for technical professional services.
- 2.4 Authorises the Acting City Solicitor & 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 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), both in the special school and resource base sectors. As a result of annual commissioning conversations with special schools, we have increased places by over 400 (or 10%) over the last four years. We are currently working with five of our special schools on urgent capital proposals to increase places further from September

2022. There is a particular pressure in respect of secondary transition. The size of the secondary transfer EHCP cohort for 2022 is 20% higher than two years ago and early indications suggest another 20% increase for 2023. In addition, the percentage of parental preferences for specialist provision is increasing year on year. For 2022 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 – over 800 in the last two years. 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 150 per month.
- 3.5 The Pines School is one of 27 Special Schools and currently has up to 244 pupils on roll with an Education and Health Care Plan (EHCP) for Moderate Learning Difficulties, Severe Learning Difficulties, Autism and Social, Emotional and Mental Health needs, (SEMH). 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 270 by 2023. The additional capacity will also cater for pupils that are currently on roll within the school. School organisation proposals have been prepared for publication which will commence on the 9th June 2022. The Pines is a Foundation Special School within the Birmingham Special Schools Co-Operative Trust. The Local Authority is the decision maker for these expansion proposals and it is expected that a decision will be made by September 2022 once the statutory process has been followed.
- 3.6 The project is proposing to create a two-storey classroom block and car parking provision in order to provide an additional 16 SEND places for September 2022, with a further 16 places created for 2023. The project will be completed by September 2022.
- 3.7 If Cabinet agrees the recommendations in this report it is expected that work at the school will begin in June 2022.

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 additional classrooms to increase the number of SEND places.

5 Consultation

- 5.1 The Governing Body at The Pines School fully supports the proposed improvements to the school and it is fully welcomed by the parent/carer community for children attending the school.
- 5.2 All pupils, parents, governors, teaching and non-teaching staff have been consulted as a result of the proposed development and were supportive.

- 5.3 The Leader and local Ward Members for Stockland Green 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, 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.
- 6.2 Completing the project on time for the classroom block and car parking to be fully operational for the start of School term in September 2022. 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. 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 The school expansion proposals that are linked to this project have not yet completed the statutory process, meaning that a decision has not yet been made to increase pupil numbers at the school. If the expansion proposals are not approved, there is therefore a risk that additional classroom space will have been created without the pupils to fill that space. However, if the decision in this report is not made to enable the works to commence, then there is a risk that the building works will not be complete before the start of the new Academic year.
- 6.4 Working in a live school building and ensuring Health & Safety is maintained. 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. The majority of the invasive work will take place during the summer shut down.
- 6.5 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 The Pines 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'.

7.1.2 Birmingham Business Charter for Social Responsibility (BBC4SR)

Seddons Construction Limited is a certified signatory to the BBC4SR and has produced an action plan with commitments relevant and proportionate to the contract. These actions will be monitored and managed during the contract period.

The social value outcomes to be delivered include:

- Create a minimum of 1 full-time work experience and training placement during the life of the project
- Undertake 2 community engagement activities to support the school and the local community
- 100% of all persons employed on the project will be paid above the living wage
- 85% of construction waste recycled

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 The Pines School are detailed in the attached FBC (**Appendix A**). The capital costs will not exceed £1,719,446 and will be funded from the High Needs Allocation.

7.3.2 In addition to the £1,719,446 a Pre-Construction Services Agreement (PCSA) has been drawn up, as per the new Constructing West Midlands 2 procurement framework requirement. In order to have a chance of making

the timescales to complete this project for September 2022, a payment of £489,951 has been committed at risk. This payment is to be funded from the allocation of £2.000m of Basic Need Grant for the development of Feasibility Studies to inform Full Business Cases in order to deliver the Basic Need and High Needs Provision Programme (approved by Cabinet 28th April 2022). Without this approval, the contractors couldn't progress the design and orders, and the project wouldn't be able to progress over Summer 2022.

- 7.3.3 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 The Pines school and will be funded via the school's budget.

7.4 Procurement Implications (if required)

7.4.1 The Council's primary route for schemes of this type and proposed for this project is to use Acivico Ltd's CWM2 Framework Agreement Lot 1 (projects valued between £250,000 and £5,000,000). The Council is entitled to access this Framework Agreement. The Council, in collaboration with Acivico Ltd, has been involved in selecting the most appropriate contractor for the project based the Framework evaluation methodology. The Council has amended and added clauses to the call off contract specific to this project. Alternative frameworks agreements were considered. However, they tend to be single contractor led which does not provide the competitiveness required to evidence best value, therefore were discounted as a procurement route.

7.4.2 The rules for calling off the Framework Agreement are either to undertake a further competition exercise or a direct award. The direct award route was selected to ensure that the programme could be met. Classrooms must be ready for occupation at the beginning of the new academic year in September 2022. It was also important for much of the works to take place during the summer break to minimise disruption to the operation of the school and health and welfare risks to the young pupils. Undertaking a further competition exercise would have added 8 weeks to the programme, which would have meant that the classrooms would not be ready by September 2022. This would have deferred the project for another year which is not acceptable.

7.4.3 Value for money is demonstrated by:

- A cost quality appraisal based on the framework set criteria of 70/30 Cost/Quality ratio for direct award was undertaken and demonstrated that Seddons Construction Limited was the most economically advantageous and is therefore recommended for award.
- The cost is based on the default rates taken from the Framework Pricing Schedules. This includes the respective contractors' preliminaries rates, utilisation factors and rates for Overheads & Profit. Quality has been assessed using the quality scores awarded to the

respective Contractors at Framework ITT stage which included Social Value as a key component of the evaluation matrix.

- 7.4.4 Acivico Ltd has advised of a contingency figure of £115,543 to cover the project due to the unknowns which may be uncovered during the construction process.

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

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)