

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

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| Report to: | CABINET |
| Report of: | Corporate Director, Children & Young People |
| Date of Decision: | 24th January 2018 |
| SUBJECT: | TILE CROSS ACADEMY AND BRAYS ACADEMY DEVELOPMENT 2019 – FULL BUSINESS CASE AND CONTRACT AWARD |
| Key Decision: Yes | Relevant Forward Plan Ref: 004201/2017 |
| If not in the Forward Plan: (please "X" box) | Chief Executive approved <input type="checkbox"/> O&S Chair approved <input type="checkbox"/> |
| Relevant Cabinet Member(s) or Relevant Executive Member: | Councillor Carl Rice – Children, Families and Schools Councillor Majid Mahmood – Commercialism, Commissioning and Contract Management |
| Relevant O&S Chair: | Cllr Susan Barnett – Schools, Children and Families Cllr Mohammed Aikhlaq – Corporate Resources and Governance |
| Wards affected: | Shard End |

1. Purpose of report:

- 1.1 To set out the Full Business Case for works to develop Tile Cross Academy (formerly International School) and Brays Academy (formerly Brays Special School). These works include replacing teaching areas at Tile Cross Academy that have been be utilised to facilitate the necessary expansion of Brays Academy.
- 1.2 The accompanying private report contains further financial information and seeks approval to the Full Business Case and to place orders with a Constructing West Midlands Framework (CWM) contractor to progress the proposed works.

2. Decision(s) recommended:

That Cabinet:

- 2.1 Notes the content of this report.

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3. Consultation

3.1 Internal

Consultation with The Leader, Ward Members for Shard End and the Executive Member for Yardley is in progress at the time of report publication. Officers from City Finance, Legal and Governance and Procurement have been involved in the preparation of this report.

3.2 External

All pupils, parents, governors, teaching and non-teaching staff have been consulted at a school meeting. Parents have been supportive of the proposal as pupils will benefit from improved facilities. In addition all Teaching Associations, Trade Unions and all neighbouring authorities have been advised of the consultation. A proposal and public notice was put on the Birmingham Planning web portal and all head teachers in Birmingham were made aware of it via Be Heard and the School's website. No comments were received on the proposals.

4. Compliance Issues:

Are the recommended decisions consistent with the Council's policies, plans and strategies?

- 4.1 These works are required to enable the Local Authority to meet its statutory duty to not only provide pupil places but also to promote diversity and increase parental choice in planning and securing the provision of school places (Section 14 Education Act 1996 and Education & Inspections Act 2006). The spending priorities proposed are in accordance with the Schools' Capital Programme 2017-18 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.

4.1.2 Birmingham Business Charter for Social Responsibility

The selected contractor is signed up to the principles of the Birmingham Business Charter for Social Responsibility and will work on an individual action plan, proportionate to the contract sum, demonstrating how the principles of the Charter will be implemented with the school and local community. This action plan will be agreed prior to the works order being placed.

4.2 Financial Implications

(How will decisions be carried out within existing finances and Resources?)

- 4.2.1 The total cost of the works to Tile Cross Academy and Brays Academy will be funded from Department for Education (DfE) Basic Need Grant (SSAP Stage 5). Further cost details are included in Appendix A of the Private Report.
- 4.2.2 Consequential revenue costs including additional staffing will be funded by Tile Cross Academy and Brays Academy from their General Annual Grants. Any ongoing day to day repair and maintenance of the building will be the responsibility

of ENGIE, the Facilities Management (FM) company appointed to operate and maintain the site as part of the Building Schools for the Future (BSF) Design & Build (D&B) Contract as approved by Cabinet 29th March 2010 (ref 357194). Where future maintenance works are not captured through the existing FM Contracts (e.g. cyclical replacement), the Academies will pay any associated costs from their respective General Annual Grants.

4.3 Legal Implications

- 4.3.1 This report facilitates the discharge of the local authority's duty under section 14 of the Education Act 1996 to secure that sufficient school places are available.

4.4 Public Sector Equality Duty (see separate guidance note)

- 4.4.1 A Full Equality Analysis (EA0001202) was carried out in May 2016 for Education Infrastructure's Education Development Plan and Schools' Capital Programme 2017–2018. 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.

5. **Relevant background/chronology of key events:**

- 5.1 The Local Authority has a statutory duty to provide special pupil places, promote diversity and increase parental choice in planning and securing the provision of special school places (Section 14, Education Act 1996 and Education & Inspections Act 2006). This duty extends to our landlord responsibility to maintain the Education property portfolio to prevent school closure and asset failure, thus improving safeguarding for children.
- 5.2 Long-term projections of births provided by the Office of National Statistics (ONS) indicate that the increasing birth rate until the end of 2016 will remain steady thereafter. However, the number of families moving into the City is on the increase. The pressure for in-year special school places is severe as schools struggle to keep up with the demand – annually more young people move into the City than leave. Reactive measures have been implemented over a number of years to accommodate the growth in demand for special school places and a planned programme of special school expansions is now being delivered as a priority.
- 5.3 Detailed reports on the impact of the birth rate and net-migration, including cohort growth, are regularly provided to the Overview and Scrutiny Committee for Schools, Children and Families. In addition a Special Education Needs Sufficiency document, released in January 2016, details the impact of increased birth rates and cohort growth on the demand for special school places across Birmingham.
- 5.4 Tile Cross Academy was built for 1,200 students but, due to falling rolls, Birmingham City Council (BCC) sought an in year variation to the admission number from 180 to 120 for September 2016. The Office of the Schools Adjudicator approved this variation on 21st July 2016. This will result in the

overall capacity of the school reducing to 600 places by September 2020, thus making the current occupation of the existing school buildings untenable.

- 5.5 In April 2016 a Statutory School Organisation proposal was agreed by Cabinet (CMIS ref 001543) to make prescribed changes at Brays Academy to increase the number of places by provision of an additional site and to change the SEN designation to include autistic spectrum condition. Brays Academy took over part ownership of the Leycroft building on the Tile Cross Academy site and over subsequent years increased the number of commissioned special school places from BCC which has resulted in investment to make the additional space suitable for use by primary age children with specific needs. Capital works for the earlier phases were approved by the relevant Cabinet Member and have been delivered during the summer holidays in July/August 2016 and July/August 2017 to provide additional special school places as Brays Academy have had a year on year increase in commissioned numbers. It is estimated that the final phase of works detailed in this report will be completed by September 2019.
- 5.6 Brays Special School converted to Academy status on 1st April 2017. International School converted to Academy status on 1st May 2017 and became Tile Cross Academy. The redline property boundaries as defined in the CTA for both schools enables them to operate as separate entities with Brays Academy taking full occupancy of the Leycroft building.
- 5.7 Some provision will have to be re-provided within Tile Cross Academy to meet the DfE Building Bulletin guidelines for secondary school provision. This includes provision of four specialist Design Technology classrooms, a Sports Hall, Multi Use Games Area and refurbishment and internal remodelling of existing buildings as envisaged since the inception of the scheme for Brays Special School to take over the Leycroft building.
- 5.8 The design brief for the project was driven by the need to provide additional special school places as part of the Special School Additional Places programme and to provide a warm, safe and dry learning environment. The Executive Head Teachers, Head Teachers and School Business Managers of both Tile Cross Academy and Brays Academy participated in the design process as strategic partners of the Council and as representatives of the end users.
- 5.9 The Education Development Plan and Schools' Capital Programme 2017-2018, approved by Cabinet on 18th April 2017, identified funding to increase the capacity of Birmingham City Council schools to help address the current shortfall of special school places.
- 5.10 Procurement Strategy
The procurement route for this project will be through the Constructing West Midlands (CWM) Framework with a construction partner selected via a mini-competition using approved criteria to achieve best value for money based on current DfE education space guidelines and industry benchmark rates. Acivico will develop the scheme and provide Project Management throughout delivery.
- 5.11 The Full Business Case (FBC) for this scheme is included in Appendix A. The FBC details the works which will be undertaken at Tile Cross Academy and Brays Academy on the Tile Cross Academy site through the full occupation of Tile Cross Academy's Leycroft building by Brays Academy. This will enable Brays Academy

to develop in its own dedicated buildings. This final phase of works will ensure that the accommodation at Brays Academy will meet the needs of the currently commissioned special school places.

5.12 A Planning Application is due to be submitted in February 2018 with a decision expected by April 2018.

5.13 Subject to FBC approval and Planning Permission, work is due to commence in August 2018 with completion in September 2019.

6. Evaluation of alternative option(s):

6.1 The option of doing nothing would mean the City Council would fail to meet its statutory obligation in providing sufficient special school places and maintaining the Education property portfolio.

7. Reasons for Decision(s):

7.1 To approve the proposed capital works at Tile Cross Academy and Brays Academy in order to provide suitable provision for young people in both mainstream and special provision.

Signatures

Date

Cabinet Member, Children, Families and Schools:
Cllr Carl Rice

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Cabinet Member, Commercialism, Commissioning
and Contract Management:
Cllr Majid Mahmood

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Corporate Director for Children & Young People:
Colin Diamond

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List of Background Documents used to compile this Report:

1. BSF Hard and Soft FM contracts completed and signed January 2011 (approved by Cabinet March 2010).
2. Birmingham Special Education Development Plan (SEDP) – Cabinet 16th February 2015
3. Birmingham Special Education Needs Sufficiency Requirements January 2016.
4. Proposal to Make Prescribed Changes at Brays Special School by increasing the number of places by provision of an additional site and change of SEN designation to include Autistic Spectrum Condition (ASC) – Cabinet 19th April 2016
5. Schools' Capital Programme 2017-18 - Cabinet 18th April 2017.
6. Brays Special School conversion to Academy status – Cabinet 18th April 2017.
7. International School conversion from Community School to Academy status - Cabinet 1st May 2017.
8. Creation of Brays Academy on the International School site – Cabinet Member/Chief Officer, 17th July 2017.
9. Provision of Additional Special School Places for Brays School at the annexe on the Tile Cross Academy site to meet demographic growth from September 2016 onwards – Cabinet Member/Chief Officer, 19th October 2017.

List of Appendices accompanying this Report (if any):

- A. Full Business Case
- B. Risk Assessment
- C. Stakeholder Analysis
- D. Milestone Dates and Resources
- E. Ward Councillors Consultation

Report Version 4

Dated 12/01/2018