

Birmingham City Council

Cabinet Members Education, Skills & Culture and Finance & Resources, jointly with the Acting Corporate Director for Children & Young People



Date: 20 Dec 2018

Subject: YENTON SCHOOL EARLY YEARS PROVISION – FULL
BUSINESS CASE AND CONTRACT AWARD

Report of: Head of Service, Education Infrastructure

Relevant Cabinet Member: Councillor Jayne Francis – Education, Skills and
Culture
Councillor Brett O'Reilly – Finance and Resources

Relevant O &S Chair(s): Cllr Mariam Khan – Learning, Culture and Physical
Activity
Cllr 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): Erdington		
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 :		

Executive Summary

- 1.1 To seek approval to the Full Business Case for the capital scheme at Yenton Primary School as described in Appendix A.
- 1.2 The accompanying private report contains further financial information and seeks approval to the Cost & Funding section of the Full Business Case and to place orders with a contractor to progress the proposed works.

2 Recommendations

That the Cabinet Members for Education, Skills and Culture and for Finance and Resources, jointly with the Acting Corporate Director for Children & Young People:

- 2.1 Approve the Full Business Case (Appendices A-D) for the capital works at Yenton Primary School.
- 2.2 Note the content of this report.

3 Background

- 3.1 The Local Authority has a statutory duty to provide pupil places, promote diversity and increase parental choice in planning and securing provision (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.
- 3.2 The Schools' Capital Programme 2018-19, approved by Cabinet on 18th September 2018 identified funding that would increase the capacity of Birmingham schools to help address the current shortfall of pupil places. This scheme will help fulfil the Council's statutory obligation to provide sufficient primary school places, promote diversity and increase parental choice as well as maximising the impact on pupils' learning outcomes and addressing barriers to learning.
- 3.3 Yenton Primary School provides day nursery provision for children which are operated by three independent nursery providers, being Apple Tree, Sandcastles and Honey Bears all operating out of one building. Birmingham City Council's Education Department has determined that the existing building is no longer fit for purpose and the cost to repair and refurbish the existing building will be more expensive than to construct a new nursery unit. The proposal will only have one provider with numbers provided in line with what is required locally.
- 3.4 Work has been carried out to design a new nursery building consisting of two new classrooms, children's toilets, staff toilets, changing area, staff admin area, manager's office and a lobby. A planning application was submitted and approval has been granted subject to conditions. The new unit will utilise an existing disused entrance from Orphanage Road and will be better suited to providing day nursery provision.
- 3.5 Subject to FBC approval work is due to begin in January 2019 with completion expected at the end of March 2019.

4 Options considered and Recommended Proposal

- 4.1 The option of doing nothing would have meant the City Council failed to meet its statutory obligation to provide sufficient places and maintaining the Education property portfolio.

4.2 To provide safe accommodation for Early Years Provision.

5 Consultation

5.1 Internal

The Leader and Ward Members for Erdington have been consulted in relation to the proposals and no adverse comments were received. Officers from City Finance, Procurement and Legal and Governance have been involved in the preparation of this report.

5.2 External

All pupils, parents, governors, teaching and non-teaching staff have been consulted at a school meeting.

6 Risk Management

6.1 Attached as Appendix B as part 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 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 2018-19 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 (BBC4SR)

7.1.3 The value of the proposed contract is below the threshold of £1m for works, and there is not the requirement for a BBC4SR action plan to be produced. However, the payment of the Birmingham Living Wage will be a mandatory requirement for tenderers.

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 secure that sufficient school places are available.

7.3 Financial Implications

7.3.1 The capital cost of the proposed works at Yenton Primary School will be funded from the Department for Education (DfE) Early Years Grant. The

detailed breakdown of this cost is included in Appendix A in the private report.

- 7.3.2 Consequential revenue costs arising, including additional staffing and any on-going day- to-day repair and maintenance of the asset, will be the responsibility of Yenton Primary School and funded from the school's delegated budget.

7.4 Procurement Implications (if required)

- 7.4.1 The procurement of this contract was undertaken and managed by Acivico Ltd. A further competition exercise was undertaken using the Eastern Shire Purchasing Organisation (as recommended by Procurement) Modular Building framework agreement, as the CWM Framework Lots did not provide Modular build contractors. The further competition exercise was carried out in accordance with the protocol of the framework agreement with a quality and price split with the recommendation that the contract is awarded to the first ranked tenderer.

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 2018-19. 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.

8 Background Documents

- 8.1 Schools' Capital Programme - School Condition Allocation 2018-19+ Future Years Cabinet Report - 8th September 2018
- 8.2 Changing demand and supply of school places – Overview & Scrutiny Report – September 2018
- 8.3 List of Appendices accompanying this Report (if any):
- A. Full Business Case
 - B. Risk Assessment
 - C. Stakeholder Analysis
 - D. Milestone Dates and Resources

