

Birmingham City Council

Report to Cabinet

7 June 2022



Subject: MINWORTH JUNIOR & INFANTS SCHOOL- APPROVAL FOR CAPITAL WORKS TO REPLACE DILAPIDATED EARLY YEARS AND KS1 TERRAPIN CLASSROOMS

Report of: Sue Harrison - Director for 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): Sutton Walmley & Minworth		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 010002/2022		
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 capital works to replace three terrapin classrooms at Minworth Junior & Infant School providing provision for Reception and KS1 Provision. The cost of the capital works will not exceed £1,121,413
- 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 works at Minworth Junior and Infants School at a total project cost of up to £1,121,413,
- 2.2 Approves the award of a contract for the capital works for at Minworth Junior and Infants School to Interclass Plc by direct award using Constructing West Midlands 2 (CWM2) Framework Agreement.
- 2.3 Authorises the Director for Children & Families to place orders up to the value of £50,000 with Acivico Ltd for technical professional services.
- 2.4 Authorises 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 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 In its role as landlord for community schools, a local authority has a duty (section 542(2) Education Act 1996; School Premises Regulations 2012) to ensure that school buildings are safe, warm and dry. This includes reasonable weather resistance, safe escape routes; lighting, heating and ventilation which meets the required standards.
- 3.3 The school currently has three terrapin huts which are used as classrooms for its Reception and Key Stage 1 provision. The huts were originally installed as temporary provision between 1971-1980 and are in a very poor condition.
- 3.4 A structural survey was commissioned by the school and completed by Acivico Ltd in July 2018. Wet rot to timber shielding and window frames was reported to affect 40% of the buildings in places in 2018 as well as rusting to paint covered steel frames.
- 3.5 In 2018 the report stated that any improvements to remedy the rot and steel would give up to 10 years of life at the most to the classrooms. The report also stated it should be recognised that the longer the defects are left untreated, the more uneconomical the repairs become, and the scale of the defects would increase. In the subsequent years since Covid-19 began the huts have continued to deteriorate and it is evident they have reached the end of their life.
- 3.6 The Y1 and Y2 classrooms currently have no toilet provision and children must walk to the main school building to use the toilets. There is also no suitable

provision for changing places to support any children with additional changing requirements.

- 3.7 The project includes the demolition of 3 existing classroom terrapin huts for Reception (EYFS), Y1 and Y2 (KS1) provision. They will be replaced by 1 single storey building with level access to the playground. The building will consist of 3 classrooms, 6 toilets for Y1, 3 toilets for Reception/ EYFS plus a personal care facility in line with Changing Places recommendations. The building will also provide 2 lobby/circulation spaces and a small meeting room/ staff area which could also accommodate 1-1 provision.
- 3.8 The construction works are proposed to commence in June 2022 with a classroom completion by September and external completion in October 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 its education facilities are safe, warm and dry for all children. Asset failure to the point of closing the facility is a high risk and would put the children out of school.
- 4.2 The recommendation is to demolish the existing terrapin classrooms and replace them with one fit for purpose, energy efficient building in line with modern building regulations and Education Building Bulletin guidelines (BB103).
- 4.3 The impact of the preferred option being approved would mean a modern, fit for purpose building would be built to teach 4 to 7-year-old children; positively impacting their learning environment and the wellbeing of both staff and children at the school.

5 Consultation

- 5.1 The Leader and Ward Members for Sutton Walmley & Minworth have been consulted in relation to the proposals and are supportive of the proposals proceeding to an executive decision.
- 5.2 The Governing Body of Minworth Junior & Infant School fully supports the proposed improvements to the school, and it is fully welcomed by the parent/carers community for children attending the school. The neighbouring church has also offered its support to provide temporary teaching space for one class towards the end of the summer term as works begin.

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.

6.2 Completing the project on time for the classrooms to be fully operational for the start of School term in September 2022. Any delay to the manufacture process of the modular 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 Please see **Appendix A** for the full risk register.

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 Minworth Junior and Infant School are provided with a safe and secure learning and pastoral environment. The spending priorities proposed are in accordance with the Schools' Condition Allocation Programme 2022-23 approved by Cabinet.

7.1.2 Birmingham Business Charter for Social Responsibility (BBC4SR)
Interclass Plc 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:

- 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 Real Living Wage
- 85% of construction waste recycled

7.2 Legal Implications

7.2.1 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.

7.2.2 The Local Authority is under a duty to maintain community schools which includes the duty of defraying all the expenses of maintaining it, and the duty of making premises available to be used for the purposes of the school, by virtue of section 22 of the School Standards Framework Act 1998.

The recommendations in this report reflect this in respect of the Local Authority's responsibility to provide an Education property portfolio to prevent school closure and asset failure, thus improving safeguarding for children.

- 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.

7.3 Financial Implications

- 7.3.1 The capital costs of the proposed works at Minworth Junior & Infants School are detailed in the attached FBC (**Appendix A**). The capital costs will not exceed £1.121m and will be funded from the Local Authority's School Condition Allocation.
- 7.3.2 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 £172,777 has been committed at risk, in advance of Cabinet approval. Without this approval, the contractors couldn't progress the design and orders and the project will not be able to progress over Summer 2022 and facilities will not be ready for children starting reception - Year 2 in September.
- 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 Minworth JI School and funded via the school's delegated budget.

7.4 Procurement Implications

- 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 £5m). 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 on the Framework evaluation methodology. In order to ensure the conditions are project-specific, additional and amended clauses have been added to the call-off contract to the benefit of the scheme. 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 is 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 Interclass Plc bid was 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 Due to the challenging timescales for the project to meet the new school academic year, a Pre- Construction Services Agreement (PCSA) for the value of £172,777 has been entered into with Interclass Plc to commence the detailed design and to place orders with their sub-contractors to provide a firm commitment. This was approved under Chief Officer delegated authority by the Director of Children and Families on 31st March 2022.

Entering into a PCSA in advance of Cabinet has mitigated the risk of delays to the project, without which, facilities would not be ready for children starting Reception- Year 2 in September. Should Cabinet Approval not be obtained, the PCSA costs are abortive costs.

7.4.5 Acivico Ltd has advised of a contingency figure of £80,000 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 remains relevant to proposed relocation and refurbishment works by having a positive impact.

8 Appendices

8.1 **Appendix A** - Full Business Case

8.2 **Appendix B** - Environment & Sustainability report

9 Background Documents

9.1 Schools' Capital Programme - School Condition Allocation 2022-23 + Future Years Cabinet Report 26th April 2022.