

Decision Report – Cabinet Key Decision

– 11th March 2019

Appointment of Main Contractor – Bridgwater Special School

Cabinet Member(s): Cllr Frances Nicholson – Cabinet Member for Children & Families, Cllr Faye Purbrick – Cabinet Member for Education & Council Transformation and Cllr Mandy Chilcott – Cabinet Member for Resources

Division and Local Member(s): Cllr David Hall

Lead Officer: Annette Perrington – Assistant Director for Inclusion

Author: Phil Curd – Strategic Manager – Access & Additional Learning Needs

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	Seen by:	Name	Date
	County Solicitor	Honor Clarke	22/02/19
	Monitoring Officer	Scott Wooldridge	26/02/19
	Corporate Finance	Peter Lewis	18/02/19
	Human Resources	Chris Squire	20/02/19
	Property	Paula Hewitt	27/02/19
	Procurement / ICT	Simon Clifford	20/02/19
	Senior Manager	Julian Wooster	27/02/19
	Commissioning Development Team	Vikki Hearn	14/02/19
	Local Member(s)	Cllr David Hall	27/02/19
	Cabinet Member	Cllr Frances Nicholson	27/02/19
	Opposition Spokesperson	Cllr Jane Lock	27/02/19
	Relevant Scrutiny Chairman	Cllr Leigh Redman	27/02/19
Forward Plan Reference:	FP/18/12/04		
Summary:	<p>The Local Authority has a legal duty to provide children with good quality school places in their local area.</p> <p>As there are not enough special school places in the Sedgemoor area, the aim is to replace and expand the two current schools with a new school building for up to 160 children aged 4-16.</p> <p>The delivery of this project aligns with the SEND Strategy and its principles of 'Local First' provision.</p> <p>This will reduce travel costs, free up capacity in our special schools and reduce spend on independent school placements.</p> <p>This paper seeks authority for the Authority to appoint a contractor at a gross maximum expenditure to deliver the new school building on Bower Lane, Bridgwater. This paper will also</p>		

	<p>give approval to cover the purchase of furniture and IT as required for the new school.</p>
<p>Recommendations:</p>	<p>That the Cabinet:</p> <ol style="list-style-type: none"> 1. Authorises the County Council to enter in to a call-off contract with the winning contractor (as identified in Appendix B) under the Southern Construction Framework for the construction of a 160-place special school at Bower Lane, Bridgwater for September 2020 at a gross maximum project cost (detailed in Appendix B). 2. Agrees that Appendix B be treated as exempt information and to be treated in confidence, as the case for the public interest in maintaining the exemption outweighs the public interest in disclosing that information. 3. Agrees to exclude the press and public from the meeting where there is any discussion at the meeting regarding exempt or confidential information (Appendix B) 4. Delegates authority to the Head of Corporate Property, in consultation with the County Solicitor, to finalise and execute the call-off contract referred to in recommendation 1.
<p>Reasons for Recommendations:</p>	<p>To meet the Local Authority’s statutory duty to provide sufficient school places by allowing the County Council to proceed with the delivery of the new special school at Bower Lane in Bridgwater.</p> <p>The accompanying confidential appendix contains commercially sensitive information relating to the contract and the Council’s financial and business affairs. Officers recommend that this is treated as exempt information. “Exempt information” is defined by Section 100 of the Local Government Act 1972, by Schedule 12A to that Act.</p>
<p>Links to County Vision, Business Plan and Medium Term Financial Strategy:</p>	<p>The recommendations link to this Headline Vision in the County Plan:</p> <p>“Our vision for Somerset is simple: More jobs; more homes; more powers from government; more local co-operation; better health; better education and prospects; better roads, rail, broadband and mobile signal.”</p>

	<p>The recommendations link to the following Target in the County Plan:</p> <p>“We will aim to have better school results for all children across all key stages and in particular at GCSE and A-Level with a particular focus on disadvantaged children.”</p>
<p>Consultations and co-production undertaken:</p>	<p>In terms of this scheme, Commissioners and the Project Manager have been in discussions with the school representatives regarding the proposed project.</p> <p>Members have been consulted on the School Place Planning Infrastructure Growth Plan for Somerset which identifies our school place requirements for the next 14 years.</p> <p>The Scrutiny Committee for Policies, Children and Families Committee endorsed the Early Years and School Place Planning Infrastructure Growth Plan on 13th May 2016.</p> <p>Cabinet endorsed this approach to school place planning on 8th June 2016.</p> <p>Cabinet / SLT was consulted on this project in late 2018 and was supportive of its delivery.</p>
<p>Financial Implications:</p>	<p>The Capital Investment Programme for 2017/18 identified the need for the expansion and funding, through local authority borrowing, has been made available in the 2018/19 (start) capital programme to meet the cost of delivering the project.</p> <p>The tenders received indicate that the scheme can be delivered within the allocated budget as detailed in Appendix B. Whilst the majority of the cost is funded through borrowing, £4.75m will be funded by grant.</p> <p>There is a risk that other unforeseen issues arise which will increase the project cost and require officers to seek an additional funding approval.</p> <p>The delivery of this project will reduce revenue pressures relating to school transport and placement costs in independent & non-maintained schools, by keeping children closer to home in a maintained setting.</p>
<p>Legal Implications:</p>	<p>Somerset County Council has a statutory duty under s.14 of the Education Act 1996 to secure that sufficient schools for primary and secondary education are available in its area. The construction of the new school in Bridgwater will help to ensure that the Council meets this statutory duty.</p>

	<p>The value of the proposed construction contract exceeds the threshold for the EU public procurement rules, however the Council is permitted to enter into the contract without running a full procurement process provided it has followed the call-off process in the Southern Construction framework; the Commercial and Procurement team have confirmed that this process has been followed.</p> <p>As the Council is procuring the works under a framework agreement, it must use the form of call-off contract set out in the framework agreement. As noted in Appendix A, the call-off contract is based on the NEC3 ECC contract which is an industry-standard contract that is widely used by local authorities when appointing works contractors. Legal Services have not been instructed to review the terms of the call-off contract and are therefore not in a position to advise on the allocation of construction risks under the contract.</p>						
HR Implications:	None						
Risk Implications:	<p>There is a risk that due to unforeseen issues relating to the site or the contractor, that the project runs over schedule or exceeds the allocated budget.</p> <table border="1" data-bbox="528 1086 1481 1126"> <tr> <td>Likelihood</td> <td>2</td> <td>Impact</td> <td>3</td> <td>Risk Score</td> <td>6</td> </tr> </table>	Likelihood	2	Impact	3	Risk Score	6
Likelihood	2	Impact	3	Risk Score	6		
Other Implications (including due regard implications):	<p><u>Equalities Implications</u></p> <p>The proposed new build will be fully accessible for disabled users with the proper facilities and provisions in place to cater for them, pursuant to statutory obligations set out in Equality legislation and that brought together under the umbrella provisions of the Equality Act 2010</p> <p><u>Community Safety Implications</u></p> <p>Improved access to education will have a positive impact on community safety. Improved access to quality educational facilities could serve to reduce the likelihood of low level anti-social behaviour and improve children’s chances to thrive long term.</p> <p><u>Sustainability Implications</u></p> <p>This school will serve the Sedgemoor community and additional pupils are likely to access the school using existing transport arrangements.</p> <p>For pupils in the immediate vicinity of the school, walking and cycling to school are options that can be considered, where the child’s SEND allows.</p>						

	<p>The design will make best use of sustainable technology, where the budget allows.</p> <p>The new school building will achieve the equivalent BREEAM Very Good or Excellent.</p> <p><u>Health and Safety Implications</u></p> <p>Risks involved in the proposed building works will be managed by the appointed contractor through their construction Health and Safety Plan required for all such projects.</p> <p>Once opened, Health and Safety of the site will be the responsibility of the school.</p> <p><u>Privacy Implications</u></p> <p>No identified implications.</p> <p><u>Health and Wellbeing Implications</u></p> <p>The school is being built to meet local demand so that children in the school will be able to develop peer relationships which can be enhanced outside of school.</p> <p>The site will have a range of play and therapeutic spaces which will help to maintain and improve their physical and emotional wellbeing.</p> <p><u>Social Value</u></p> <p>The identified contractor has agreed to deliver a range of socially responsible activities as part of the contract.</p> <p>These include:</p> <ul style="list-style-type: none"> • Employment opportunities through apprenticeships and traineeships • Local procurement and employment • Engagement events for the school and wider community • A legacy project
<p>Scrutiny comments / recommendation (if any):</p>	<p>No comments or objections have been received.</p>

1. Background

- 1.1.** The special school will deliver high quality for children with complex, providing opportunities for them to realise their learning potential and transition to adulthood while remaining part of their local community.
It will also create local employment opportunities and provide another economic stimulus to the local community.
- 1.2.** The new special school will ensure sufficiency of special school places for the next 10-15 years (the limit of our projections).
This aligns with the 'local first' model of educating children closer to home in maintained provision to reduce transport costs (financial and environmental), improve parent engagement and reduce our reliance on the independent sector.
- 1.3.** Over the next 15 years, demand for special school places in the virtual catchment of Sedgemoor will continue to rise as housing developments are delivered and the population increases.
- 1.4.** At present, both Penrose School and Elmwood School are full, meaning local children with complex SEND are not being educated in their local community, but need to be transported to other parts of Somerset, and neighbouring counties, at significant financial and environmental cost.
- 1.5.** Elmwood's current two-storey building, although relatively modern, was not designed to accommodate the needs of our most complex children. This new building will accommodate 160 children and has been designed to not only meet their complex learning needs but offer additional therapeutic facilities which will enable school staff and other professional to address children's physical and sensory requirements.

2. Options considered and reasons for rejecting them

- 2.1.** Feasibility studies were undertaken at both Penrose and Elmwood in order to understand the cost and deliverability of expanding both schools – neither were deemed to be cost effective due to site constraints and other factors. Coupled with that, Bridgwater will need a significant amount of additional secondary school places and on that basis, the most cost-effective option was deemed to be the delivery of a new replacement special school for Bridgwater, with current accommodation at Robert Blake Science College (Elmwood) and Chilton Trinity School (Elmwood – Jean Rees) being converted in to mainstream secondary school places.
- 2.2.** A number of local authority owned sites in and around Sedgemoor were considered for the new school, but only one was deemed to be suitable in terms of its proximity to the main population centre (reducing travel time and

costs), size and dimensions (needed to accommodate what will be a large special school).

Its proximity to Bridgwater and the key residential areas of Bower, Sydenham and Kings Down will mean children living in those areas will be able to access the school using existing pedestrian networks. It will also enable parents to have better access to the school to engage with staff and other professionals and make use of the enhanced facilities the new school will provide.

3. Background Papers

3.1. Appendix A – Tender Evaluation Report

3.2. Appendix B – Tender Evaluation Result (Exempt Information)

Somerset Equality Impact Assessment

Before completing this EIA please ensure you have read the EIA guidance notes – available from your Equality Officer

Version

1.0

Date

12th February 2019

Description of what is being impact assessed

Approval for the Authority to appoint a contractor to deliver the new special school at Bower Lane, Bridgwater.

Evidence

What data/information have you used to assess how this policy/service might impact on protected groups? Sources such as the [Office of National Statistics](#), [Somerset Intelligence Partnership](#), [Somerset's Joint Strategic Needs Analysis \(JSNA\)](#), Staff and/ or [area profiles](#),, should be detailed here

Population and SEND data has been analysed to understand need for special school provision in the Sedgemoor area. This projection data then inform capital investment bids and the subsequent projects they deliver.

This project is part of a wider programme of works required to increase the number of special school places in Somerset. A similar project is already well advanced in Taunton while further investment is being sought to expand special schools in Yeovil.

Who have you consulted with to assess possible impact on protected groups? If you have not consulted other people, please explain why?

A number of stakeholders have been engaged to understand the impact of delivering this project and the feedback is entirely positive. Those stakeholders include school leaders, educational psychologists, Somerset Parent Carer Forum and advisory teachers.

Analysis of impact on protected groups

The Public Sector Equality Duty requires us to eliminate discrimination, advance equality of opportunity and foster good relations with protected groups. Consider how this policy/service will achieve these aims. In the table below, using the evidence outlined above and your own understanding, detail what considerations and potential impacts against each of the three aims of the Public Sector Equality Duty. Based on this information, make an assessment of the likely outcome, before you have implemented any mitigation.

Protected group	Summary of impact	Negative outcome	Neutral outcome	Positive outcome
Age	<ul style="list-style-type: none"> This will provide a high quality special school environment, for children aged 4-16 	□	□	☒
Disability	<ul style="list-style-type: none"> This provision will specifically target children with SEND whose complex needs mean they require a special school environment with the high quality sensory and physical therapy spaces. 	□	□	☒
Gender reassignment	<ul style="list-style-type: none"> Assuming they meet the above criteria (age and SEND), there would be no barrier to their engagement. 	□	□	☒

Marriage and civil partnership	<ul style="list-style-type: none"> Not applicable 	□	⊗	□
Pregnancy and maternity	<ul style="list-style-type: none"> Should a child in provision be or become pregnant, they will be supported appropriately. 	□	□	⊗
Race and ethnicity	<ul style="list-style-type: none"> Assuming they meet the above criteria (age and SEND), there would be no barrier to their engagement. 	□	□	⊗
Religion or belief	<ul style="list-style-type: none"> Assuming they meet the above criteria (age and SEND), there would be no barrier to their engagement. 	□	□	⊗
Sex	<ul style="list-style-type: none"> Assuming they meet the above criteria (age and SEND), there would be no barrier to their engagement. 	□	□	⊗
Sexual orientation	<ul style="list-style-type: none"> Assuming they meet the above criteria (age and SEND), there would be no barrier to their engagement. 	□	□	⊗
Other, e.g. carers, veterans, homeless, low income, rurality/isolation, etc.	<ul style="list-style-type: none"> Children of low income families have enhanced rights in relation to school transport in that the statutory walking distance to school is fixed at 2 miles as opposed to 3 miles when a child is aged 8 or above. 	□	□	⊗

	This is designed to ensure better attendance for families more likely to disengage from education.			
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Negative outcomes action plan

Where you have ascertained that there will potentially be negative outcomes, you are required to mitigate the impact of these. Please detail below the actions that you intend to take.

Action taken/to be taken	Date	Person responsible	How will it be monitored?	Action complete
N/A				<input type="checkbox"/>

If negative impacts remain, please provide an explanation below.

N/A

Completed by:	Phil Curd
Date	13 th February 2019
Signed off by:	Annette Perrington
Date	13 th February 2019
Equality Lead/Manager sign off date:	18 th February 2019
To be reviewed by: (officer name)	Phil Curd
Review date:	13 th August 2019