

Key Decision Report

Forward Plan Reference: FP/24/09/07

Decision Date: 6th March 2025

Key Decision – Yes



Contract Award: Replacement of Two Classroom Buildings - Stawley Primary School Condition Programme 2024 / 2025

Executive Member(s):

Cllr. Heather Shearer - Lead Member for Children, Families & Education

Cllr. Mike Rigby - Lead Member for Economic Development, Planning and Asset

Local Member(s) and Division(s) affected: Cllr Dave Mansell and Cllr. Gwil Wren – Upper Tone

Executive Director: Chris Hall, Executive Director Community, Place and Economy

Executive Summary

The Council has agreed to fund £2.05m of high priority building condition issues, under the 2024 / 2025 Schools Capital Condition Programme.

Approval is now required to enable officers to procure and deliver a programme of works that will address these building condition issues within the allocation of capital funds for 2024 /2025, as approved by the Council on 20 February 2024.

The paper seeks authority to appoint the selected contractor at the gross maximum cost set out within Confidential Appendix B to conduct the required work to replace two classroom school buildings and the associated external works, including demolition of the existing buildings.

Recommendations

That within the allocation of capital funds for 2024 / 2025, as approved by Full Council on 20 February 2024; the Lead Member for Economic Development, Planning and Assets and the Lead Member for Children, Families and Education:

1. Authorises Somerset Council to enter into a call-off contract with the winning contractor identified in Appendix B under the Futures for Somerset Framework, to proceed with the delivery of the classroom replacement at Stawley Primary School.
2. Approve the gross maximum project cost as set out in Appendix B and 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. Delegate authority to the Principal Building Surveyor to finalise and execute the call-off contract and to instruct the Council's Head of Legal Services to execute all necessary contractual documents in order for Somerset Council to enter into contract with the selected contractor.

Reasons for Proposals

1. Delivery of the capital investment programme to address high-priority school building condition issues will ensure the continued provision of sufficient school places in safe and well-maintained buildings for children in Somerset to meet the Local Authority's statutory duty (Education Act 1996). Currently the Councils policy is to utilise each year of Department for Education (DfE) allocation, in addition to supplementary capital approvals from the Council's own funds, for planned maintenance, prioritising work in its school condition programme according to a clear rationale. The DfE allocation is sufficient only to undertake some of the highest priority items in the programme.
2. The existing Stawley Primary School building is made up of a cluster of temporary buildings with a series of covered areas and canopies providing external teaching spaces. These temporary buildings have exceeded their designed life, are in very poor condition and the existing fabric has a very low thermal performance. Structural defects as well as poor roof conditions are evident in both buildings. These defects are important to address to keep the school open, however, the building fabric is not economical to repair given the life expectancy of the buildings has been long exceeded with expensive long-term repairs highly likely. Stawley Primary School is one of the top performing primary schools in Somerset, with two classrooms being evidenced as adequate for the next four years and beyond. The designs allow for a third classroom to be built if required in future years.

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Main report and supporting information

1. Background and Purpose of report

The Local Authority is required to ensure that the schools for which it is responsible are safe and functional and that their condition does not detract from teaching and learning. In Somerset, this duty is delegated to schools through Somerset Council's Schools Financial Management Scheme for schools that are academies.

2. Condition Funding

Day to day repairs and maintenance are funded by the school's revenue budget although the Local Authority (LA) supplements these delegated funds with capital allocations for critical longer-term improvements. Some condition projects are significant and the DfE provides an annual capital grant to support each Local Authority's School condition programme. Funding is allocated to each LA based on condition surveys undertaken by the DfE, so that LAs can address the more significant issues. The DfE are currently re-surveying all schools across a rolling programme of several years. The DfE allocation to the Council has reduced as the number of academies has increased, as academies receive their condition funding directly from the Education and Skills Funding Agency. Voluntary Aided (VA) Schools receive their capital funding by way of grants from the ESFA through their respective Diocesan Bodies.

3. Prioritising need

Schools may choose to commission the Council to inspect/survey their premises through the purchase of the 'Core Offer' package, or they may choose to undertake these inspections through alternative professionals and then submit the results to Somerset Council. Somerset Council commissions work through in-house delivery teams and strategic partners to prioritise the poor condition issues that need to be addressed at each school and to then undertake the approved programme of works once funding has been secured. Those issues that are assessed as being in the highest priority banding are added to the annual Schools Condition Investment Programme. Effective maintenance and investment in school buildings protects the Council's capital investment in school places, ensures the health and safety of pupils and staff, and supports high quality teaching and learning. Periodical improvement of building fabric and services in schools, where condition has deteriorated, also enables the installation of energy efficient technology, which in turn enables schools to reduce their costs or allocate more of their revenue funding for teaching resources.

4. Improving the Management of School Condition

Officers in Children, Family and Education Services and the Property Team are working to engage with schools on how condition issues are managed, in

order to give them greater visibility and ownership and greater clarity on roles and responsibilities. Condition Surveys are recorded on the new Asset Management System.

5. Consultations and co-production

School Commissioners and the Property Team will be engaging with Schools for the 2024 /2025 programme to seek their views on appropriate prioritisation, to be considered alongside available condition survey information. The highest priority / most urgent works will be considered for the programme first. Lower priority works that can be undertaken during term time will then be considered, enabling work to be undertaken throughout the year helping to limit capacity and programme issues experienced during the school holidays. The final consideration will be given to lower priority works that can only be undertaken during the school holidays, but where an element of match funding will be required from the school.

6. Links to Council Plan and Medium-Term Financial Plan

The recommendations link to the following priority in the published Somerset Council Plan, A Flourishing and Resilient Somerset, which prioritises a thriving education sector and the improvement of educations, skills, and vocational training. This decision will contribute to the overall safety and building quality of Somerset Council maintained schools, allowing education to continue effectively.

7. Other options considered

For all School Condition projects, the alternative to investing in planned maintenance is to 'patch and mend' in order to try to prolong the life of building components as long as possible. However, in the majority of cases a patch and mend approach become impractical / not feasible due to life expired components and / or non-availability of components / equipment which requires replacement. This causes an increased likelihood of breakdown and failure and disruption to service. The longer those components are left to deteriorate, the higher the cost becomes for on-going maintenance and eventual replacement

8. Key considerations for the Council

Scrutiny comments / recommendations:

This Programme formed part of the Capital Programme that was presented as part of the budget proposals to the Scrutiny Committee - Corporate and Resources on the 1st of February 2024.

9. Consultation and feedback

School Commissioners and the Property Team will be engaging with Schools for the 24/25 programme to seek their views on appropriate prioritisation, to be considered alongside available condition survey information. The highest priority / most urgent works will be considered for the programme first. Lower priority works that can be undertaken during term time will then be considered, enabling work to be undertaken throughout the year helping to limit capacity and programme issues experienced during the school holidays. The final consideration will be given to lower priority works that can only be undertaken during the school holidays, but where an element of match funding will be required from the school.

10. Financial and Risk Implications

The DfE undertakes its own periodic condition survey of all Schools nationally. It then determines the grant funding which is allocated to each Local Authority or responsible body. Historically the amount received by Somerset has been less than the need that is identified by our own surveyors locally. The round of local surveys in the 2023/24 identified the highest priority building condition issues totalling approximately £2.95m.

- 11.** As Schools convert to Academies, the responsibility for maintenance transfers to the relevant Academy Trust, meaning that the annual grant allocation from the DfE falls each year in recognition of a reducing obligation.
- 12.** At the time of setting the budgets, it was assumed for the purpose of the Schools Condition bid that the level of grant awarded for 2023/24 would be approximately £2.05m, based on previous years allocations. We have now received confirmation of the value of grant awarded for 2024/25 as being £2,481,300. Due to the current financial imperative, it is proposed that the approval value for 2024/25 remains at £2.05m as set out in the MTFP budget approvals, with the surplus of grant being applied to re-finance previous year's condition approvals which were funded by borrowing.
- 13.** Should key components within these school buildings which are beyond economic repair, not be replaced, there is a high risk of disruption to the schools' ability to operate and provide education.
- 14.** Only those items requiring urgent attention are proposed which, if not addressed could lead to school closure or loss of essential facilities to deliver the curriculum or would present a risk to pupil health and safety if not addressed at the earliest opportunity.
- 15.** The construction industry continues to experience significant increases in cost and supply of materials, along with the availability of labour. This presents a risk to project cost. Should this risk occur, projects will either be required to reduce the scope of works or attempt to secure additional funding from the Council. Were this eventuality to happen, this would need to be conducted as a request through the appropriate channels and would be the subject of a further decision.

16. The revenue implications of this decision to Somerset Council are limited to the borrowing to provide the funding for the programme, as schools are responsible for funding day-to-day repairs and maintenance and would benefit from any reduction in running costs caused by the improvement to components or building fabric.

17. The delivery of the programme will be monitored through the Learning Infrastructure Board.

18. Current Risk Score:

Likelihood	5	Impact	4	Risk Score	20
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19. Projected risk score if recommended actions are agreed and delivered:

Likelihood	5	Impact	4	Risk Score	20
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20. Legal and Procurement Implications

This procurement was carried out in accordance with the authority's Contract Procedure Rules and Standing Orders and Public Contracts Regulations 2015.

21. Once suitable contractors have been chosen through a compliant procedure the council will need to enter into contracts that protect it against the risks identified for each project.

22. Somerset Council has a legal duty to ensure sufficiency of school places for children of compulsory school age.

23. HR / Workforce Implications

There are no specific HR implications relating to the School Condition Capital Programme.

24. Equalities Implications

Where replacing ramps or steps, works must comply with the latest standard and consideration is given to improving accessibility wherever possible. Where doors are being replaced, they should be compliant with latest Building Regulations which give due consideration to all potential users.

25. An Equalities Impact Assessment is appended to this report. While work is being undertaken at each site every effort will be made that this work is

completed during school holidays or when the site is not occupied. In some exceptional circumstances this may not be achievable. Where this is the case arrangements to ensure that building will remain accessible will be put in place.

26. Community Safety Implications

School sites and buildings need to be safe and not pose a risk - not just for pupils but also for the wider community. Deteriorated buildings or sites (such as fencing) could invite out of hours access leading to crime or anti-social behaviour.

27. Effective maintenance supports the development of an energy efficient property estate, ensuring the efficient operation of systems and equipment (HVAC, controls, lighting etc.) and by minimising heat loss through the building fabric. Effective maintenance also prolongs the useful life of plant and protects /enhances the value of a building and its equipment, which reduces the impact of the building on the environment due to the reduced number of components that need to be removed and disposed of, as well as produced. When replacing life expired building components, new installations must conform to the latest standards and, where relevant, will be more energy efficient than the existing items they are replacing.

28. Therefore, through the improvement of building components and carbon efficiency of buildings, as well as the prevention of the need for replacement components, this proposal supports Goal 1A of the Climate Emergency Strategy published in November 2020 which states: "The aim of Goal 1a is to decarbonise the Local Authority estate, assets and operations across Somerset, reducing its overall carbon footprint in the short term."

29. Health and Safety Implications

Condition Surveys have identified a significant amount of priority condition issues at Stawley Primary School. If these outstanding condition issues are not addressed through this programme, the Health and Safety risks to pupils, school employees, and visitors will remain unmitigated. There are multiple Health and Safety risks to building users through unaddressed condition issues which, if allowed to become failed components, may increase the risk of, for example, ill-health due to damp and cold buildings and injuries from broken items. Additionally, this could cause breaches of Health and Safety legislation leading to prosecution of the Council by the Health and Safety Executive.

30. All works must be planned to take account of the fact that the schools still need to operate and that pupils may be present. Often this means that works are scheduled wherever possible to take place during holiday periods. If that is not possible, contractors liaise closely with Schools and are required to have health and safety plans and risk assessments in place before works commence.

31. Health and Wellbeing Implications

Properly maintained buildings should not be a detriment to the health and well-being of building occupants and in Schools should ensure that there is no disruption to the learning environment for staff and pupils. Draughty, cold, and poorly maintained buildings can have a negative impact on health and morale. Well-maintained, ventilated, and comfortable buildings are proven to improve the health and well-being of occupants and increase productivity.

32. Social Value

The Commercial and Procurement Team have produced a standardised set of questions for the tendering process which now includes a mandatory question in relation to Social Value which is included as part of the scoring of tender returns. Tenderers are asked to consider the Councils priority areas for providing social value and to comment on how they will promote those values, for example through the development of local labour and trade skills within workforce and recruitment strategies.

33. Background papers

Council Scrutiny – Corporate and Resources 1st February 2024
Medium Term Financial Plan

[Agenda for Scrutiny Committee - Corporate and Resources on Friday, 2nd February, 2024, 10.00 am - Modern Council](#)

Somerset County Full Council 20th February 2024
2024/25 Medium Term Financial Plan

[Committee details - Full Council - Modern Council](#)

34. Appendices

Appendix A - Evaluation Report

Appendix B - Confidential Tender Evaluation

	Officer Name	Date Completed
Legal & Governance Implications	Scott Wooldridge / Jill Byron	15/01/2025
Finance & Procurement	Maria G. Christofi Nicola Hix	22/01/2025
Workforce	Dawn Bettridge	18/12/2024
Property	Simon Lewis	27/12/2024
Executive Director	Chris Hall	20/01/2025
Executive Lead Member	Cllr Heather Shearer Cllr Mike Rigby	Signed off – 10/02/2025 Signed off – 04/02/2025
Consulted:	Councillor Name	
Local Division Members	Cllr Gwil Wren (Upper Tone) Cllr David Mansell (Upper Tone)	Signed off – 10/02/2025 Signed off – 07/02/2025
Opposition Spokesperson(s)	Cllr Frances Nicholson Cllr Sue Osborne	Signed off – 29/01/2025 Signed off – 05/02/2025
Relevant Scrutiny Chair(s)	Cllr Leigh Redman Cllr Steven Pugsley	Signed off – 29/01/2025 Signed off – 04/02/2025

Somerset Equality Impact Assessment

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

www.somerset.gov.uk/impactassessment

Organisation prepared for (mark as appropriate)		X				
Version	1.0		Date Completed	16/12/2024		
Description of what is being impact assessed						
<p>We are assessing the impact of demolition and rebuilding of two classrooms at Stawley Primary School. The new classrooms shall be built in a different location wrapping around the newest part of the school built in 2016. The current classrooms are dilapidated and require demolition following the new classroom creation. We shall be assessing the impact of these works and end product on the pupils and staff of Stawley Primary School. Every effort will be made for these works to be completed whilst the school is not occupied; however, this may not be possible if works over run due to environmental or industrial delays.</p>						
Evidence						
What data/information have you used to assess how this policy/service might impact on protected groups? Sources such as the <u>Office of National Statistics</u> , <u>Somerset Intelligence Partnership</u> , <u>Somerset's Joint Strategic Needs Analysis (JSNA)</u> , Staff and/ or <u>area profiles</u> , should be detailed here						
Census data indicated a school population of >50 pupils which is forecast to decrease in future years:						
<input type="text"/>						
There are currently no staff or pupils with any physical disabilities.						
<input type="text"/>						
Who have you consulted with to assess possible impact on protected groups and what have they told you? If you have not consulted other people, please explain why?						
The Headteacher of the school has been consulted to consider any needs which would fall outside of our normal considerations – of which there have been none.						
<input type="text"/>						
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	There are no known negative impacts on the protected characteristic	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<p>During Works</p> <p>Potential for scaffolding, equipment and machinery to obstruct accessible routes.</p> <p>Increased noise that could affect pupils with hearing impairments.</p> <p>Increased dust could affect pupils and staff with respiratory conditions.</p> <p>Pupils with neurodiversity conditions been affected by changes to routine or classroom being used.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<p>Completed Building</p> <p>The existing school is made up of a cluster of temporary buildings that are not fully accessible. It includes stepped entrances and exits and no has accessible toilet facilities. The new school building will improve accessibility in the following ways:</p> <p>All new entrances and exits will be fully accessible to pedestrian and wheelchair users with external doorways incorporating level thresholds, suitable for ambulant and wheelchair users.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	<p>All door openings within the proposal will have a minimum clear opening width of 800mm to satisfy building regulation requirements and ensuring all areas of the building are wheelchair accessible.</p> <p>Improved wayfinding aided by new generous natural light and Part M compliant colour contrast to internal surfaces.</p> <p>Protection from the elements is provided by the entrance canopy.</p> <p>New accessible WC</p> <p>New accessible reception area</p> <p>The completed works will be fully accessible with the proper facilities and provisions in place to cater for disabled service users, pursuant to statutory obligations set out in the Equality legislation and brought together under the umbrella provisions of the Equality Act 2010.</p>			
Gender reassignment	Offensive behaviour or language from contractors towards pupils or staff transitioning	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marriage and civil partnership	There are no known negative impacts on the protected characteristic	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	There are no known negative impacts on the protected characteristic	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race and ethnicity	Potential for offensive behaviour or language from contractors towards pupils or staff concerning race or ethnicity.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Religion or belief	Potential for offensive behaviour or language from contractors towards pupils or staff concerning religion or beliefs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sex	Potential for offensive behaviour or language from contractors towards pupils or staff concerning sex	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	Potential for offensive behaviour or language from contractors towards pupils or staff concerning sexual orientation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Armed Forces (including serving personnel, families and veterans)	There are no known negative impacts on the protected characteristic	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other, e.g. carers, low income, rurality/isolation, etc.	The school currently runs an after school sports club from 3.15pm to 4.15pm Monday to Wednesday. In addition to this there is also Breakfast Club first thing each morning from 8:20am to 8:50am.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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
Where building works must take place or overrun and are delivered when the school is occupied an accessibility audit will be completed to make sure accessibility routes are maintained or clearly signposted.	During the works	Carol Bond	Via weekly site meetings	<input type="checkbox"/>
Any noisy work should be conducted during suitable periods when sensitive pupils or staff can have access to alternative working arrangements; this could include teaching time, break times and outdoor lessons such as PE. Pupils and staff to be identified by the Headteacher and suitable arrangements discussed.	During the works	Carol Bond	Via weekly site meetings	<input type="checkbox"/>
Clear conduct on what is expected behaviours and professionalism from appointed contractors (working within the confines of the Equality Act) and work is carried out in accordance with the Councils policies and expectations. For example, ensuring no discriminatory language used about Gender Reassignment, Race, Sex, Sexual Orientation or	Upon signing the contract	Andrew Wilson	To be included within the contract	<input type="checkbox"/>

Religious Beliefs. The Council will ensure, in agreeance with the Contractor, that there is a clear route of resolution if this were to happen. There will also be inclusion within the contract regarding this requirement.				
In the event works are required during term time; parking arrangements are to be liaised with the school at least 3 weeks in advance due to limited provision and busy peak periods.	During the works	Carol Bond	Via weekly site meetings	<input type="checkbox"/>
Make site and vehicular arrangements appropriate to enable parents to drop off and collect children for required wraparound care.	During the works	Carol Bond	Via weekly site meetings	<input type="checkbox"/>
If negative impacts remain, please provide an explanation below.				
Completed by:	Richard Edwards			
Date	16th December 2024			
Signed off by:	Sian Powell			
Date	16th December 2024			
Equality Lead sign off name:	Tom Rutland			
Equality Lead sign off date:	17th December 2024			
To be reviewed by: (officer name)	Sian Powell			
Review date:	Before work commences			