

Decision Maker: EXECUTIVE

Date: For Pre-Decision Scrutiny by the Children, Education and Families Policy Development and Scrutiny Committee on Wednesday 22 November 2023

Decision Type: Non-Urgent Executive Key

Title: AWARD OF CONTRACT FOR CAPITAL WORKS AT OAKLANDS PRIMARY ACADEMY PART 1 (PUBLIC) REPORT

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Chief Officer: Director of Education

Ward: Biggin Hill Ward

1. Reason for decision/report and options

- 1.1 To award a contract for the construction of new classroom and ancillary accommodation to support the opening of a new additionally resourced provision (ARP) for children with an Education Health and Care Plan (EHCP) at Oaklands Primary Academy Biggin Hill.

2. **RECOMMENDATION(S)**

- 2.1 That the Children, Education and Families PDS Committee and Council's Executive notes the contents of this report with regards the creation of a new Additionally Resourced Provision for children with an Education Health and Care Plan at Oaklands Primary Academy Biggin Hill and associated capital works.
- 2.2 That the Council's Executive agrees the award of contract for capital works at Oaklands Primary Academy as detailed in Part 2 of this report.

Impact on Vulnerable Adults and Children

1. Summary of Impact: The scheme will benefit 30 pupils with SEN and their families.
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Transformation Policy

1. Policy Status: Existing Policy
 2. Making Bromley Even Better Priority:
(1) For children and young people to grow up, thrive and have the best life chances in families who flourish and are happy to call Bromley home.
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Financial

1. Cost of proposal: £2.9m
 2. Ongoing costs: n/a
 3. Budget head/performance centre: Education Capital Programme
 4. Total current budget for this head: £105,124k
 5. Source of funding: DfE Basic Need Capital Grant, DfE SEND Provision Capital funding, DfE School Condition Allocations (SCA), S106 contributions
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Personnel

1. Number of staff (*current and additional*): n/a
 2. If from existing staff resources, number of staff hours: n/a
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Legal

1. Legal Requirement: Statutory Requirement
 2. Call-in: Not Applicable
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Procurement

1. Summary of Procurement Implications: See Section 8.
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Property

1. Summary of Property Implications: The proposed works will improve and extend the accommodation at an academy school leased to the academy trust on a 125-year academy lease. There is no impact on the Council's corporate property estate.
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Carbon Reduction and Social Value

1. Summary of Carbon Reduction/Sustainability Implications: The proposed building will conserve energy by following a fabric first approach, minimise heat loss and reducing energy consumption by using LED light fittings and low energy equipment. Wherever possible recycled and sustainable materials will be used.
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Impact on the Local Economy

1. Summary of Local Economy Implications: n/a
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Impact on Health and Wellbeing

1. Summary of Health and Wellbeing Implications: The new facility will support children with SEN who have a higher likelihood to have mental health need.
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Customer Impact

1. Estimated number of users or customers (*current and projected*): The proposal will benefit 30 pupils per annum and their families
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes
2. Summary of Ward Councillors comments:

Prior to this report being produced Cllr Stevens commented: "I am glad to see this work progressing and would request to be kept in the loop of developments."

3. COMMENTARY

- 3.1 The proposed contract award allows construction works to take place to provide sufficient accommodation for a new 3 class additionally resourced provision (ARP) for children with special education needs (SEN) at Oaklands Primary Academy Biggin Hill.

Background

- 3.2 Bromley has seen the number of children with an Education Health and Care Plan (EHCP) increase significantly from 2,493 in 2020 to 3,580 in 2023, an increase of 30%.
- 3.3 This increase in the number of EHCPs is having a significant impact on the Council in terms of ensuring sufficient places are available to meet local demand, and meeting the rising costs associated with EHCP placements.
- 3.4 Bromley's policy is that wherever possible a child with SEN should be able to access a school place in their local area and in doing so reduced the need to use costly independent placements.
- 3.5 In order to meet need, the Council is currently undertaking a High Needs Funding and Estates Review of existing specialist provision and seeking to increase the places available locally. The scheme to create a new Additionally Resourced Provision (ARP) at Oaklands Primary Academy forms part of this programme.
- 3.6 There is currently no specialist provision for children with EHCPs in Biggin Hill. Following discussion with the Council, from 6 June to 7 July 2022 Oaklands Primary Academy consulted on the creation of a specialist provision at the school. Following consideration of the outcomes of consultation, the trust made an application to the Department for Education (DfE) to open a 30-place provision at the school. In September 2023, the DfE's Regional Director agreed the creation of the new provision and the school becoming part of the Chancery Education Trust. That trust currently operates the existing SEN provision at Pickhurst Academy.
- 3.7 The provision at Oaklands Primary Academy will be for children with complex needs including Autistic Spectrum Disorder (ASD), Attention Deficit Hyperactivity Disorder (ADHD), Social, Emotional and Mental Health Need (SEMH) and learning difficulties. Whilst most children with SEN can have their needs well met in a mainstream class, this cohort requires more intensive support in order for their holistic education, life and wellbeing needs to be best met.
- 3.8 The new provision's 30 places will be split across Key Stage 1 & 2. In advance of the main building works being undertaken, the school is carrying out minor works to enable the provision to open to its first cohort in January 2024, with pupils moving into the new accommodation in autumn term 2024.
- 3.9 On 8 August 2016 the Oaklands Primary Academy gained planning consent for a major redevelopment of its site. The current scheme (phase 2) utilises this permission and will provide the required specialist provision including a link between the existing junior block and the reception block (phase 1) completed in 2019. The works will create 3 specialist classrooms, group and staff spaces, plus sensory, hygiene and life skills facilities.
- 3.10 On 29 March 2023 the Executive added the scheme at Oakland Primary Academy to the Council's Basic Need Programme with an estimated scheme cost of £3,593k.
- 3.11 The works were tendered via contract finder on 31 July 2023 for a 6-week tender period. Following contractor requests for additional time, this period was extended by a week, with the tender period closing on 15th September 2023.

4 IMPACT ON VULNERABLE ADULTS AND CHILDREN

4.1 The scheme will benefit 30 pupils with SEN and their families.

5 TRANSFORMATION/POLICY IMPLICATIONS

5.1 Bromley Council has an established policy for the review and strategic planning of school places and related school organisation. The need to ensure sufficient school places, the quality of those places and their efficient organisation is a priority within the Council's strategy Making Bromley Even Better 2021-31; 'For children and young people to grow up, thrive and have the best life chances in families who flourish and are happy to call Bromley home.' In seeking best value in the delivery of school places this proposal will be the priority; 'To manage our resources well, providing value for money, and efficient and effective services for Bromley's residents.' The proposals contained within this report also contribute to key targets within the Children, Education and Families Portfolio Plan.

6 FINANCIAL IMPLICATIONS

6.1 The proposed activity is funded in line with the appraisal of the capital scheme at Oaklands Primary Academy as agreed by the Executive on 29 March 2023 as part of the Basic Need Programme Update.

7 LEGAL IMPLICATIONS

7.1 The Children and Families Act 2014 places statutory responsibilities on the Council for supporting children and young people with special educational needs (SEN) and disabilities to ensure there are sufficient good school places for all pupils, including those with SEN and disabilities. The distribution and application of monies received from Central Government is subject to guidance and advice from the Department for Education. Academies are subject to their Funding Agreement with the Department of Education and Statutory Guidance concerning proposals to expand schools, build new schools or make significant changes to school places which may require prior consultation. However, Finance have identified the proposed activity is funded in line with the appraisal of the capital scheme as agreed by the Executive. (See 6.1 Antes.)

7.2 The Procurement comments to this report have confirmed the correct procurement process has been undertaken and there has been compliance with the Council's Contract procedure Rules (CPR's).

7.3 Should officers require any further legal assistance with regards to completing the contract documentation this can be obtained from the Legal team.

8 PROCUREMENT IMPLICATIONS

8.1 This report seeks to award a contract for the construction of SEN facilities at Oaklands Primary Academy as detailed in Part 2.

8.2 An open tender process was used.

8.3 This process has been carried out in line with the requirements of the Public Contracts Regulations 2015.

8.4 The Council's requirements for authorising an award of contract are covered in CPR 16. For a contract of this value, the Approval of the Executive following Agreement by the Portfolio Holder

the Assistant Director Governance & Contracts, the Director of Corporate Services and the Director of Finance must be obtained. In accordance with CPR 2.1.2, Officers must take all necessary professional advice.

8.5 Following the decision, all relevant notices in compliance with current Procurement requirements will be published. A mandatory standstill period will need to be observed.

8.6 The actions identified in this report are provided for within the Council's Contract Procedure Rules, and the proposed actions can be completed in compliance with their content.

9 PROPERTY IMPLICATIONS

9.1 Whilst the Council is freeholder, the school accommodation is let to the academy trust on a 125-year academy lease and does not form part of the Council's operational property estate.

10 CARBON REDUCTION/SOCIAL VALUE IMPLICATIONS

10.1 The building will address conservation of energy by firstly reducing energy loss by following a fabric first approach. The building is designed with the aspiration to better the Part L minimum U-values to minimise heat loss. Secondly the building will reduce the amount of energy it requires, by using LED light fittings and low energy equipment and sanitary fittings.

10.2 Low maintenance and long lifespans ensure that the materials forming the facade of the building will not require regular replacement. The metal clad elements offer recyclability, the timber can be sourced from sustainable woodland, and the masonry elements offer maximum robustness. The building will utilise as much roof space as possible for photovoltaic panels to mitigate the scheme's energy consumption and lower its reliance on the grid, and thus fossil fuel generated energy.

12. IMPACT ON THE LOCAL ECONOMY

12.1 The proposed contractor is a local company. Efforts will be made with the contractor to maximise the use of local labour and sub-contractors.

13. IMPACT ON HEALTH AND WELLBEING

13.1 The scheme will support up to 30 pupils per year with an Education Health and Care Plan (EHCP) and their families. Research and practice indicate that children with SEN and learning disabilities are more likely to develop mental health needs during their lifetime and often co-present.

14. WARD COUNCILLOR VIEWS

14.1 Comments were requested from ward councillors. Prior to this report being produced Cllr Stevens commented: "I am glad to see this work progressing and would request to be kept in the loop of developments."

Non-Applicable Headings:	Personnel Implications and Customer Impact.
Background Documents: (Access via Contact Officer)	Basic Need Capital Programme Update, Executive, 29 March 2023