

14 November 2018		ITEM: 12 Decision: 110486
Cabinet		
Approval to Increase the Current Scope of the Schools Capital Programme		
Wards and communities affected: All	Key Decision: Key	
Portfolio Holder: Cllr J. Halden, Cabinet Member for Education & Health; Cllr S. Hebb, Cabinet Member for Finance		
Accountable Head of Service: Michelle Lucas, Interim Assistant Director of Learning, Inclusion and Skills		
Accountable Director: Rory Patterson, Corporate Director Children's Services and Sean Clark, Director Finance and IT.		
This report is Public		

Executive Summary

Thurrock Council and partners has acquired significant additional resources through the free school programme, council funds and 106 monies, and is investing over £70m to deliver over 3,500 new good school places in Thurrock.

In addition, we are going to use our capital power to enable the building of quality new services from special needs units to sports facilities. This is to help us further renovate and build a more inclusive system and develop more planned use of alternative provision with the support of our schools.

Our policy is to build big and to support the growth, closer cooperation and healthy competition between our family of MAT's.

This paper details the release of funds to complete already committed projects such as the St Clare's expansion in Stanford, ensure delivery of the new Orsett Health Academy School, as well as the emerging schemes to support expansion in Ockendon and improvement works in Corringham and Purfleet.

Recommendations:

- 1.1 That Cabinet approves the extended School Capital programme budget of £6,900,000 for St Clare's and bulge classes for the new Orsett Heath Free School.**

- 1.2 That Cabinet approves the invitation of tenders in accordance with EU procurement procedures for a one year agreement for providing a Specialist Project Team, and Principal Contractor for a school capital programme.**
- 1.3 That, following a selection procedure compliant with the EU procurement regulations, the subsequent decision to enter into the contract be delegated to the Accountable Director reporting back to the Portfolio Holder, such report to detail the selection procedure results, and compliance with the EU procurement regulations.**
- 1.4 Cabinet endorses the forward work and feasibility studies coming forward for the expansions and or improvement works at Corringham Primary, Harris Riverside and Benyon Primary, and the works to continue to deliver inclusion units across Thurrock and their associated costs.**

2. Introduction and Background:

- 2.1 The local authority has a statutory responsibility to ensure that suitable and sufficient school places are available in Thurrock for every child of school age whose parents wish them to have one.
- 2.2 The 2017/18 school capital programme consisted of three projects in Thurrock schools. The extensive programme is now well underway and upon completion will have provided one form entry expansions at The Ockendon Academy, St Clere's and East Tilbury Primary, a total of 510 additional school places.
- 2.3 The 2017/18 school capital programme progressed well and incorporated innovative partnership working to deliver the identified additional pupil places required. The provision of additional accommodation to meet the predicted increase in pupil numbers has generated positive feedback from schools, particularly in relation to the impact on learning through improvements to the built environment.
- 2.4 The conclusion of the feasibility study undertaken at St Clere's during May 2018 recommended the use of a framework agreement to procure via a 2-stage tender process. This will require the appointment of a consultant to produce the outline design and submit the planning application before preparing stage one tender documentation.
- 2.5 Contractors are then invited to submit tenders for the construction of the project on competitive basis – submitting a completed quality questionnaire and fee rates (based on Overheads and Profit figures as well as fully priced preliminaries).
- 2.6 Typically, the client retains the design consultants during the construction phase to review any designs that might be prepared by the contractor and to inspect the works as they progress on site.

3. Outline of Current Projects

3.1 St Clere's

3.2 This expansion is to fulfil the already agreed expansion at St Clere's as a result of the timing issues with agreeing heads of terms over the new Thameside Secondary School. The contract for providing a specialist programme management multidisciplinary design team to oversee the expansion of the St. Clere's School project, which is one element of the 2017/2018 Schools Capital Programme is presently fully expended.

3.3 A stopgap contract is required for carrying out feasibility studies in relation to the further expansion of St. Clere's school, due to (a) the increase in pupil numbers from September 2018, and (b), the delay in securing land on which to build the new free school and reaching agreement on the final Heads of Terms with the ESFA free schools project team.

3.4 In the meantime, individual contracts are currently being utilised for any surveys and small enabling works required to ensure delivery of the original expansion proposals. A principal contractor has been appointed to complete phases 1 and 2 of the proposed works which when complete will provide a net increase of 10 teaching bases upon the St. Clere's site, and be capable of absorbing the immediate need for additional school places.

3.5 A new one year JCT Public Sector consultancy agreement competitively procured and evaluated on both quality and price will provide opportunities for improving quality and value for money. It will also provide the Council with the flexibility to specify and procure a Principal Contractor to provide the additional teaching, dining and sports accommodation requirement to ensure that the council continues to fulfil its statutory responsibility.

3.6 Orsett Heath Academy

3.7 In addition to St Clere's the Council must provide accommodation for at least two years for a bulge of 120 year 7 pupils for September 2019 prior to the Orsett Heath Free School opening. These pupils will then move to the new free school once it has been constructed.

3.8 An estimated budget of £3M is required, options for location classrooms and associated facilities options are being investigated. It is envisaged that this will provide a permanent structure instead of temporary demountable classrooms, and will strengthen the relationship with the Rugby Club and the link between academic and sporting achievement.

3.9 A feasibility study on Benyon Primary school is underway to identify whether it is possible to expand the school. This will address the shortage of places across the whole school forecast from September 2019 onwards in the planning area. This will be funded from basic need.

3.10 In addition, we are investigating the potential for further primary expansion in the Ockendon area and further developments are still the subject of negotiation with the respective Headteacher. These expansions will close the provision gap in Ockendon and will therefore alleviate the need for the previously planned Reach2 Free School on Brandon Groves which is logistically and strategically undesirable.

3.11 In addition, general capital funds and 106 monies will be used to rebuild the nursery at Corringham Primary, as well as other improvement works. We are confident that the new Harris Riverside School in Purfleet is on track and therefore section 106 funding can now be used to help deliver a £500k investment to provide a 3G pitch.

3.12 **Inclusion Units**

3.13 Since we managed out the poor Primary PRU provision, we have been supporting the setting up of inclusion units, and achieving economics of scale by using expansion works to do this at the same time. We have established units at East Tilbury and Thameside Primary.

3.14 We are also supporting additional works at Quarry Hill. The Catalyst Trust, which includes Benyon and Quarry Hill, have recently appointed to a post to help them shape a possible future for a secondary setting within their exclusively primary based trust – the Council is an eager supporter of this.

4. **Issues and/or Options:**

4.1 If the local authority does not undertake the school expansions and builds, the local authority will not be able to fulfil its statutory responsibility to ensure that there are sufficient places available in Thurrock for every child of school age.

4.2 The contract, due to its potential value over the threshold, is subject to EU procurement legislation.

4.3 Following Cabinet approval it will be possible for advertisements to be placed and expressions of interest to be sought. The procurement programme is as follows:

Action	Number of Days	Cumulative Number of Days
Expressions of interest	37	37
PQQ evaluation	7	44
Invitation to Tender [ITT]	40	84
Tender evaluation	14	98
Standstill Period	10	108

5. **Consultation (including Overview and Scrutiny, if applicable)**

- 5.1 This report has not been considered by the Overview and Scrutiny Committee.
- 5.2 The principle has been agreed with schools and any detailed build content will be agreed with the relevant schools. Consultation will continue with each school and key stakeholder, as each scheme and schedule of works evolves within the programme.

6. Reasons for Recommendations

- 6.1 If the local authority does not undertake the school expansions and builds, the local authority will not be able to fulfil its statutory responsibility to ensure that there are sufficient places available in Thurrock for every child of school age.

7. Impact on Corporate Policies, Priorities, Performance and Community Impact

- 7.1 The award of this framework agreement will enable the Council to continue to meet its statutory duty under the Education Act 2006.
- 7.2 The improvement of the educational assets is linked to key corporate priorities:

Priority	Delivered by
Creating a great place for learning and opportunity	By improving the education assets within the borough
Encourage and promote job creation and economic prosperity	Through the provision of local employment and training opportunities
Building pride, responsibility, and respect	Through improvements in the quality of the school assets and places provided
Improve health and wellbeing	Through improvements in the quality of the learning environment and opportunities provided

8. Implications

8.1 Financial

Implications verified by: **Mark Terry,**
Senior Financial Accountant

Additional accommodation required for increased pupil numbers will be funded from the future capital basic need budget. Once in-depth feasibility

studies have been undertaken, funding requirements will be quantified and confirmed. This will include any funds applied for and successfully obtained from the Education Funding Agency, under the Targeted Basic Need Programme.

8.2 **Legal**

Implications verified by: **Courage Emovon,**
Senior Contracts Lawyer

The Education Act 1996 s 14 imposes a duty on the Council to ensure the provision of sufficient schools for the provision of primary and secondary education in their area. S26 of the Children and Family Act imposes a duty to make arrangements, jointly with the NHS Commissioning Boards for the provision of education (as well as health and social care) for children and young people with SEN or disability. There is an additional duty to keep the latter under review (s27). (Lucinda Bell, Education Lawyer)

This report proposes to commence a procurement exercise for a specialist project team to take forward and deliver the additional requirements of the schools capital programme. The Council must comply with the provisions of the Public Contract Regulations 2015, EU regulations and the Council's constitution relating to procurement of works and services. Legal services will deal with any legal implications specific to the proposals in this report as they arise if required.

8.2 **Diversity and Equality**

Implications verified by: **Rebecca Price**
Community and Equalities Manager

Whilst there are no direct diversity and equality implications, the provision of these services will help to tackle inequality and social exclusion. The procurement process will follow responsibilities as set out within The Equality Act 2010 and Public Sector Equality Duty, with due regard to advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

The procurement approach set out in this report will enable the Council to continue to meet its statutory duty under the Education Act 2006, to ensure that suitable and sufficient places are available in Thurrock for every child of school age whose parents wish them to have one, whilst ensuring value for money.

9. Background Papers in Preparing this report:

- Alderton Associates Feasibility Study dated May 2018: Contact Officer: Graeme Parker

10. Appendices to the Report:

- Alderton Associates Feasibility Study dated May 2018

Report Author

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