

<b>15 March 2023</b>		<b>ITEM: 15</b> <b>Decision: 110647</b>
<b>Cabinet</b>		
<b>School Capital Programme Update 2022/23</b>		
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> Key	
<b>Report of:</b> Councillor Barry Johnson, Cabinet Member for Children and Education		
<b>Accountable Assistant Director:</b> Michele Lucas, Assistant Director Education and Skills		
<b>Accountable Director:</b> Sheila Murphy, Corporate Director of Children's Services		
<b>This report is Public</b>		

## **Executive Summary**

The council's school capital programme is developed following extensive pupil place planning to assess the potential likely demand for school places, this forms part of the council's statutory duties around pupil place planning. The current programme aims to deliver sufficient pupil places for the 2022 and 2023 academic years.

This report seeks Cabinet approval to procure an architect led design team, as well as a principal contractor for the expansion of Tilbury Pioneer Academy from a 2FE to a form 3 FE Primary school which would provide an additional 210 school places plus the potential for an additional special need autism base. Design feasibility studies are already completed at the time of writing this report, with initial indications showing that depending on the option taken, this project will have an estimated provisional total value of up to £3.0M inclusive of Architects fees and all other disbursements.

Additionally, this report provides an update on current capital projects managed by Thurrock Council which form part of the current school capital programme outlining the progress that has been achieved since the last report to Cabinet in January 2021.

### **1. Recommendations**

- 1.1 To approve a £3.0M budget for the expansion of Tilbury Pioneer Academy to be funded from the School's Basic Need capital funding 2022/23.**

- 1.2 **To approve the commencement of the procurement process in accordance with Council & UK procurement procedures to appoint 1. A Design and multi discipline project Team, for the Tilbury Pioneer aspect of the School Capital Programme and 2. Following planning approval and the production of a full technical specification, undertake a further procurement exercise to appoint a Principal Contractor to take forward the proposed Tilbury Pioneer scheme.**
- 1.3 **That authority be delegated to the Director of Children's Services, in consultation with the relevant Portfolio Holder, to enter into any form of agreement following the award of the agreements arising from 1.2 above in compliance with the Council's procurement regulations.**
- 1.4 **Note the recent in-year accommodation works that have been commenced in order to ensure sufficient pupil places for 2022/2023 in-year applications.**

## **2. Introduction and Background**

- 2.1 The local authority has a statutory responsibility to ensure that suitable and sufficient places are available in Thurrock for every child of school age whose parents wish them to take up a school place.

The 2022/23 school capital programme has progressed well and incorporated innovative partnership working, as well as utilising modern methods of construction to deliver the identified additional pupil places required.

- 2.2 The demand for pupil places has increased significantly, over the last few years we have seen a large increase in 'in year' admissions from families moving into Thurrock. In the academic year 2021/22 (September to July), 1846 children moved into Thurrock. At the time of writing this report, 604 more children moved into Thurrock between September and December 2022. We are not seeing a decrease in the demand for school places, the level of demand continues to be unprecedented. To be in a position to accommodate this demand, we are building in additional places to support in-year growth across a number of year groups where it has been identified that we do not have sufficient school places.

## **3. Tilbury Pioneer Academy**

- 3.1 Despite the recent expansions of the early years provision at Lansdowne Primary School in 2016/7, and a one form entry expansion at Woodside Academy in 2015/16 which created a total additional 240 places within the Tilbury planning area of the borough, following the annual review of forecasts for pupil places and the large increase being experienced with regards in-year admissions there is now educational need for further primary school places in the Tilbury area.

- 3.2 The report presented to cabinet on 13<sup>th</sup> January 2021 stated that a feasibility study had commenced at Tilbury Pioneer Primary Academy to identify whether an expansion of the school would be possible, with a view to addressing the shortage of places from September 2023.
- 3.3 Following completion of scoping and feasibility studies, the proposal upon Tilbury Pioneer Primary Academy is to firstly apply to planning to retain the west wing of the old 'Tilbury Manor' building, then if successful, undertake a full internal & external refurbishment of this structure in order to provide an additional 2 classrooms each in excess of 56 m<sup>2</sup>, 8 classrooms each in excess of 47 m<sup>2</sup>, a school hall of 166 m<sup>2</sup>, a new separate entrance lobby with reception office, and back office new WC's including 1 x accessible , a remodelled caretakers office, and 2 no. cleaners cupboards, 1 staff kitchen and 5 no. classroom storage areas. Upon on the 1<sup>st</sup> floor, 1 new staff room and 1 no. meeting room. Upon completion, Tilbury Pioneer will have capacity to increase from a 2 FE to 3 FE primary School with integral higher needs autism base.
- 3.4 An estimated budget of £3.0M is required to cover both an architect led multi-disciplinary design team responsible for providing specialist services needed to oversee the detailed and technical design for the expansion project, and a Principal Building Contractor for its construction phase.
- 3.5 A JCT consultancy agreement and a separate JCT Standard Building contract both competitively procured and evaluated on both quality and price will provide opportunities for maintaining quality and value for money. This approach will give the Council the added control over design and output specification as well as maintaining control over project costs and variations.
- 3.6 In advance of these procurements, small value individual contracts are being utilised for the carrying out of topographical surveys, transport assessments, and environmental impact assessments, these will be to an increased level of detail for this scheme given that the proposal sites within the Green belt, and also Flood zone 3.

#### **4. Abbots Hall Primary Academy Expansion Update**

- 4.1 In summary, the project when completed will seek to expand the existing school by half an FE to accommodate 2 full forms entry ready for the start of the September 2023 academic year. In addition to providing the 2 additional class bases and ancillary facilities, the scheme will look to include an infill extension to the existing school quadrant to provide an enlarged IT suite and library, as well as an extension to create a new nurture room with dedicated outdoor space, link corridor and additional WC's.

Works commenced in Marc 2022, and the first 2 phases have already completed, and been handed back to the school for immediate use. The final phase of the project which comprises a new 2-story teaching block extension is due to be handed over in early March 2023.

## **5. Further in-year accommodation works**

- 5.1 Due to an ongoing challenge of available school places within the Ockendon/Aveley areas, internal remodelling, to create additional class bases at Dilkes Primary has commenced. This involves internal remodelling to convert a large circulation space, and oversized ICT suite into 2 no. standard classrooms with a new corridor leading to emergency exits. The existing ICT suite is being reduced in size and relocated to another area within the school. When completed, these alterations will result in an additional 30 primary school places. The cost of undertaking the above alterations is £94,730 this figure per head (£3,157.66) is significantly lower than the published Department for Education cost per pupil place which is £18,007. In addition, by creating these additional places, prevents pupils being transported to the next nearest school with available places at the cost to the council.

The anticipated completion date for this project is February 2023.

## **6. Issues, Options and Analysis of Options**

- 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.
- 6.2 Upon the Tilbury Pioneer site, several development options were considered, a copy of the briefing note dated 7<sup>th</sup> September 2022 is appended to this report and provides an overview of the 4 options. All four options carry a degree of planning risk due to the location of the Pioneer site within both the Green Belt, as well as Flood Zone 3. The decision to pursue option 4 (Refurbishment) is primarily driven by the projected reduced cost, coupled with the much shorter construction phase duration.
- 6.3 Both the JCT Consultancy agreement, and the JCT Standard form of contract, will fall below the UK government's Find a Tender Service (FTS) thresholds, and are therefore not subject to a fully published procurement process.
- 6.4 Following Cabinet approval, it will be possible for the commencement of a sub-FTS single stage procurement exercise for the appointment of the Design and multi discipline project team. A copy of the signed Stage 1 document (REF: PS/2023/006) already approved by Strategic Approvals Panel is appended, this document also contains a draft timeline.
- 6.5 Additionally appended is a copy of the signed Stage 1 document (REF: PS/2023/009) already approved by Strategic Approvals Panel for the undertaking of a procurement exercise to appoint a Principal Contractor. As with the above, this will be conducted as a Sub-FTS traditional single stage exercise and will only proceed on the basis that planning consent is approved.

## **7. Reasons for recommendations**

7.1 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.

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

8.1 This report is due to be considered by the Children’s Overview & Scrutiny Committee on 14<sup>th</sup> March 2023.

8.2 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.

## **9. Impact on corporate policies, priorities, performance and community impact**

9.1 The award of these JCT Construction and design contracts will enable the Council to continue to meet its statutory duty under the Education Act 2006.

9.2 The improvement of the educational assets is linked to key corporate priorities:

<b>Priority</b>	<b>Delivered by</b>
People	Improve health and wellbeing through improvements in the quality of the learning environment and opportunities provided
Place	Creating a great place for learning and opportunity by improving the education assets within the borough.
Prosperity	Encourage and promote job creation and economic prosperity through the provision of local employment and training opportunities.

## **10 Implications**

### **10.1 Financial**

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

Additional accommodation, necessary to meet the statutory requirement to provide places for the increasing pupil numbers, will be funded from the DfE capital basic needs grant held for Education provision. Once in-depth feasibility and design studies have been completed, funding requirements will be quantified and confirmed.

There is £15.25m unallocated basic need grant which will be used to fund £3m for the works identified within this report. However, given the financial challenges which face the authority the works must be maintained within this budget and there can be no scope for overspend.

The funds identified are ringfenced and are required to be used in the delivery of our statutory function of sufficiency of pupil numbers.

## 10.2 Legal

Implications verified by:

**Daniel Longe**

**Principal Solicitor for Education on behalf  
of Thurrock Council**

Section 13 of the Education Act 1996 imposes a specific duty on local authorities to secure within their area that there is efficient primary education, secondary education and further education available to meet the needs of the population of their area. This is an absolute duty that is imposed by statute.

There are additional duties that flow from this such as duties under section 88 of the School Standards and Framework Act 1998, which imposes the duty to set school admissions numbers for each school year as well as Regulation 4 of the School Admissions (Infant Class Sizes) (England) Regulations 2012 which sets a limit of 30 pupils to one teacher in all infant classes. These duties mean that local authorities must take care to ensure that there are adequate school provisions within their area to meet these duties.

Therefore, Thurrock Council is under an obligation to ensure that there are available school places for children that live in its area and wish to access education in the area. Accordingly, the proposal set out herein is in line with the positive statutory duty to ensure that the demand for school places is met on an ongoing basis.

## 10.3 Diversity and Equality

Implications verified by:

**Roxanne Scanlon,**

**Community Engagement and Project  
Monitoring Officer**

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.

## **11. Background papers used in preparing the report**

Cabinet report 13 January 2021 – Approval to increase scope of the Schools Capital Programme.

## **12. Appendices to the report**

- Appendix 1: Huggins Bromage Ferguson Feasibility Study dated: 07/07/2022
- Appendix 2: Tilbury Pioneer Expansion Options - Briefing Note
- Appendix 3: Stage 1 Form - Approval to Proceed to Tender PS\_2023\_006 - Tilbury Pioneer Architect (part 1) – signed
- Appendix 4: Stage 1 Form - Approval to Proceed to Tender PS\_2023\_009 - Tilbury Pioneer Contractor (part 1) - signed

### **Report Author**

Sarah Williams

Children's Services