

LONDON BOROUGH OF CROYDON

To: all Members of the Council (via e-mail)
Access Croydon, Town Hall Reception

PUBLIC NOTICE OF KEY DECISIONS MADE BY THE CABINET MEMBER FOR CHILDREN, YOUNG PEOPLE & LEARNING ON 30 MARCH 2016

In accordance with the Scrutiny and Overview Procedure Rules, the following decisions may be implemented from **1300 hours on 7 April 2016** unless referred to the Scrutiny and Overview Committee:

The following apply to each decision listed below

Reasons for these decisions: are contained in the **attached** Part A reports

Other options considered and rejected: are contained in the **attached** Part A reports

Details of conflicts of Interest declared by any Cabinet Member: none

The Leader of the Council has delegated to the Cabinet Member the power to make the decisions set out below:

**CABINET MEMBER'S EXECUTIVE DECISION REFERENCE NO. : 19/16/CYPL
Decision Title: Best Start Programme – Early Learning Collaboration: 2016-
2018**

Having carefully read and considered the attached Part A report and the requirements of the Council's public sector equality duty in relation to the issues detailed in the body of the report, the Cabinet Member for Children, Young People & Learning in consultation with the Cabinet Member for Finance and Treasury

RESOLVED :

to approve the award of a service level agreement for the provision of a Best Start Early Learning Service for a term of two years, with the option to extend for a further year subject to satisfactory performance and need, to Crosfield Nursery School and Children's Centre on behalf of the Crosfield Collaboration, for a total value of £1,188,851.

CABINET MEMBER'S EXECUTIVE DECISION REFERENCE NO. : 21/16/CYPL
Decision Title: Award of Contract for works for Temporary School Harris
Primary Academy – Purley Way

Having carefully read and considered the attached Part A report and the requirements of the Council's public sector equality duty in relation to the issues detailed in the body of the report, the Cabinet Member for Children, Young People & Learning in consultation with the Cabinet Member for Finance and Treasury

RESOLVED :

To approve the award of a contract to Willmott Dixon Construction Ltd ("WDC Ltd") to the value of £1,609,000 plus a 5% contingency to be held by the Council giving a maximum contract sum of £1,670,000 for the provision and installation of temporary teaching facilities for one (1) year together with an enabling works package to the site of the proposed Harris Academy at Purley Way, Waddon ("the Works")

Scrutiny Referral/Call-in Procedure

1. The decisions may be implemented **1300 hours on 7 April 2016** (5 working days after the decisions were made) unless referred to the Scrutiny and Overview Committee.
2. The Borough Solicitor, Director of Legal and Democratic Services shall refer the matter to the Scrutiny and Overview Committee if so requested by:-
 - i) the Chair or Deputy Chair of the Scrutiny and Overview Committee and 4 members of that Committee; or
 - ii) 20% of Council Members (14)
3. The referral shall be made on the approved pro-forma (*attached*) which should be submitted electronically or on paper to Solomon Agutu and Jim Simpson by **1300 hours on 7 April 2016**. Verification of signatures may be by individual e-mail, fax or by post. A decision may only be subject to the referral process once.
4. The Call-In referral shall be completed giving:
 - i) The grounds for the referral
 - ii) The outcome desired
 - iii) Information required to assist the Scrutiny and Overview Committee to consider the referral
 - iv) The date and the signatures of the Councillors requesting the Call-In
5. The decision taker and the relevant Chief Officer(s) shall be notified of the referral who shall suspend implementation of the decision.
6. The referral shall be considered at the next scheduled meeting of the Scrutiny & Overview Committee unless, in view of the Borough Solicitor, Director of Legal and Democratic Services, this would cause undue delay. In such cases The Borough Solicitor, Director of Legal and Democratic Services will consult with the decision taker and the Chair of Scrutiny and Overview to agree a date

for an additional meeting. The Scrutiny & Overview Committee may only decide to consider a maximum of 3 referrals at any one meeting.

7. At the Scrutiny & Overview Committee meeting the referral will be considered by the Committee which shall determine how much time the Committee will give to the call in and how the item will be dealt with including whether or not it wishes to review the decision. If having considered the decision there are still concerns about the decision then the Committee may refer it back to the decision taker for reconsideration, setting out in writing the nature of the concerns.
8. The Scrutiny and Overview Committee may refer the decision to Full Council if it considers that the decision is outside of the budget and policy framework of the Council.
9. If the Scrutiny and Overview Committee decides that no further action is necessary then the decision may be implemented.
10. The Full Council may decide to take no further action in which case the decision may be implemented.
11. If the Council objects to the decision it can nullify the decision if it is outside of the policy framework and/or inconsistent with the budget.
12. If the decision is within the policy framework and consistent with the budget, the Council will refer any decision to which it objects together with its views on the decision. The decision taker shall choose whether to either amend / withdraw or implement the original decision within 10 working days or at the next meeting of the Cabinet of the referral from the Council.
13. The response shall be notified to all Members of the Scrutiny and Overview Committee
14. If either the Council or the Scrutiny and Overview Committee fails to meet in accordance with the Council calendar or in accordance with paragraph 6 above, then the decision may be implemented on the next working day after the meeting was scheduled or arranged to take place.
15. **URGENCY:** The referral procedure shall not apply in respect of urgent decisions. A decision will be urgent if any delay likely to be caused by the referral process would seriously prejudice the Council's or the public's interests. The record of the decision and the notice by which it is made public shall state if the decision is urgent and therefore not subject to the referral process.

Signed: Acting Council Solicitor & Acting Monitoring Officer

Date: 30 March 2016

Contact Officers: Solomon.Agutu@croydon.gov.uk;
jim.simpson@croydon.gov.uk

Telephone: 020 8726 6000 Ext. 62326

PROFORMA

**REFERRAL OF A KEY DECISION TO THE
SCRUTINY AND OVERVIEW COMMITTEE**

For the attention of: Solomon Agutu & Jim Simpson,
Legal & Democratic Services Division

Meeting:
Meeting Date:
Agenda Item No:

Reasons for referral:

- i) The decision is outside of the Policy Framework
- ii) The decision is inconsistent with the budget
- iii) The decision is inconsistent with another Council Policy
- iv) Other: Please specify:

The outcome desired:

**Information required to assist the Scrutiny and Overview Committee to consider
the referral:**

Signed:

Date:

Member of _____ Committee

For General Release

REPORT TO:	Cabinet Member for Children, Young People and Learning
AGENDA ITEM:	Background paper to agenda item 13.1 – Cabinet 21/03/16
SUBJECT:	Best Start Programme – Early Learning Collaboration: 2016-2018
LEAD OFFICER:	Paul Greenhalgh Executive Director of People
CABINET MEMBER:	Councillor Flemming: Children, Young People and Learning and Councillor Simon Hall Cabinet Member for Finance and Treasury
WARDS:	ALL
CORPORATE PRIORITY/POLICY CONTEXT <p>This report supports the implementation of one element (Early Learning Collaboration) of the Best Start for the Children in Our Borough policy paper approved by Cabinet on the 15 December 2014 (Min.A112/14) relating to the Best Start service delivery model and design principles.</p> <p>Under delegation from the Leader of the Council (14.9.2015), the Cabinet Member for Children, Young People and Learning, in consultation with the Cabinet Member for Finance & Treasury approved the recommendations for the implementation of Phase 1 of the Best Start Programme (2016-18). This included the proposal to undertake an open tender (with restricted pre-qualification criteria) resulting in the development of collaboration between a group of schools and other partners securing commitment to working together. The Council's early learning team will join this collaboration to deliver a 'teaching school' approach with peer to peer learning between pre-schools, nurseries and child minders.</p> <p>To ensure that young children get the best start in life, Croydon's Best Start model aims to bring together key services including health visiting, children's centres, early years and the voluntary sector into an integrated service model by 2018.</p> <p>The Best Start programme enables the Council to meet key aspirations included in the Community Strategy 2013-18: to deliver better prevention and early intervention for people who are vulnerable (Goal 2, Priority 2)</p>	
AMBITIOUS FOR CROYDON & WHY ARE WE DOING THIS: <p>The recommendations in this award paper support the achievement of the administration's ambition to protect the most vulnerable and to enhance the life chances of children and families.</p>	
FINANCIAL IMPACT: <p>The contract for the Early Learning Collaboration is to be funded from the Early Years Block which is part of the Dedicated Schools Grant.(DSG) Over time the funding base for DSG may change, however appropriate break clauses have been provided within</p>	

the Service Level Agreement to mitigate this risk.

The aggregated value over the total potential lifetime of the service level agreement is £1,188,851 over 3 years.

Savings have already been identified against the Best Start Phase 1 commissioning programme, and therefore it is not anticipated that further savings would be realised until the integrated commissioning programme commences in 2018.

KEY DECISION REFERENCE NO.: 19/16/CYPL

The decision may be implemented from 1300 hours on the expiry of 5 working days after it is made, unless the decision is referred to the Scrutiny & Strategic Overview Committee by the requisite number of Councillors.

The Leader of the Council has delegated to the nominated Cabinet Member the power to make the decisions set out in the recommendation below

1. RECOMMENDATIONS

1.1 The Cabinet Member for Children, Young People and Learning in consultation with the Cabinet Member for Finance and Treasury is recommended to approve the award of a service level agreement for the provision of a Best Start Early Learning Service for a term of two years, with the option to extend for a further year subject to satisfactory performance and need, to Crosfield Nursery School and Children's Centre on behalf of the Crosfield Collaboration, for a total value of £1,188,851.

2. EXECUTIVE SUMMARY

2.1 Under delegation from the Leader of the Council (14.9.2015), the Cabinet Member for Children, Young People and Learning, in consultation with the Cabinet Member for Finance & Treasury approved the recommendations for the implementation of Phase 1 of the Best Start Programme (2016-18). This implementation report included the procurement strategy for the provision of a Best Start Early Learning Service (the Service) to be delivered through a single agreement with a lead organisation on behalf of the Collaboration for an initial period of 2 years with an option to extend for a further 1 year, subject to satisfactory performance and need. The maximum total contract value is £1,188,851 as stated in the tender advertisement (OJEU) notice.

2.2 This report details the procurement process and recommends the award of an agreement for the Early Learning Collaboration to the Crosfield Collaboration led by Crosfield Nursery School and Children's Centre, in collaboration with Portland Bill Pre-School and Croydon Adult Learning and Training (the Crosfield Collaboration). Consortium members will need to enter into a Memorandum of Understanding prior to contract commencement. In the event that any key provider of the consortium changes throughout the life time of the contract, approval will need to be given by the Council.

2.3 It is proposed that the lead organisation. Crosfield Collaboration enters into an

agreement with the Council on behalf of its collaboration partners. As the lead organisation in the collaboration is a maintained nursery school and therefore not a separate legal entity from the Council, the Council cannot enter into a contract with itself. It is therefore proposed that the terms and conditions for provision of the service take the form of a service level agreement. It is intended that the service level agreement commences on or around the 3rd June 2016, subject to the staff consultation process, for an initial period of 2 years with an option to extend for a further 12 months.

- 2.4 The content of this report has been endorsed by the Contracts and Commissioning Board.

CCB Approval Date	CCB ref. number
3 rd March 2016	CCB1106/15-16

3. DETAIL

- 3.1 The Best Start for the Children in Our Borough policy paper was approved by Cabinet on the 15 December 2015 (Min,A112/14) relating to the Best Start service delivery model and design principles. The Early Learning Collaboration is required to contribute to the delivery of the following shared Best Start outcomes and specifically those highlighted in bold:

- **Children are prepared and ready for school**
- Children are emotionally well
- Children are healthy and physically well
- **Children are safe and protected from harm**
- Parents are emotionally well
- Parents are healthy and physically well
- Parents can access employment and training
- **Practitioners are confident and skilled and work together to deliver high quality and inclusive services**

- 3.2 The model of the Early Learning Collaboration, takes its form from the principles of system leadership delivered through Teaching Schools, with the idea that good or outstanding settings are best placed to help raise standards by developing a self-improving and sustainable sector-led system. The Early Learning Collaboration will bring together settings that are good and outstanding to share practice and work together so that all early years practitioners in Croydon can develop their knowledge and skills within a supportive but challenging network that is responsive to local needs as well as national initiatives. The collaboration will aim for all settings in Croydon to be good or outstanding and provide support and challenge to Early Years settings in order to achieve this.

- 3.3 To realise these Best Start outcomes and as part of providing the services outlined in the specification, the collaboration is asked to deliver the following:

- A programme of support for Early Years Providers to meet the requirements of the Early Years Foundation Stage and in accordance with the Ofsted Common Inspection Framework

- A training programme to Early Years Providers to develop the sectors' understanding of how their practice and learning environment impacts on improving children's outcomes.
- To support Early Years Providers to implement strategies advised by Educational Psychologists to better identify and support children with additional needs
- To provide support to Early Years Providers so they can understand and can work within the Council's Early Help Pathway
- Book start programme as specified by the Literacy Trust
- Work with Children Centres to develop and support activities that promote school readiness by challenging and supporting the Children Centre's delivery of early learning experiences and tracking of children's attainment.
- Working with speech and language therapy team to develop an early language intervention programme which supports the development of children's speech.

3.4 It is proposed that the current retained team of 6 Early Learning Advisors and Co-coordinators from the LA Early Learning and Primary Prevention Team, are transferred to the lead organisation in the Early Learning Collaboration as part of the new contractual arrangement.

Procurement Process

3.5 The procurement strategy which recommended an open procurement process with restricted pre-qualification criteria, as approved through CCB on 11th June 2015 CCB1075/15-16, has been implemented. The restricted pre-qualification criteria included that the lead organisation met the minimum requirements of being a nursery school or primary school with a strong early years' instructive ethos and a delivery presence in Croydon. Furthermore the key providers in the collaboration had to be an early years' organisation with a good or outstanding Ofsted rating for early years' provision, a private, voluntary and/or independent sector background and a further education training provider who also has a good or outstanding outcome from their regulator. These pre-qualification criteria was set to ensure that credible schools or nurseries who were already deemed good or outstanding by Ofsted could lead the identification of other areas of best practice across the borough and provide support and challenge to other Early Years settings.

3.6 Co-design sessions were held with schools and early years' providers as part of the development of the Best Start Phase 1 model. Two market engagement events were held in the preceding month before the procurement tender was launched. These events outlined the Best Start Programme and outcomes to be achieved through the formation of the collaboration and outlined the procurement process.

3.7 The OJEU contract notice was issued on the 7th December 2015. The contract notice highlighted that the Council was utilising the flexibility available to it by virtue of the Light Touch Regime and the bespoke tendering procedure set out as follows:

- Stage 1: Tender responses received from the market and evaluated for compliance, professional capacity, technical and professional ability by reference to a number of method statements and evaluation of the pricing schedule
- Stage 2: Shortlisted tenderers who meet the minimum threshold for quality and where price is below the affordability level, to be invited to meet with representatives from the Council to discuss their initial tender submission
- Stage 3: Shortlisted tenderers to submit Service Plans for evaluation by the Council. Weighted method statements (quality) and pricing schedule percentage scores added to the service plan (quality) percentage to produce the overall combined percentage score for the purposes of determining the most economically advantageous tender.

3.8 The tender opportunity was open on the London Tenders portal for 40 days and was viewed by 45 organisations. Despite this interest, only one collaboration bid was received. This may have been caused by the time lag between the initial best start co-design sessions with schools and the market engagement events prior to the procurement opening. This feedback will be built into the Best Start Phase 2 commissioning programme.

3.9 The tender evaluation was conducted against the criteria set out below:

Evaluation Method	Award Evaluation Criteria	Weighting
Method Statements (Quality)	Governance & accountability	5%
	Professional skills & expertise	5%
	Design and delivery of service	5%
	Service demand	5%
	Safeguarding	5%
	Quality assurance	5%
	Social value	2%
	Premium Supplier Programme	2%
Total		34%
Service Plan (Quality)	Start Up	6%
	Implementation	8%
	Stakeholder relationships	6%
	Best Start Outcome Framework	6%
Total		26%
Pricing Matrix (Price)		40%

- 3.10 The MEAT evaluation criteria of 60% Quality and 40% Price was approved as part of the procurement strategy which was approved by CCB 11th June 2015 CCB1075/15-16.
- 3.11 The evaluation panel, made up 4 members of the Early Intervention Family Support Service and 1 representative from Special Education, Needs and Inclusion, scored each response using a 1-5 scale. This process was completed independently initially and then moderated to agree one score for each question. The Crosfield Collaboration bid, met all compliance checks, minimum quality threshold, and was within the financial threshold as stated in the instructions for tendering. The overall weighted score of the bid was 76.8%. Despite only receiving one bid, the tender represents value for money for the Council, as the collaboration will be able to work flexibly across the borough supporting and challenging Early Years providers to raise standards in an innovative way that the Council would not be able to do in-house. Having a peer led system of self-improvement with good or outstanding settings helping others, is considered to be cost-effective as well as successful in achieving improvement.

4. CONSULTATION

- 4.1 The Best Start programme is built upon co-design and co-production principles and all relevant stakeholders, including parents, have been consulted as part of developing the new service model. The development of commissioning intentions and priorities were co-produced with a group of parents who are actively involved in Best Start commissioning activities.
- 4.2 The development of the Early Learning Collaboration model is supported by a market testing exercise that identified local appetite for a mixed group of providers to work in this way. This is an innovative model that builds on the principles within Early Years where there is a mixed market of providers delivering the early learning and childcare funded offers for 2, 3 and 4 year old children.

5 FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

- 5.1 The costs associated with these contracts will be funded from the DSG element of the Best Start Programme with the aggregated value of £1,188,851 over the potential 3 year life of the contract.

1 Revenue and Capital consequences of report recommendations

Medium Term Financial Strategy – 3 year forecast			
	2016/17	2017/18	2018/19
	£'000	£'000	£'000
Revenue Budget available			
Expenditure	454.6	404.6	329.6
Income			
Effect of decision from report			
Expenditure	454.6	404.6	329.6
Income			
Remaining budget	0	0	0
Capital Budget available			
Expenditure			
Effect of decision from report			
Expenditure			
Remaining budget			

5.2 The effect of the decision

This decision is part of the Best Start Phase 1 model. The Local Authority has duties under the Childcare Act 2006. It is proposed that these duties will be transferred to the provider under a service level agreement. It is also proposed that 6 members of staff transfer to the lead organisation.

5.3 Risks

Failure to approve this award recommendation will require the Council to either continue to deliver the Early Learning service from within the Council or to run another procurement process to appoint another provider. The additional costs in terms of procurement and officer time, would not guarantee a different response from the market. Retaining the Early Learning service within the Council would impact on the Best Start Service model and the outcomes that the programme is trying to achieve.

Over time the funding base for the DSG may change, however appropriate break clauses have been provided within the Service Level Agreement to mitigate this risk.

5.4 Options

- i) Do nothing. Should this decision be taken, the Early Learning Collaboration would not be established and the Early Learning aspect of the Best Start Model would be missing and this would have a negative impact on the Best Start outcomes. The opportunity to enhance resources and provide Sector led support and challenge for the Early Years sector would be missed
The Early Learning Team would remain within the Council.

- i) Award the contract to establish the Early Learning Collaboration as part of the Best Start programme.

5.5 Future savings/efficiencies

Budgetary provision exists for this service. Best Start Phase 2 is due to be commissioned by April 2018. This may present an opportunity to realise future savings and efficiencies as part of the new integrated commissioning programme.

(To be Approved by: Lisa Taylor, Head of Finance and Deputy Section 151 Officer)

6. COMMENTS OF THE COUNCIL SOLICITOR AND MONITORING OFFICER

- 6.1 The Council Solicitor comments that the procurement process as detailed in this report meets the requirements of the Council's Tenders and Contracts Regulations and the statutory duty to demonstrate best value under the Local Government Act .

(Approved by: Gabriel Macgregor on behalf of the Council Solicitor & Director of Democratic & Legal Services)

7. HUMAN RESOURCES IMPACT

- 7.1 It is proposed that the current retained team of 6 Early Learning Advisors and Co-coordinators from the LA Early Learning and Primary Prevention Team, are transferred to the lead organisation in the Early Learning Collaboration as part of the new contractual arrangement. As the lead organisation in the collaboration is a maintained nursery school and therefore not a separate legal entity from the Council, staff will be consulted with as part of the transfer of their employment to the Governing body of Crosfield Nursery School and Children's Centre. However, they will remain employees of Croydon Council on the same terms and conditions of employment.

(To be Approved by: Deborah Calliste on behalf of the Director of Human Resources)

8. EQUALITIES IMPACT

- 8.1 A full equality impact analysis for the Best Start Service Model has been undertaken and indicates there are no significant impacts on any protected groups that would result in a change to the commissioning of the proposed services. It is anticipated that Best Start will improve the support available to all families, including those with protected characteristics.
- 8.2 It is anticipated that Best Start will advance equality of opportunity between people who belong to protected groups and those who do not. Best Start will refocus activities and services so that those parents, carers and families who most need support get help as early as possible.
- 8.3 A proactive parent engagement and involvement strategy is ensuring that families from protected groups are instrumental in helping to shape Best Start through a co-design process, leading to aspects of Best Start being co-produced and greater mutual support through local networks and strengthening community assets. Best Start will focus on addressing inequalities in health and education

9. ENVIRONMENTAL IMPACT

- 9.1 There are no adverse environmental impacts arising from this report

10. CRIME AND DISORDER REDUCTION IMPACT

- 10.1 There are no adverse crime and disorder considerations arising from this report

11. REASONS FOR RECOMMENDATIONS/PROPOSED DECISION

- 11.1 Under delegation from the Leader of the Council (14.9.2015), the Cabinet Member for Children, Young People and Learning, in consultation with the Cabinet Member for Finance & Treasury approved the recommendations for the implementation of Phase 1 of the Best Start Programme. This included the proposal to undertake an open tender (with restricted pre-qualification criteria) resulting in the development of collaboration between a group of schools and other partners securing commitment to working together. The Council's early learning team will join this collaboration to deliver a 'teaching school' approach with peer to peer learning between pre-schools, nurseries and child minders.

12. OPTIONS CONSIDERED AND REJECTED

- 12.1 Do nothing. Should this decision be taken, the Early Learning Collaboration would not be established and the Early Learning Team would remain within the Council. Sector led support for supporting and challenging the Early Years sector would not be possible and the Early Learning aspect of the Best Start Model would be missing. This would have a negative impact on the delivery of the agreed Best Start outcomes.

CONTACT OFFICER:

Name:	Denise Clements
Post title:	Best Start Transformation Manager
Telephone number:	47208

For General Release	
REPORT TO:	The Cabinet Member for Children, Young People & Learning
AGENDA ITEM:	Background paper to agenda item 13.1 – Cabinet 21/03/16
SUBJECT:	Award of Contract for works for Temporary School Harris Primary Academy – Purley Way
LEAD OFFICER:	Paul Greenhalgh, Executive Director of People Jo Negrini, Executive Director of Place
CABINET MEMBER:	Cllr Alisa Flemming, Cabinet Member for Children, Young People and Learning, and Cllr Simon Hall Cabinet Member for Finance and Treasury
WARDS:	Waddon
CORPORATE PRIORITY/POLICY CONTEXT	
<p>The District Centres and Regeneration - Schools Team has a remit to deliver the Schools Expansion Programme (the Programme) to increase the school places capacity on behalf of the People Department. The programme will deliver new school facilities to satisfy the growing permanent capacity requirements by providing new primary schools, new build expansions at existing schools and the refurbishment & improvements to existing schools.</p>	
AMBITIOUS FOR CROYDON & WHY WE ARE DOING THIS:	
<p>The delivery of these projects is critical in ensuring the Authority is able to meet its statutory requirement to provide pupil places to meet increasing demand and will support the Authority in meeting the Policy Objectives of:</p> <ul style="list-style-type: none"> • Achieving better outcomes for children and young people • Promoting economic growth and prosperity 	
FINANCIAL IMPACT:	
<p>This report recommends commitment to a maximum contract award of £1,670,000 from a Capital budget allocation of £14,930,000 for the new 3 form entry primary academy at Purley Way.</p>	
KEY DECISION REFERENCE NO.: 21/16/CYPL	
<p>The decision may be implemented from 1300 hours on the expiry of 5 working days after it is made, unless the decision is referred to the Scrutiny & Strategic Overview Committee by the requisite number of Councillors.</p>	

RECOMMENDATIONS

The Leader of the Council has delegated to the nominated Cabinet Member, in consultation with the Member for Finance and Treasury, the power to make the decisions set out in the recommendations below:-

- 1.1 The Cabinet Member for Children, Young People and Learning, in consultation with the Cabinet Member for Finance and Treasury is recommended to;
- 1.2 Approve the award of a contract to Willmott Dixon Construction Ltd (“WDC Ltd”) to the value of £1,609,000 plus a 5% contingency to be held by the Council giving a maximum contract sum of £1,670,000 for the provision and installation of temporary teaching facilities for one (1) year together with an enabling works package to the site of the proposed Harris Academy at Purley Way, Waddon (“the Works”)

2. EXECUTIVE SUMMARY

- 2.1 This report recommends the award of a contract for the Installation and Construction of temporary teaching facilities (“the Works”) at the proposed Harris Primary Academy – Purley Way in Waddon, for one (1) year until the new 3 form entry permanent main building is completed to Willmott Dixon Construction Ltd (WDC Ltd).
- 2.2 The Detail Section of this report sets out the background to the project, the procurement approach and evaluation process to review the contractor proposals and pricing, to undertake the Works.
- 2.3 WDC Ltd was previously awarded the Pre-construction Services Agreement (PCSA) for the design work for the new primary school Harris Primary Academy – Purley Way on the site. The award of that agreement was approved through Cabinet under delegated powers on 23/07/15 ref. (51/15/CYPL).
- 2.4 This award is required to enter into an NEC3 engineering and construction contract with WDC Ltd so that the provision of temporary teaching facilities, enabling and early construction works can be undertaken thereby fulfilling the obligations of the DfE grant funding.
- 2.5 The content of this report has been endorsed by the Contracts and Commissioning Board.

CCB Approval Date	CCB ref. number
03/03/2016	CCB1108/15-16

3. DETAIL

- 3.1 The Cabinet Report of January, 2015 recommended a new primary school on the site at the junction of Propeller Crescent and Purley Road, Waddon. This was reconfirmed in Cabinet Report of 18 January 2016, min ref. A7/16. A feasibility study was undertaken to set out the site constraints and opportunities. The conclusion of this study resulted in the Secretary of State

appointment of the Harris Federation to be the preferred sponsor of the new 3 FE Primary Academy School, Purley Way.

Calling-off from the SCAPE construction framework, and following the government's recommended 2-Stage Design and Build approach, WDC Ltd was awarded the Pre-construction Services Agreement (PCSA) for the design work for the new primary school Harris Primary Academy – Purley Way on the site. The award of that agreement was approved through Cabinet under delegated powers on 23/07/15 ref. (51/15/CYPL).

- 3.2 A detailed feasibility analysis for a 3FE school was completed in August 2015 confirmed that a 3FE primary academy was deliverable on the site. A comprehensive design development process (to RIBA Stage 4) was completed in January 2016 including detailed design proposals for the temporary teaching facilities which are to be delivered.
- 3.3 The design proposals were submitted for planning consent on 16th December 2015. The planning ref. 15/05623/P is awaiting a decision with has a target date of 17th Mar 2016.
- 3.5 The total contract value for approval is £1,609,000 plus a contingency sum to cover risk items and unforeseen additional work, which will be held by the Council is 5% giving a maximum total contact sum of £1,670,000.
- 3.6 These enabling and early Works comprise the infrastructure, services and landscaping works required to provide a temporary teaching facility on the site, the supply, installation, rental (and later decommissioning) of the temporary units. Included within the price are enabling works for the main school which will be more cost effective and programme efficient to carry out at the same time. The Works have been designed, where possible, to ensure that the new works and services installations that are provided for the temporary building remain and are re-utilised for the main new permanent school building.

Procurement

- 3.8 In accordance with the approved procurement strategy, the Council appointed WDC Ltd via the SCAPE Major Construction Framework. This framework is a single source route which has been competitively tendered following an OJEU compliant procurement process. The framework has an agreed set of fixed rates for overheads, profits and preliminaries and has successfully been used by the Council to deliver schools previously.
- 3.9 The temporary accommodation base build has been competitively tendered by WDC Ltd to ensure the most cost effective solution and price is offered to the Council. WDC Ltd have selected Wernick Ltd to supply and install the temporary modulars onto the site. Three quotes were provided by WDC Ltd as required under SCAPE and these prices were reviewed by LBC appointed Quantity Surveyor.

- 3.9 The Works have been competitively priced and benchmarked against the WDC Ltd supply chain for the recently tendered Chestnut School.
- 3.10 The prices are comparable to schemes of similar nature and size and have sufficient contingency built within the price to protect the Council against any significant increases. A contingency allowance has been allowed as a separate item and we are therefore confident that the figures will be the same as (or less than) the maximum contract award in this report.

4. CONSULTATION

- 4.1 The Department for Education (DfE) School Organisation guidance and associated regulations require Local authorities to follow a statutory process for proposals to make significant changes: prescribed alterations to existing schools. We are required to run a four stage statutory process which we will start in May, with Cabinet decision expected in July 2015. In line with DfE guidance, key stakeholders, including parents/carers and local residents will be consulted in the coming months in relation to the proposed expansions.
- 4.2 A public exhibition and engagement event was held with local residents and businesses, ahead of the formal planning application process, on 26th November 2015. This was held at Waddon Leisure Centre. Comments received at the consultation event have been addressed within the design proposal as part of the submission for planning consent.
- 4.3 Ongoing community engagement will be conducted throughout the construction works period, as part of the Contractors responsibilities and the project's registration under the Considerate Contractors Scheme.

5 FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

- 5.1.1 There is a capital budget of £14.93m from the Schools Expansion Programme approved at July 2015 Cabinet. The Works will be funded from this budget.
- 5.1.2 The financial impact of the project is set out below.

1 Revenue and Capital consequences of report recommendations

	Current year	Medium Term Financial Strategy – 3 year forecast		
	2015/16 £'000	2016/17 £'000	2017/18 £'000	2018/19 £'000
Capital Budget available	750	9,300	4,880	
Expenditure				
Effect of decision from report		1,670		
Expenditure	380			
Remaining budget	<u>370</u>	<u>7,630</u>		

2 The effect of the decision:

The award of the contract for the Works will commit a maximum of £1,670,000 (including 5% contingency) with WDC Ltd and allow the construction works to commence.

After commitment to this contract award, the remaining budget is considered sufficient for provision of the main school construction including ancillary items, such as FFE and ICT, required to provide a suitable teaching environment for pupils.

3 Risks:

There is a risk that planning approval is refused or delayed for the temporary school and potentially the new main school the temporary school is to serve. Both the temporary school and main permanent school schemes have been through a detailed pre application process and has been to strategic planning committee to minimize risk of potential planning concerns.

If this Award is not approved, there is a risk that the project will be delayed and as a result provision of pupil places will be delayed.

By approving the Award the main permanent school build can be de-risked by providing temporary accommodation with school places to meet the growing demand.

If this CCB award report is not approved or is delayed Cabinet date for approval will be missed and external TBN funding from EFA of £6.3m will be lost. This is because the temporary school must be in operation with children by start of September 2016 term to ensure external funding provided.

Approving the award ensures manufacturing, delivery and installation slots to be booked in the factory to provide the temporary buildings in readiness. There is a huge demand and competition for provision of temporary buildings and these must be ordered at the earliest opportunity.

Due to the fact that the recommended Contractor is from the existing SCAPE framework the financial risks to the Council from not completing the contract is low.

4 Options:

Do nothing:-

The option of providing temporary school places off site at an alternative school with available capacity was considered by People Dept. but rejected because the EFA have insisted that the pupils must be in place on the Purley Way site to ensure the £6.3 TBN government funding.

Do Something:-

The option of using the LBC modular framework for providing the temporary classrooms was considered. This was rejected due to the short timescales to deliver the temporary accommodation, the very restrictive confined nature of the site, the requirement to have one Principle Designer and Principle Contractor under the CDM 2015 Regulations and the quantity of overlap of enabling works for the main permanent school and the temporary school provision.

Preferred Option:-

The preferred option is for WDC Ltd to provide the Works as Principle contractor and for this contract to be subsumed by the main works contract following award.

5 Future savings/efficiencies:

The Contractor has tendered the subcontract packages on an open book basis to determine the proposed contract value for the construction contract. These have been benchmarked against comparable schemes for Croydon to ensure best value. This approach has enable the Council's professional advisers to market test the Contractor's tendered price and to ensure market best value is being delivered for the project.

Undertaking the early & enabling works in one operation is more efficient and thereby reduces the construction programme duration for the main build and reduces on site prelims costs and de-risks the main build. This mitigates delays thereby saving the Council resource overheads and maximizes efficiency.

The building has been design to be energy efficient and low maintenance which will minimize on going energy costs and repair and maintenance costs.

Provision of a permanent new school will provide long term pupil places and minimize costs spent on temporary accommodation.

Approved by: Dianne Ellender, Head of Finance & Deputy S151 Officer

6. COMMENTS OF THE COUNCIL SOLICITOR AND MONITORING OFFICER

- 6.1 The Council Solicitor comments that the procurement process as detailed in this report meets the requirements of the Council's Tenders and Contracts Regulations and the statutory duty to demonstrate best value under the Local Government Act 1999.

Approved by: Gabriel Macgregor, Acting Council Solicitor and Acting Monitoring Officer.

7. HUMAN RESOURCES IMPACT

- 7.1 This report does not directly raise considerations of staffing levels, restructuring/regarding, TUPE implications, recruitment, employee relations, the Council's personnel policies or other Human Resources matter and therefore has not sought approval from Human Resources.

8. EQUALITIES IMPACT

- 8.1 An Equality Analysis was conducted for the 2015-18 Education Estates Strategy, before the delivery programme (which included the 2016 permanent expansions) was presented to Cabinet on 18 January 2016. This analysis demonstrated that the strategy was designed to maintain and improve equal access to educational opportunities for protected groups.
- 8.2 The equality assessment for the proposed projects in the cabinet report shows either a positive or neutral impact. Croydon schools provide diverse educational provision and the proposals are intended to increase the number of places available to help the Council meet its statutory duty to provide sufficient school places

9. ENVIRONMENTAL IMPACT

- 9.1 There will be a Site Waste Management Plan for the proposed school construction site to ensure that a minimum of waste is sent to landfill and opportunities for recycling and reusing materials are maximised.
- 9.2 The Contractor will comply with the Considerate Constructors scheme as follows:
- Identifying, managing and promoting environmental issues.
 - Seeking sustainable solutions, and minimising waste, the carbon footprint and resources.
 - Minimising the impact of vibration, air, light and noise pollution.
 - Protecting the ecology, the landscape, wildlife, vegetation and water courses.
- 9.3 The temporary building is not required to comply with LBC requirement for BREEAM 'Excellent' or the London Plan reduction of carbon, 40% beyond Building Regulations 2010 Part L.
- 9.4 The existing mature trees on the site are to be retained and protected and poor quality trees replaced in accordance with the tree survey; arboricultural report and planning approval.
- 9.5 A new SuDS – Sustainable Urban Drainage System is to be installed in accordance with the planning application and approval. This will be used for the temporary school and the main permanent school.
- 9.6 There is an existing air quality monitoring station on the site which is to be retained.
- 9.7 An ecology survey has been carried out for the site including desktop survey and walk over surveys. These have advised there is no evidence of protected species on site.

10. CRIME AND DISORDER REDUCTION IMPACT

10.1 Secure by Design have been consulted with as part of the design process and recommendations incorporated where practicable. There are no immediate Crime and Disorder consequences from the award of this contract.

11. REASONS FOR RECOMMENDATIONS/PROPOSED DECISION

11.1 The appointed Employers Agent and Project Quantity Surveyor have reviewed the contractor's proposals and construction cost build up.

11.2 A cost overview has been carried out by the professional team and advises that the costs from WDC will not exceed the maximum contract sum award in this report.

11.3 A copy of the detailed cost report is to follow.

11.4 It is recommended that the contract for the Works is awarded to WDC Ltd.

12. OPTIONS CONSIDERED AND REJECTED

12.1 The option of providing temporary school places off site at an alternative school with available capacity was considered by People Dept. but rejected because the EFA have insisted that the pupils must be in place on Purley Way site to ensure the £6.3 TBN government funding is granted.

12.2 The option of using the LBC modular framework was rejected due to the high amount of overlap of enabling works required for the permanent school.

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