

Agenda Item 8



Policy and Scrutiny

Open Report on behalf of James Drury, Executive Director - Commercial

Report to:	Children and Young People Scrutiny Committee
Date:	17 January 2020
Subject:	Boston John Fielding Special School Capital Appraisal

Summary:

This report invites the Children and Young People Scrutiny Committee to consider a report on the Boston John Fielding Special School capital appraisal which is due to be considered by the Executive Councillor for Resources and Communications between 20 January 2020 and 7 February 2020. The views of the Scrutiny Committee will be reported to the Executive Councillor as part of his consideration of this item.

Actions Required:

The Children and Young People Scrutiny Committee is invited to

- (1) consider the attached report and to determine whether the Committee supports the recommendation(s) to the Executive Councillor as set out in the report.

- (2) agree any additional comments to be passed to the Executive Councillor in relation to this item.

1. Background

The Executive Councillor for Resources and Communications is due to consider a report on the Boston John Fielding Special School capital appraisal. The full report to the Executive Councillor is attached at Appendix 1 to this report.

2. Conclusion

Following consideration of the attached report, the Committee is requested to consider whether it supports the recommendation(s) in the report and whether it wishes to make any additional comments to the Executive Councillor. The Committee's views will be reported to the Executive Councillor.

3. Consultation

a) Have Risks and Impact Analysis been carried out?

See report to the Executive Councillor attached at Appendix 1.

b) Risks and Impact Analysis

See report to the Executive Councillor attached at Appendix 1.

4. Appendices

These are listed below and attached at the back of the report.

Appendix 1	Report to the Executive Councillor on Boston John Fielding Special School capital appraisal
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5. Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

This report was written by Tina Shaw and Justin Ward who can be contacted on 01522 443359 or tina.shaw@lincolnshire.gov.uk / 01522 550840 or Justin.ward@lincolnshire.gov.uk.

Open Report on behalf of James Drury, Executive Director - Commercial

Report to:	Councillor M J Hill OBE, Leader of the Council (Executive Councillor: Resources and Communications)
Date:	Between 20 January 2020 and 07 February 2020
Subject:	Boston John Fielding Special School Capital Appraisal
Decision Reference:	I019347
Key decision?	Yes

Summary:

The Building Communities of Specialist Provision Strategy was approved on 6 November 2018 by the Executive. This Strategy proposed the expansion and relocation of the Boston John Fielding School to provide sufficient and local specialist education to children and young people with SEND in the Boston area. The relocated and expanded school will be sited adjacent to St Nicholas Primary School on Kitwood Road in the Skirbeck area of Boston. The new school will provide a modern facility to meet all needs and have capacity for 140 pupils.

The design for the new school was granted planning permission on the 4 November 2019 and it is proposed that construction will commence in February 2020.

The proposal is for the design and construction to be procured via the SCAPE National Framework with Wates Construction operating as the main contractor. This framework is fully compliant with EU, UK and Scottish procurement regulations.

This report provides a scheme appraisal and recommendation for the procurement.

Recommendation(s):

That the Leader of the Council:

approves the procurement of the new school design and construction via the SCAPE National Framework and the Council entering into a contract with the main contractor from the Framework, Wates Construction, ready for a September 2021 opening. The total project cost is £13.2 million.

Alternatives Considered:

- Do nothing - This option is not recommended as it will not meet the requirements of the Building Communities of Specialist Provision Strategy and will not provide a solution to the capacity pressures in the Boston area.
- Procurement – Traditional tendering was considered, however this would not allow early contractor engagement which is considered essential in delivering a complex project of this nature. Traditional tendering would not provide the equivalent outcome in terms of programme, cost and quality in comparison to a framework contract.

Reasons for Recommendation:

Approval for the construction of the new Boston John Fielding School is sought to allow pupils in the Boston area to access an integrated school system which meets all needs in the right place, at the right time and as close to home as possible. This fits with the long term strategy for Lincolnshire pupils with SEND.

The benefits of the new school are as follows:

- Will ensure there are sufficient special school places in the Boston Area.
- Will reduce travel times for pupils as they will have access to a local school that will meet all needs.
- Will have access to education in their local community.
- The new school will enable the special school pupils to have their health and therapeutic needs met primarily in the school setting as the new building will have facilities such as a hydrotherapy pool, sensory room, soft play room, physiotherapy and specialist nurse's spaces.
- The whole building will be fully accessible and offer flexibility to meet the changing needs of future cohorts.

1. Background

The Building Communities of Specialist Provision for Children and Young People with Special Educational needs and Disabilities was approved by Executive on the 6 November 2018.

This is the first project in this programme and the intention is for construction work to commence in February 2020 for completion in July 2021.

The new school will provide 16 classrooms, specialist teaching spaces including science, technology, ICT and art, and a hall. The school will also benefit from a hydrotherapy pool, sensory and soft play rooms and dedicated therapy spaces. Externally there will be space for hard and soft surfaced play areas and sensory, horticulture and wildlife areas.

The total project cost is £13.2 million. £7.5 million of the cost will be funded from the Basic Need Allocation and the remaining £5.7 million will come from a Capital Maintenance Grant. These funding sources were approved as part of the Building Communities of Specialist Provision Strategy on 6 November 2018.

Procurement:

The construction has been procured in accordance with the Council's finance and procurement regulations using an EU compliant framework.

The use of construction frameworks to procure construction work is well established with the following benefits:

- Improved predictability of outcome in terms of time, cost and quality.
- Efficiency savings achieved through aggregating work.
- Early engagement of the supply chain in the project.
- Continuous improvement.
- Provides employment opportunities and skills development to the construction market.
- Provides greater value for money.

The SCAPE national framework is tendered every four years and the current framework contractor for construction value over £10 million is Wates Construction.

Wates Construction has successfully delivered projects on behalf of Lincolnshire County Council in recent times, for example Grantham Poplar Farm Primary School. They have experience in delivering a number of SEND related building projects for other local authorities and for the Education and Skills Funding Agency.

The procurement process is open book and Wates Construction has tendered individual work packages ensuring competitive prices and therefore value for money in the final project cost of £13.2 million. This procurement process has been evaluated throughout by the Council's Project Manager and cost advisor, Kier.

2. Legal Issues:

Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

- * Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.
- * Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- * Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- * Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.
- * Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
- * Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding.

Compliance with the duties in section 149 may involve treating some persons more favourably than others.

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process.

NOTE: An Equality Impact Analysis has not been completed but the proposed works are considered to enhance the experience of children and families impacted by disability as a protected characteristic and will have a neutral impact on those that do not in that the works will improve the working environment and protect the health and safety of all staff working in the buildings affected.

The primary equality consideration for the works is the protected characteristic of people with disabilities, as it proposes to significantly alter the educational experience of pupils with SEND. The strategy proposes to reshape the special school system to remove designations from the entry criteria, enabling pupils to attend their local school which will meet all type of need and disability. By investing in school infrastructure and providing an improved and expanded facility in Boston, local pupils will be able to attend school locally, meaning they no longer have to travel significantly long journeys and reduce the negative effects of daily long-distance travel. At present 93 children and young people are travelling further to school than is necessary and these works will seek to address this inequality.

All other protected characteristics relate specifically to the educational provision pupils receive within the school setting, which is not going to change as a result of the strategy.

Joint Strategic Needs Analysis (JSNA) and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health & Well Being Strategy (JHWS) in coming to a decision.

The Joint Health and Wellbeing Strategy prioritises the needs of children and young people with SEND through the objective:

- Ensure appropriate support services are in place for pupils with a special educational need and/or a disability.

Two primary aspirations for the Building Communities of Specialist Provision address this objective:

- Provide a local education system in which parents can have confidence that their child's education, health and care needs can be met.
- Clarify and enhance health interventions across special schools, so all schools can meet the health and therapeutic needs of the pupils in their communities.

Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area.

NOTE: The section 17 matters have been taken into account but there are not considered to be any implications for the section 17 matters arising out of the decision.

3. Conclusion

The Building Communities of Specialist Provision Strategy has identified a need to increase capacity of special school places in Boston and to provide all needs education. The proposed new Boston John Fielding School will deliver this requirement and the signing of the construction contract will enable this to proceed.

4. Legal Comments:

The Council has the power to enter into the contract proposed. The procurement law implications and the other matters to which the Leader of the Council must have regard are dealt with in detail in the Report. The decision is consistent with the Policy Framework and within the remit of the Leader of the Council if it is within the budget.

5. Resource Comments:

The Boston John Fielding new school is part of the capital programme of works agreed through the Building Communities of Specialist Provision Strategy by the Executive on 6 November 2018. The strategy will create an integrated system where pupils attend their nearest school, and that education, health and care needs can be met by schools through facilities and premises to meet all needs. The financial needs of this programme of works are being regularly reviewed as surveys and requirements to the schemes progress, including exploring alternative funding streams that come available. The strategy does build in future years funding allocations, which are indicative at this stage.

The total project cost of the Boston John Fielding new school is £13.2m. £7.5m of the cost will be funded from the Basic Need Allocation and the remaining £5.7m will come from a Capital Maintenance Grant.

6. Consultation

a) Has Local Member Been Consulted?

Yes

b) Has Executive Councillor Been Consulted?

Yes

c) Scrutiny Comments

This report is due to be considered by the Children and Young People Scrutiny Committee at its meeting on 17 January 2020. Any comments of the Committee will be presented to the Leader of the Council.

d) Have Risks and Impact Analysis been carried out?

See body of report.

e) Risks and Impact Analysis

See body of report.

7. Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

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