

Report for:
ACTION

Item Number:

Contains Confidential or Exempt Information	YES (Part) Appendix B contains Exempt Information by virtue of Paragraph 3 of Schedule 12A to the Local Government Act 1972
Title	John Chilton Phase 3B at Wood End Academy Award of Works Contract
Responsible Officer	Tamara Quinn, Assistant Director Planning, Resources & Service Development, Ext. 8444, E-mail: TQuinn@ealing.gov.uk
Author	Laurence Field, Ext. 5425, E-mail: FieldL@ealing.gov.uk
Portfolio	Councillor Nagpal, Cabinet Member for a Fairer Start
For Consideration By	Individual Cabinet Member, Portfolio Holder for a Fairer Start
Date to be Considered	17 th April 2024
Implementation Date if Not Called In	29 th April 2024
Affected Wards	All
Keywords/Index	School Expansions; SEN; Special Education Needs; John Chilton School; Wood End Primary.

Purpose of Report:

To obtain authority to award a contract for Phase 3B of the construction works required for John Chilton School at the Wood End Primary site, further to the decisions to proceed with the project by Cabinet dated 14th September 2022 and 22nd February 2023.

1. Recommendations

It is recommended that the Individual Cabinet Member:

- 1.1 awards a contract in the sum of £3,135,508.15 to Oakland Building Services Limited for the John Chilton School at Wood End Academy Phase 3B works, to be funded from the existing approved budget for Schools SEN Expansion Programme as set out in the Capital Programme.

2. Reason for Decision and Options Considered

- 2.1** The decision is required to enable the council to continue to progress the process for expanding special school provision to meet its statutory duty to secure sufficient school places. The council has a statutory responsibility to promote high educational standards, ensure fair access to educational opportunity and promote the fulfilment of every child's educational potential. The council must also promote diversity and increase choice.
- 2.2** Cabinet, in September 2022, authorised the Assistant Director Planning, Resources and Service Development to invite and evaluate tenders for the building contracts to implement the long-term accommodation requirements for John Chilton School on the school's main site and at the Wood End Primary Academy (the Academy) satellite site, including associated works to Wood End Primary's retained accommodation. Cabinet, in February 2023, then approved the John Chilton School at Wood End Academy Phase 1A building works.
- 2.3** Under the council's Constitution, Cabinet approval is required to proceed with schemes over £5m per annum in value, Portfolio Holder approval is required in order to proceed with schemes between £0.500m and £5m per annum, and the schemes up to £0.500m per annum fall within Director delegated powers. The value of this contract therefore falls under an Individual Cabinet Member Decision (ICMD).
- 2.4** Extensive design and project planning work has been completed by the council's Projects Delivery Unit and school leadership to reach a design solution that meets the school's requirements and is feasible within the available budget.
- 2.5** The relevant background reports, 'Special Education Needs Statutory and Capital Approvals - Mandeville statutory and capital proposals and John Chilton contract award', and 'John Chilton School Capital Approvals', can be accessed via the following links:

<https://ealing.moderngov.co.uk/ieListDocuments.aspx?CId=137&MId=311&Ver=4>

<https://ealingintranet.moderngov.co.uk/ieListDocuments.aspx?CId=137&MId=242&Ver=4>

3. Key Implications

- 3.1** Competitive tenders were sought for the John Chilton School on the Wood End Primary. The tenders were evaluated by the council's Projects Delivery Unit (PDU), on the basis of the most economically advantageous to the council, using an Evaluation Matrix in a format approved by the council's Commercial Hub. Oakland Building Services Limited submitted the most economically advantageous tender as set out in Appendix A. The tender evaluation report is included in Confidential Appendix B.

4. Financial

- 4.1** A schedule of costs for the John Chilton School on the Wood End Primary Phase 3B works is contained in Appendix A. The total cost of the works is estimated at £3.904m which will be funded from the existing approved Schools' SEN Expansion Programme budget as shown in Table 1 below.

Table 1: Funding stream for Schools SEN Expansion Programme

Scheme	2023/24 £m	2024/25 £m	Total 2023-25 £m
SEN EXPANSION PROGRAMME	4.000	14.443	18.443

4.2 The contract will be managed by the PDU. Schools' service budgets, Dedicated Schools Grant (DSG) usage and the capital programme are monitored as part of the council's budget monitoring process.

5. Legal

5.1 The proposed contract has been tendered and is being let in accordance with the council's Contract Procedure Rules and the Public Contract Regulations 2015 (as amended) as applicable.

5.2 Section 14 of the Education Act 1996 establishes that the council has a statutory duty to ensure that there are sufficient school places in their area, to promote high educational standards, to ensure fair access to educational opportunity and to promote the fulfilment of every child's educational potential. They must also ensure that there are sufficient schools in their area and promote diversity and increase parental choice.

5.3 The School Standards and Framework Act 1998 places a statutory duty on the council to maintain the fabric of the premises of maintained and community schools. Further, the council has statutory duties to provide school places and to comply with the School Premises (England) Regulations 2012.

5.4 Part 3 of the Children and Families Act 2014 places a duty on the local authority to support children and young people in England with special educational needs or disabilities and to keep under review the educational provision in its area for those children and young people.

5.5 When making decisions the council must act reasonably and rationally. It must take into account all relevant information and disregard all irrelevant information and consult those affected, taking into account their views before final decisions are made. It must also comply with its legal duties, including relating to equalities.

5.6 As public bodies, schools and local authorities have duties, known as the 'public sector equalities duties' under S 149 the Equality Act 2010. The Equality Act 2010 places separate duties on local authorities as the responsible body (alongside the governing body) for schools maintained by the local authority.

6. Value For Money

Competitive tenders were sought for the John Chilton School on the Wood End Primary Phase 3B works. The council's PDU evaluated the tenders in accordance with the evaluation criteria. The tender as submitted by Oakland Building Services Limited has been fully examined by the PDU and has been evaluated as the top scoring tender.

7. Sustainability Impact Appraisal

The proposals will include an assessment of the impact on sustainability as outlined within the council's procurement policies.

8. Risk Management

There are established processes for managing capital projects and risks are identified as part of the project management process. A Risk Register has been prepared for the project, and this will be updated and managed until completion of the project.

9. Community Safety

None

10. Links to the 3 Priorities for the Borough

The project is linked to 'Fighting inequality - that blights too many lives and disproportionately holds back all too many people from achieving their dreams and aspirations.' priority.

11. Equalities, Human Rights and Community Cohesion

An Equalities Analysis Assessment has been carried out for the project described in this report and is set out in Appendix C.

12. Staffing/Workforce and Accommodation implications

None

13. Property and Assets

This report deals with schools' property and assets.

14. Any other implications

None

15. Consultation

Extensive consultations were carried out with John Chilton and Wood End schools. Consultation has also taken place with the Portfolio Holder and with the wider school communities.

16. Timetable for Implementation

**Table 2: John Chilton School on the Oldfield Wood End Primary Phase 3B
Timetable for Implementation**

Approval to Award Contract	17 th April 2024
Contract Signed and Sealed	April 2024 (following call-in)
Works start on site	June 2024
Works complete	August 2025

17. Appendices

- A. Financial Implications
- B. Tender Evaluation Report (Confidential Appendix)
- C. Equalities Analysis Assessment

18. Background Information

18.1 Reports to Cabinet in February 2023 and September 2022, which are available on the council's website at:

<https://ealing.moderngov.co.uk/ieListDocuments.aspx?CId=137&MId=311&Ver=4>
and:

<https://ealingintranet.moderngov.co.uk/ieListDocuments.aspx?CId=137&MId=242&Ver=4>

Consultation

Name of consultee	Post held	Date sent to consultee	Date response received	Comments appear in paragraph:
Internal				
Cllr. Kamaljit Kaur Nagpal	Portfolio Holder, A Fairer Start	21/3/24	21/3/24	Throughout
Robert South	Strategic Director, Children's Services	21/3/24	21/3/24	Throughout
Tamara Quinn	Assistant Director Planning, Resources & Service Development	21/3/24	21/3/24	Throughout
Justin Morley	Head of Legal Services (Social Care and Education)	14/3/24		
Kathleen Ennis	Principal Lawyer (Housing and Social Care)	14/3/24		
Adrian Moody	Category Lead Commercial Hub	14/3/24	21/3/24	
Russell Dyer	Assistant Director Finance	14/3/24		
Kamaljit Kaur	Finance Manager Education	14/3/24		
Katherine Ball	Finance Manager – Capital	14/3/24	22/3/24	
Chuhr Nijjar	Senior Contracts Lawyer	14/3/24		
Afam Ajoh	Contracts & Project Lawyer	14/3/24	19/3/24	
Emily Hill	Strategic Director, Resources	23/03/2024	27/03/2024	Throughout
Maryam Nejat	Lawyer (Social Care and Education)	27/3/24	27/3/24	
External				

Report History

Decision type:	Urgency item?
Key decision	No
Report no.:	Report author and contact for queries:
	Laurence Field, Schools Property/Programme Manager; Ext. 5425