

Contains Confidential or Exempt Information	YES (Part) Appendix A contains Exempt Information by virtue of Paragraph 3 of Schedule 12A to the Local Government Act 1972
Title	Children's Services Capital Approvals
Responsible Officer	Tamara Quinn, Assistant Director, Planning, Resources and Service Development, Ext. 8444, E-mail: TQuinn@ealing.gov.uk
Author	Laurence Field, Ext. 5425, E-mail: fieldl@ealing.gov.uk
Portfolio	Cllr Kamaljit Kaur Nagpal, A Fairer Start
For Consideration By	Cabinet
Date to be Considered	6 th December 2023
Implementation Date if Not Called In	18 th December 2023
Affected Wards	All
Keywords/Index	High Priority Condition Works; Invite and Evaluate Tenders.

Purpose of Report:

To inform Cabinet of proposed High Priority Condition capital works to invest £9.8m in school buildings, commencing in the Summer 2024 holiday period.

To note the projects and, where necessary, provide authority to invite and evaluate tenders to deliver the high priority condition works programme in line with the Authority's building programme under the Asset Management Plan (AMP) to maintain school places and improve facilities for children, families and the wider community.

Notes the Public Sector Decarbonisation Scheme (PSDS) 3c Grant funding bid and authorises funding inception and associated procurement, if successful.

1. Recommendations

It is recommended that Cabinet:

- 1.1** Agrees the list of proposed High Priority Condition Works as set out in Confidential Appendix A, and that further work will take place to finalise detailed schemes.
- 1.2** Authorises the Assistant Director: Planning, Resources and Service Development to invite and evaluate tenders or make call offs from appropriate frameworks or dynamic purchasing systems, including where these exceed £0.500m, in accordance with their rules for the works contracts for the schemes set out in Confidential Appendix A.
- 1.3** Delegates to the Assistant Director: Planning, Resources and Service Development authority to award contracts for the schemes, where these exceed £0.500m, following consultation with the Portfolio Holder and the Strategic Director, Resources, set out in Confidential Appendix A.

- 1.4** If the bid for Public Sector Decarbonisation Scheme (PSDS) 3c Grant funding of up to £2.235m is successful, delegates authority to the Assistant Director: Planning Resources and Service development, to procure the appointment of a delivery agent in compliance with the Council's Contract Procedure Rules (CPRs) to manage and deliver Phase 3c, and to approve the inception of up to £2.235m into the capital programme; this will be funded by the PSDS grant. Also, in addition, agrees match funding of approximately £0.525m to be funded from the existing approved High Priority Condition programme.
- 1.5** Approves the inclusion of Grant funding for High Priority Condition Works and associated spend into the capital programme in 2024/25 from the Schools Condition Allocation Grant once the 2024/25 final allocation has been announced; and
- 1.6** Authorises the Assistant Director: Planning, Resources and Service Development to seek all necessary Planning and Statutory Approvals for the schemes described in this report.

2. Reason for Decision and Options Considered

- 2.1** The decisions are required to enable the Council to progress with capital works to schools.
- 2.2** 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. As all of the schemes are to be undertaken during the same time period, authority is being sought from Cabinet for all of the projects in this report rather than submitting separate reports for smaller numbers of projects to Cabinet, the Portfolio Holder or Director.

3. Key Implications

- 3.1** The outcome of the High Priority Condition works schemes described in this report is to carry out the Council's statutory duty to provide a safe environment for staff and pupils and maintain school places. The majority of the works described in Confidential Appendix A cannot be carried out while the schools are in operation. These works will need to be carefully planned and co-ordinated with the schools so that they are largely completed by the beginning of the autumn term 2024. In order to achieve this, the tender procedure, award of contract and contract mobilisation for each contract must be fitted into a relatively short period of time.
- 3.2** High Priority Condition works have been identified in various schools where existing building fabric elements and systems are beyond their expected and reliable working life and where there is a high risk of failure which has the potential to lead to school closures or significant disruption. The works include: fire alarm replacements, structural works, asbestos removal and reinstatement works (requiring refurbishment and demolition surveys, by accredited providers, using controlled processes and methodologies), replacement of roof coverings and other building fabric elements, provision of essential electrical refurbishment, or replacement works in the form of distribution boards, switchgear, wiring, lightning protection, replacement of heating systems and radiators, and replacement of hot and cold water systems. The proposed list of projects with the estimated outturn costs is set out in Confidential Appendix A.

4. Financial

- 4.1** The total estimated cost of the high priority condition works proposed is £9.866m to be fully funded from the High Priority Condition Works budget in the Schools Service Capital programme and Government School Condition Allocations grant for 2024/25. This includes £5.950m base school condition grant 2023/24, and £0.459m S106 carried over from 2022/23, plus the further additional school condition grant anticipated for 2024/25 as noted at Recommendation 1.5 in the report, for which the precise amount is, as yet unknown.
- 4.2** This School Condition Allocations funding is grant allocated to Ealing by the Department for Education (DfE) to address high priority condition works across the schools' estate in the borough. The approved capital programme contains £5.950m in 2024/25 for High Priority Condition Works which is grant carried forward from 2023/24. A further grant allocation for Ealing for 2024/25 will be announced around April 2024 and will be added to the existing funds in the capital programme.
- 4.3** The 2024/25 allocation is anticipated to be sufficient to undertake the planned programme of works for 2024/25. However, if the 2024/25 allocation is lower than estimated, the scope of the works will be scaled back following a further risk assessment and prioritisation exercise, to ensure that no capital spending is above the grant allocation. If the actual grant allocation is higher than estimated, then the next highest priority works may be included. The 2021/22 allocation was £6m. The 2022/23 allocation was £5.971m. And the 2023/24 grant allocation was £5.950m.
- 4.4** The bid for the earlier rounds of Government PSDS 3 Salix Grant funding for projects commencing in 2022 and 2023 were successful, and the 2023 Phase 3b Grant funds £3.006m of the costs for the 7 schemes being progressed through it, with the Council funding the balance. A bid for the next round of Government PSDS 3c Salix Grant funding has been submitted by the Council, which includes further Condition-related school projects. If the bid is successful, it would be anticipated to contribute £2.235m to the heating projects, resulting in a reduction in the cost of these projects to the Council of this amount. The Council's contribution to the PSDS 3c projects would then reduce to an estimated £0.525m.

Table 1 shows the revised High Priority Condition Works grant in the capital programme.

Table 1: Capital Programme: High Priority Condition Works

Scheme	Funding Source	2023/24 £m Estimate	2024/25 £m Estimate	Total 2023-25 £m Estimate
High Priority Condition Works – currently in capital programme	Grant	0.285	-	0.285
High Priority Condition Works – grant allocations for 22/23 & 23/24	Grant	5.971	5.950	11.921
High Priority Condition Works	S106	0.459	-	0.459
Total		6.715	5.950	12.665

4.5 The Council's Schools Property team and Projects Delivery Unit will manage the budgets for the individual High Priority Condition Works projects and the overall programme will be carefully monitored. Financial risks will be added to the risk registers for each project as detailed in item 8.1.

5. Legal

The tender processes to be followed for the contracts for the schemes described in this report will be compliant with the Council's Contract Procedure Rules, the Public Contract Regulations 2015 (as amended) and in accordance with the relevant framework or dynamic purchasing system as applicable.

The local authority has a duty (section 542(2) Education Act 1996; School Premises Regulations 2012) in respect of the schools which it maintains to ensure that school buildings are maintained to prescribed standards.

A local authority, as an employer, has a general health and safety duty for employees and others who may be affected (Health and Safety at Work etc Act 1974).

A local authority must manage the risk from asbestos in community school buildings (Control of Asbestos Regulations 2012)

Under the Regulatory Reform (Fire Safety) Order 2005 and the Fire Safety Act 2021, the Council as landlord must ensure that its buildings are safe from fire and that it carries out regular and periodical risk assessments.

6. Value For Money

Specifications for the works for each scheme described in this report will be prepared by the Council's in-house technical team and tenders will be obtained and evaluated in accordance with the Council's Contract Procedure Rules. The specifications will be designed to meet statutory requirements and provide value for money, whilst also taking account of longevity (life cycle), quality, energy saving, maintenance, and the relatively short period of time available to complete the works in the schools' summer holiday. This will help ensure that the benefits from the funding are maximised.

During the execution of the projects, regular progress review meetings will be held to ensure projects are being executed to approved budgets and timescales.

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. The tendering processes will comply with best practice and be fully compliant with the Council's Contract Procedure Rules and the requirements under the Public Contracts Regulations 2015 (as amended) as appropriate. Risk Registers will be prepared for all of the projects, and these will be updated and managed until completion of the projects.

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 Assessment has been carried out for the projects described in this report.

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

Consultation has taken place with the Portfolio Holder. Extensive consultations have been/will be carried out with the relevant schools, partner consultants and contractors on the projects described in this report.

16. Timetable for Implementation

Cabinet Approval	6 th December 2023
Consultation with schools, scoping, validation and finalising schemes	18 th December 2023
Design and preparation of specifications	January/February 2024
Tender invitations and evaluations	April/May 2024
Award of contracts (Contract Sealing)	May/June 2024
Start works on site	29 th July 2024
Completion of Works	30 th August 2024

17. Appendices

Confidential Appendix A. List of Proposed High Priority Condition works projects with estimated budgets.

18. Background Information

- DfE Advice on standards for school premises for local authorities, proprietors, school leaders, school staff and governing bodies (March 2015)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/410294/Advice_on_standards_for_school_premises.pdf

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	9/11/23	9/11/23	Throughout
Robert South	Strategic Director Children' Services	9/11/23	9/11/23	Throughout
Tamara Quinn	Assistant Director Planning, Resources and Service Development	9/11/23	9/11/23	Throughout
Justin Morley	Head of Legal Services (Litigation)	2/11/23		
Kathleen Ennis	Principal Lawyer (Housing and Social Care)	7/11/23	22/11/23	5
Chuhr Nijjar	Senior Contracts Lawyer	2/11/23		
Afam Ajoh	Contracts & Project Lawyer	2/11/23	3/11/23	1
Russell Dyer	Assistant Director, Accountancy	2/11/23		
Adrian Moody	Category Lead	2/11/23		
Katherine Ball	Finance Manager Capital and Projects	2/11/23	9/11/23	1,4
Kamaljit Kaur	Interim Finance Business Manager - Education	2/11/23	9/11/23	4
External				
	eg voluntary organisation			

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