

Report to Cabinet

23 March 2022

Subject:	Temporary Accommodation Elm Tree Primary Academy at Connor Education Centre, West Bromwich
Cabinet Member:	Cabinet Member for Children and Education Councillor Karen Simms
Director:	Director of Children and Education Michael Jarrett
Key Decision:	Yes
Contact Officer:	Rachel Hill, Project Officer, School Organisation and Development, Education Support Services rachel_hill@sandwell.gov.uk

1 Recommendations


- 1.1 That subject to a satisfactory financial appraisal being completed by Strategic Finance, the Director of Children and Education be authorised to award a contract for the refurbishment of part of the Connor Education Centre, Connor Road, West Bromwich to provide temporary accommodation for the new Elm Tree Primary Academy Special School, following a compliant procurement exercise, in conjunction with the Section 151 Officer, and in consultation with the Cabinet Member for Children and Education.
- 1.2 That, subject to 1.1, the Director of Law and Governance & Monitoring Officer be authorised to enter into any legal agreements on terms agreed by the Director of Children and Education, as required, to allow building works to be completed.



2 Reasons for Recommendations

- 2.1 The scheduled opening of the Elm Tree Primary Academy Special School by the Department of Education (DfE) has been delayed until September 2023. The report seeks approval to grant the Director of Children and Education, delegated authority to procure and award a contract for the refurbishment of part of the Connor Education Centre to be used as a two-form entry Primary Special School for Children with Autistic Spectrum Disorder alongside other associated learning needs for one school year.
- 2.2 The temporary accommodation will enable the school to open 12 months ahead of its formal opening and admit up to 18 children to the Reception year.
- 2.3 The value of the contract sum will exceed the limit of £250,000 permitted delegated authority to Chief Officers to award a contact.
- 2.4 Capital funding of £375,000 for the refurbishment of the Connor Education Centre will be provided by the DfE. The DfE will require the council to sign a Work Funding Agreement to confirm it will accept all programme/costs risks.

3 How does this deliver objectives of the Corporate Plan?

	Best start in life for children and young people
	The recommendation in this report supports the desire of the council to focus resources on the specific needs and aspirations of the community. This contributes to the Council's Vision 2030 Ambition 1 – Raising aspirations and resilience, Ambition 3 – Young people to have skills for the future, Ambition 4 – Raising the quality of schools.



4 Context and Key Issues

- 4.1 The DfE approved the free school application for a Primary Special School on the former Phoenix Collegiate North Campus, Friar Park Road, Wednesbury to compliment the already approved High Point Academy Secondary Special School.
- 4.2 Elm Tree Primary Academy will provide 126 spaces for children aged 5 – 11 years old with Autistic Spectrum Disorder alongside other associated learning needs. The school will be run/sponsored by the Victoria Academies Trust and this proposal will enable the school to open in September 2022. Pupils must have an Education, Health and Care Plan (EHC Plan) that specifies Specialist Provision to be placed at the school. Allocation of school places are through an Education, Health and Care Needs Assessment or Annual Review of a student's EHC Plan. The first cohort of pupils to be placed at the school in September 2022 has already been considered. Sandwell currently has very limited specialist places to meet the identified needs of these pupils within this age group.
- 4.3 The DfE is funding the development of a one storey building on Friar Park Road, Wednesbury. However, it failed to finalise the legal contracts to enable construction to begin this year therefore the building will not be completed for September 2022 opening.
- 4.4 It is a statutory responsibility of the council to ensure all children in Sandwell have access to a good school place. Despite the delay being the result of the DfE's actions it is the council's responsibility to ensure those 18 pupils have access to a school in September 2022.
- 4.5 Connor Education Centre is currently occupied by the council's Inclusive Learning Services and Special Education Needs Team. Several meetings have taken place between the council, DfE, Head Teacher of Elm Tree Primary Academy and members of the Victoria Academy Trust. Inclusive Learning Services and Special Education Needs team have agreed to reduce its occupation of the building for one year.
- 4.6 The school and Trust will sign a Licence to Occupy with the council. The freehold ownership of the centre will remain with the council.
- 4.7 The planned works will be limited to internal refurbishment. No structural changes will be permitted.



4.8 The refurbishment of Connor Education Centre will provide the local authority with further opportunities to extend specialist assessment, intervention and provision for pupils with SEND once Elm Tree Primary Academy has vacated the building.

4.9 Consultation (Customers and other Stakeholders)

Consultation with the Inclusive Learning Services and Special Educational Needs team, Corporate Asset Management. Officers group land and asset management group.

Letters have been sent to prospective parents and residents of Connor Road. Copies of those letters have also been sent to ward members.

5 Alternative Options

5.1 Although located in Smethwick, the existing Victoria Academy Trust shared site of Devonshire Infant and Junior Academies off Auckland Road was considered – through use of an adjacent parcel of land known as the former ‘Devonshire Gym site’. The is due to transfer to the Trust for use as an all-weather play space. The temporary specialist accommodation required for Elm Tree was cost prohibitive, for a short-term location of the school on the vacant site.

5.2 Feasibility surveys were also completed at two sites; Connor Education Centre and the former nursery/children’s centre at Ferndale Primary School. Ferndale Primary’s site was deemed unfeasible and the school’s proposed business plan for the site is more beneficial to the pupils of the school.

5.3 No other sites were identified as being suitable.

5.4 Doing nothing is not an option as the council would be in breach of statutory regulations to ensure every child has access to a good school place.



6 Implications

Resources:	<p>Financial implications:</p> <p>Following a decision by the Director of Finance, Capital Appraisals for Town Team funding have taken priority to meet tight deadlines required to draw down funding. All other capital appraisals will therefore be undertaken retrospectively. The Cabinet approval is therefore subject to a capital appraisal being completed but should not prohibit progress with the proposed project.</p> <p>Department for Education is funding £375,000 for the refurbishment. Initial costs from the council's in-house Quantity Surveyors estimate a refurbishment cost of £296,000, £50,000 for professional fees, £29,000 for contingency.</p> <p>Significant increase in cost if children had to be allocated placements outside of the borough.</p> <p>Staffing implications: Management of the project will be covered from within existing staffing resources. Inclusive Learning Services and Special Education Needs staff will reduce office space for one year working remotely and from the remaining office space.</p> <p>Land implications: A Licence to Occupy will be agreed between the council and the school/Trust. The freehold ownership will remain with the council.</p> <p>Building implications:</p> <p>No structural changes will be permitted. Only cosmetic refurbishment.</p>
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<p>Legal and Governance:</p>	<p>The Trust/School will agree to a Licence to Occupy for 12 months.</p> <p>The council shall ensure that any procurement of contracts necessary for this proposal are undertaken in accordance with the Public Contracts Regulations 2015 and the Council's Procurement and Contract Procedure Rules.</p> <p>The council will be required to enter into a Works Funding Agreement with the DfE to provide surety that the Authority will complete the project.</p>
<p>Risk:</p>	<p>The Corporate Risk Management Strategy (CRMS) has been complied with – to identify and assess the significant risks associated with this decision / project. This includes (but is not limited to) political, legislation, financial, environmental and reputation risks.</p> <p>The risk is that if the school does not open on a temporary basis there will be a negative impact on children and their families if placed in a local school where their individual needs cannot be met. Unnecessary disruption to children if they have to move schools after 12 months.</p> <p>Rising prices – the Authority has experienced volatility with construction projects during the past 12 months. The DfE have confirmed that up to £25,000 contingency, included as part of the £375,000 allocation, will be made available if received tender prices exceed budget estimate.</p> <p>Upon appointment of a suitable contractor a project Risk Register will be jointly managed to reduce any delivery risks that might occur during the course of the refurbishment works.</p> <p>Following a recent decision by the Head of Finance for the need to prioritise the appraisal of capital allocations for Town Team bids above other capital projects, reports to Cabinet for approval to proceed</p>



	with procurement are subject to a satisfactory appraisal score being awarded. Based upon the delivery of similar, but much larger school capital projects, there are no risks anticipated that would result in this project failing to achieve a satisfactory appraisal score.
Equality:	An Equality Impact Assessment initial screening has been undertaken and a full Equality Impact Assessment is not required for this report.
Health and Wellbeing:	This proposal ensures that children can attend a school in Sandwell from September 2022 that meets their needs as planned.
Social Value	Ensuring every child has access to a school place, and that parents / carers continue to be able to indicate their individual preferences for school places.

7. Appendices

None

8. Background Papers

None

