

Report of: Head of Service Learning Systems Childrens & Families

Report to: Director of Children's & Families

Date: 20 March 2020

Subject: Design & Cost Report and Tender Acceptance for the Learning Places permanent expansion at Cockburn John Charles Academy School.



Are specific electoral wards affected? If yes, name(s) of ward(s): Middleton Park	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Has consultation been carried out?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will the decision be open for call-in?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, access to information procedure rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Summary

1. Main issues

- The purpose of this report is to seek approval to incur capital expenditure of £2,150,924.03 from capital scheme number 33178/JCA/000 to provide supplementary accommodation at Cockburn John Charles Academy High School (CJCA). This work is necessary to support the bulge cohorts placed in 2019 (60 places) in 2020 (60 places) and proposed for 2021 (30 places) ahead of the permanent increase to the Published Admission Number (PAN) from 210 to 240 with effect from September 2022.
- A previous authority to spend and authority to tender was approved last year by the Head of Service Learning Systems under scheme code 32737/BGE/JCA for the Phase 1 enabling works which were delivered for the start of the 2019 academic year.
- Demand for secondary school places across the Inner South has increased significantly over recent years. The demand for school places in the South has grown due to the delay to the delivery of a new 'Free School' (Laurence Calvert) by the Department for Education (DfE) in Middleton. The new school was due to open in September 2018 as per the initial bid, quickly moved to September 2020 when it entered the delivery phase, and was subsequently delayed until September 2021. The current targeted handover date is now June 2022. Therefore the work required

at CJCA is critical to ensure Leeds City Council (LCC) provides sufficient school places for the start of the 2020 academic year and subsequent years until Laurence Calvert opens in 2022.

- The main pressure identified at CJCA is during the lunch period. To alleviate this pressure the academy has requested support for additional dining provision. This will allow the academy to successfully manage the desired through-put of pupils during the allotted lunch break and support the transition of the bulge cohort throughout their time at CJCA. The current completion date for the dining room extension date is October 2020.

2. Best Council Plan Implications

- The council's strategy to meet the 'Best Council Plan' includes a 'Child Friendly City' which seeks to support families give children the best start in life and improve social, emotional and mental health. The provision of sufficient school places in a good quality educational establishment such as CJCA will support access to the above best practice and discharge the local authority's statutory duty to provide sufficient school places.
- The ethos driven through the Academy's philosophy will also support the young people work towards a safe, strong community by promoting respect and resilience, qualities also shared within the 'Best Council Plan'. As part of the design development, the proposed dining hall expansion will be managed and delivered via the existing PFI contract which engages positively with construction methods that adhere to a low waste, low carbon delivery which ultimately supports a sustainable infrastructure.

3. Resource Implications

- The cost associated with the Phase 2 works is £2,150,924.03 which includes £190,052.40 of risk allowance and project contingency and £539,437.63 of fees and survey costs. This work will attract an annual revenue cost of £42,565.62 which includes additional catering / cleaning staff and the associated 'life cycling' as identified in the terms of the existing PFI contract. It should be noted the annual revenue costs will be the responsibility of the Academy and charged accordingly.
- The capital cost will be met through capital scheme number 33178/JCA/000 as part of the Learning Places Programme.

4. Recommendations

The Director of Childrens & Families is requested to:

- a) Approve the expenditure of £2,150,924.03 from capital scheme number 33178/JCA/000 for the construction work and associated fees to facilitate a permanent expansion to the PAN of 30 places at Cockburn John Charles Academy. Executive Board approved authority to spend (ATS) based on a provisional sum of

£2,278,732 on 18 September 2019 as costs were still being finalised for Phase 2 (ATS included Phase 1 and Phase 2 works)

- b) Authorise acceptance of the tender submitted by Nu Construction Ltd as issued by Investors in the Community (Leeds Schools) Ltd the special purpose vehicle (SPV) responsible for managing the PFI contract, for the sum of £1,421,434,000 inclusive of all design fees, development costs and surveys (associated with Nu Construction Ltd)
- c) Approve the implementation of a City Council Change under the PFI contract with Investors in the Community (Leeds Schools) Limited for the works at the Cockburn John Charles Academy School PFI building, and approve the entering in to of any associated documentation including without limitation a deed of variation (if required).
- d) Note this work will attract an annual revenue cost of £42,565.62 which includes additional catering / cleaning staff and the associated 'life cycling' as identified in the terms of the existing PFI contract. Of which, the annual revenue costs will be the responsibility of the Academy and charged accordingly.
- e) Note that the breakdown of project costs, highlighted in point 1 above, are detailed within section 4.4 of this report.
- f) Note the programme dates identified in section 4.4 of this report, in relation to the implementation of this decision. The programme dates represent the critical path for project success and must be adhered to wherever possible.
- g) Note that the officer responsible for implementation is the Head of Projects & Programmes, City Development.
- h) Note the negotiations held with solicitors acting on behalf of **INVESTORS IN THE COMMUNITY (LEEDS SCHOOLS) LIMITED;**
- i) Give authority for the deed of variation of the PFI project agreement (the "Deed of Variation") to be executed and completed between Leeds City Council and Investors in the Community (Leeds Schools) Limited to vary the PFI project agreement to accommodate the Phase 2 dining hall extension works at the Cockburn John Charles Academy, together with any other documentation required to facilitate Phase 2; and
- j) Give authority for any other necessary action to be taken to effect the Deed of Variation.

1. Purpose of this report

1.1 The purpose of this report is:

1.2 To provide background information with respect to the proposed internal alterations at CJCA, which is necessary to meet the Authority's statutory duty to ensure sufficiency of school places local to the area.

1.3 To seek approval to incur expenditure of £2,150,924.03 from capital scheme number 33178/JCA/000 in order to undertake the aforementioned works.

- 1.4 To seek acceptance of the tender from Nu Construction Ltd as issued by the PFI SPV, Investors in the Community (Leeds Schools) Ltd for the sum of £1,421,434,000 to deliver the required capital works at CJCA School.

2. Background information

- 2.1 The Learning Places programme represents the Council's response to the demographic growth pressures in school place provision. The increasing birth rate in Leeds has required Leeds City Council to approve an increasing number of new School places since 2009 in order to fulfil its statutory duty to ensure sufficiency of school places across the authority.
- 2.2 The scale of the response cannot be met through the existing estate therefore the expansion of existing schools or the creation of new schools has been required in many instances. The demographic solution to support the need for pupil places is responsibility of Childrens & Families. The delivery of the appropriate building solution is supported by the Projects and Programmes team within City Development.
- 2.3 This proposal has been brought forward to meet the projected demand for secondary school places across the inner south area of Leeds. Current projections across the south indicated a need for additional forms of entry by 2021. To support this demand a free school proposal (Laurence Calvert) local to the area delivered by the DfE was anticipated to open in 2021. Due to a series of delays the targeted handover date for the new school is now September 2022. A 60 place bulge was allocated to Cockburn John Charles in September 2019, with a further 60 places proposed for 2020 and 30 places for 2021 ahead of the permanent expansion to the PAN from 210 to 240 in September 2022. A package of Phase 1 enabling works was delivered in 2019 to enable the school to take the initial bulge cohort of 60 places.
- 2.4 Following consultation with the academy an analysis was undertaken by CJCA, in consultation with officers from Childrens & Families, and it was determined that the main pressure is around the existing dining hall and its current ability to provide the appropriate through-put of meals during the academy's allotted lunch break. The proposed works will seek to respond to this pressure by providing additional dining resources within the existing footprint of the building. The proposals have been developed by the SPV in accordance with the current PFI contract and will meet the need for the additional pupil places from the 2020/2021 academic year.
- 2.5 As the school is currently operating under a PFI contract the required works will be designed and procured via the agreed contractual route and will be responsibility of the 'SPV' to ensure delivery and current building regulations are discharged. The appointed design team has been working closely with both the Authority and the Academy to ensure the proposed design meets all financial and programme related targets.
- 2.6 The proposal for CJCA School will form part of the on-going work to address school capacity and sufficiency across all of Childrens & Families estate which includes; secondary places in addition to primary, early years and specialist provision. These proposals form part of the Council's Learning Places Programme that embeds the 'One Council' approach in terms of shared ownership of proposed solution across the various departments.

3. Main issues

Design Proposals and Full Scheme Description

- 3.1 The proposed works at CJCA school, necessary to facilitate the initial bulge cohorts for 2019, 2020 and 2021 ahead of the permanent increase to the PAN from 210 to 240 in September 2022 consist of the following;
- The scope of work consists of the construction of a single storey extension to provide additional space for dining. The extension is located in the courtyard created between the two “fingers” (of the existing building layout) to the rear of the school. The new dining area will be accessible from the existing dining hall and also externally.
- 3.2 A tender submission for the above has been submitted via the PFI SPV, Investors in the Community (Leeds Schools), in-line with the variation process outlined in the associated PFI contract. The work will be delivered by the PFI provider as set out within the PFI contract.
- 3.3 The tender value of the works detailed within this report is £1,421,434,000. With the full scheme cost, inclusive of all additional fees / services and inclusive of an Authority held contingency (commensurate with a scheme of this scale and complexity), £2,150,924.03.

Programme

- 3.4 The key milestones to achieve this programme are set out below:
- Approval of this report w/c 06/04/2020
 - Contractor Contract execution w/c 16/04/2020
 - Start on site w/c 08/06/2020
 - Completion & Handover w/c 26/10/2020
 - Occupation w/c 02/11/2020
- 3.5 Approval of this report and contract award represent the critical path and are therefore essential to ensure delivery of the project in accordance with the dates above.

4. Corporate considerations

4.1 Consultation and engagement

- 4.1.1 Consultation has taken place direct with the academy within the area of need. A series of engagement sessions has secured the formal agreement from the academy to temporarily increase the pupil numbers as set out in this report ahead of a permanent expansion to its PAN in 2022. A wider consultation to inform, parents, carers and local residents will run from 4 March to 1 April 2020 with a public drop in session on 11 March.
- 4.1.2 Senior officers within Children’s and Families have been briefed along with the executive and ward members.
- 4.1.3 Planning permission for the dining extension was granted on 22 October 2019.
- 4.1.4 The Project Officer responsible for the delivery of the works will continue to brief Childrens & Families colleagues and elected members at key stages throughout the project development and as requested.

4.2 Equality and diversity / cohesion and integration

- 4.2.1 The recommendations with this report do not have any direct nor specific impact upon any of the groups falling under the remit of the equality legislation and the need to eliminate discrimination and promote equality. A screening document has been prepared to this effect and an independent impact assessment is not required for the approvals requested. The screening document has been sent to the Equality Team to be approved, publishing and held on-file. A copy is included with this report as 'Appendix A'

4.3 Council policies and the Best Council Plan

- 4.3.1 This scheme is due to be delivered under the City Council's Learning Places Programme and is required to fulfil the Local Authority's statutory responsibility to provide sufficient school places. In providing places close to where the children live the proposals will improve accessibility of local and desirable school places, and thus reduce any risks of non-attendance.
- 4.3.2 The proposed development contributes to the Best Council Plan outcomes for everyone in Leeds to 'Do well at all levels of learning and have the skills they need for life'; 'Be safe and feel safe' and 'Enjoy happy, healthy, active lives'. It also supports the vision in the supporting Children and Young People's Plan 2015-19 to build a child-friendly city with a focus on ensuring all children and young people are safe from harm; do well at all levels of learning and have the skills for life; enjoy healthy lifestyles; have fun growing up; are active citizens who feel they have a voice and influence. The programme seeks to deliver a supply of good quality accessible local school places which can contribute to these outcomes

Climate Emergency

- 4.3.3 The proposals detailed within this report will to deliver a single storey extension to the existing dining hall via the current PFI contractual agreement. The proposed work will seek to adhere to the authority's best practise when considering 'Sustainable Infrastructure' and will positively impact on the current operation of the school. The provision of the additional places will ensure good quality school places local to the area of demand thus reducing the need for travel.
- 4.3.4 The contractor for the proposed development will need to demonstrate a robust Waste Management Plan, be registered with the 'Considerate Constructors Scheme', of which, the main consideration of the scheme falls into three categories: The general public, the workforce and the environment. Contractors will also need to be sympathetic to the 'Leeds Talent and Skills Plan' by seeking to employ local trades where possible thus reducing the impact of extended travel.

4.4 Resources, procurement and value for money

- 4.4.1 A provisional sum of £2,278,732 was approved by Executive Board on 18 September 2019 as the SPV were still finalising costs for Phase 2. Phase 1 enabling works were carried out in 2019 at a total cost of £162,835.06. The total scheme cost for Phase 2 is £2,150,924.03; this includes £1,421,434,000 for main construction works with the remaining sum supporting fees and a client held

contingency and risk allocation which is commensurate to the scale and complexity of the proposed works detailed within the report.

4.4.2 The cost will be met through capital scheme number 33178/JCA/000 as part of the Learning Places Programme.

4.4.3 Capital Funding & Cash Flow

Previous total Authority to Spend on this scheme	TOTAL £000's	TO MARCH 2020 £000's				
			2019/20 £000's	2020/21 £000's	2021/22 £000's	2022 on £000's
LAND (1)	0.0					
CONSTRUCTION (3)	107.8		107.8			
FURN & EQPT (5)	0.0					
DESIGN FEES (6)	20.0		20.0			
OTHER COSTS (7)						
TOTALS	127.8	0.0	127.8	0.0	0.0	0.0
Authority to Spend required for this Approval	TOTAL £000's	TO MARCH 2020 £000's				
			2019/20 £000's	2020/21 £000's	2021/22 £000's	2022 on £000's
LAND (1)	0.0					
CONSTRUCTION (3)	1421.4			1421.4		
FURN & EQPT (5)	0.0			0.0		
DESIGN FEES (6)	539.4		450.0	89.4		
OTHER COSTS (7)	190.1			190.1		
TOTALS	2150.9	0.0	450.0	1700.9	0.0	0.0
Total overall Funding (As per latest Capital Programme)	TOTAL £000's	TO MARCH 2020 £000's				
			2019/20 £000's	2020/21 £000's	2021/22 £000's	2022 on £000's
	0.0					
Basic Need Grant	2278.7		577.8	1700.9		
Total Funding	2278.7	0.0	577.8	1700.9	0.0	0.0
Balance / Shortfall =	0.0	0.0	0.0	0.0	0.0	0.0

Parent Scheme Number: 33178/000/000

Revenue Effects

4.4.4 Due to the structure of the PFI contract the lifecycle and maintenance allowance under the Unitary Charge will increase as a consequence of the works detailed within this report. This equates to an annual increase of £42,565.62 which includes additional catering / cleaning staff and the associated 'life cycling' as identified in the terms of the existing PFI contract. This value however will be the responsibility of the academy and is a 'straight through charge' that will not burden the authority.

4.5 Legal implications, access to information, and call-in

4.5.1 The approval of this report constitutes a 'Key Decision' and as such will be subject to 'Call-In'.

4.5.2 There are no other legal implications or access information issues arising from this report.

4.6 Risk management

4.6.1 Risk is to be managed through the application of 'best practice' project management tools and techniques via the City Council's 'PM Lite' methodology. Experienced project management resource has been allocated from within City Development's Projects & Programmes Team. The PFI Contract and contractual

support is being provided by Procurement & Commercial Service (PAC's). In addition, PACS will provide any appropriate legal advice.

- 4.6.2 An Authority held contingency, commensurate with a project of this value, has been included within the approval figure to address any risks that occur during construction. This is to be used at the Authority's discretion and is not accessible by any other party.
- 4.6.3 A risk log has been developed for the scheme and will be updated and maintained throughout the project by the assigned project officer. Escalation of risk will be via the City Development's Head of Projects & Programmes, Asset Management & Re-generation

5. Conclusions

- 5.1 In order to accommodate the previous and planned bulge cohorts which stretch across 2019-2021 and the permanent expansion from a PAN of 210 to 240 in 2022 at Cockburn John Charles Academy School, it is necessary to undertake the works detailed within this report.
- 5.2 The delivery of the works at CJCA will be managed by City Development's Projects & Programme's Team on behalf of Childrens & Families in conjunction with the Investors in the Community (Leeds Schools) (PFI - SPV) and Mitie Facilities Management.
- 5.3 The scheme cost is £2,150,924.03, this includes £1,421,434,000 for main construction works with the remaining sum supporting fees and a client held contingency/risk allowance which is commensurate to the scale and complexity of the proposed works detailed within the report.
- 5.4 The requirement to provide additional dining provisions at CJCA PFI building, for the start of the 2020/2021 academic year, has been developed through continued consultation with the appropriate stakeholders.

6. Recommendations

- 6.1 The Director & Childrens & Families is requested to:
Approve the expenditure of £2,150,924.03 from capital scheme number 33178/JCA/000 for the construction work and associated fees to facilitate a permanent expansion to the PAN of 30 places at Cockburn John Charles Academy. Executive Board approved authority to spend based on a provisional sum of £2,278,732 on 18 September 2019 as costs were still being finalised for Phase 2 (ATS included Phase 1 & Phase 2 works)
- 6.2 Authorise acceptance of the tender submitted by Investors in the Community (Leeds Schools) Limited special purpose vehicle (SPV) responsible for managing the PFI contract, for the sum of £1,421,434,000 inclusive of all design fees, development costs and surveys (associated with Nu Construction Ltd)
- 6.3 Approve the implementation of a City Council Change under the PFI contract with Investors in the Community (Leeds Schools) Limited for the works at the Cockburn John Charles Academy School PFI building, and approve the entering in to of any associated documentation including without limitation a deed of variation (if required).
- 6.4 Note this work will attract an annual revenue cost of £42,565.62 which includes additional catering / cleaning staff and the associated 'life cycling' as identified in the

terms of the existing PFI contract. Of which, the annual revenue costs will be the responsibility of the Academy and charged accordingly.

- 6.5 Note that the breakdown of project costs, highlighted in point 1 above, are detailed within section 4.4 of this report.
- 6.6 Note the programme dates identified in section 4.4 of this report, in relation to the implementation of this decision. The programme dates represent the critical path for project success and must be adhered to wherever possible.
- 6.7 Note that the officer responsible for implementation is the Head of Projects and Programmes, City Development.
- 6.8 Note the negotiations held with solicitors acting on behalf of **INVESTORS IN THE COMMUNITY (LEEDS SCHOOLS) LIMITED**
- 6.9 Give authority for the deed of variation of the PFI project agreement (the “Deed of Variation”) to be executed and completed between Leeds City Council and Investors in the Community (Leeds Schools) Limited to vary the PFI project agreement to accommodate the Phase 2 dining hall extension works at the Cockburn John Charles Academy, together with any other documentation required to facilitate Phase 2; and
- 6.10 Give authority for any other necessary action to be taken to effect the Deed of Variation.

7. Background documents¹

- 7.1 None

¹ The background documents listed in this section are available to download from the council’s website, unless they contain confidential or exempt information. The list of background documents does not include published works.