

Report to:	EXECUTIVE CABINET
Date:	28 April 2021
Executive Member:	Councillor Leanne Feeley - Executive Member (Lifelong Learning, Equalities, Culture and Heritage) Councillor Oliver Ryan – Executive Member (Finance and Economic Growth)
Reporting Officer:	Jayne Traverse – Director of Growth Paul Smith, Assistant Director, Strategic Property, Growth
Subject:	AUDENSHAW SCHOOL CONVERSION WORKS
Report Summary:	Audenshaw High School increased its published admission number through the statutory consultation process with effect from September 2021, from an intake of 210 to 240 per year. In order to accommodate the additional pupils it is proposed to structurally remodel the former sixth form block, which closed in 2018 to create ten standard sized classroom and remodel existing rooms in the science block to create two brand new science laboratories and a new food technology room. A project budget of £1.311 million was approved by the Executive Cabinet on 29 July 2020. Approval is being sought to enter into a Design and Build contract with the LEP to deliver the scheme in July and August 2021.
Recommendations:	That Executive Cabinet are recommended to approve that: <ol style="list-style-type: none"> 1. A Design and Build contract is entered into with the LEP, to deliver the Audenshaw High School Expansion project in the sum of £1,067,161 to remodel the former sixth form block to create ten standard, general teaching rooms and also remodel existing rooms in the science block to create two brand new science laboratories and a new food technology room on the basis of the following: <ol style="list-style-type: none"> a. The price is inclusive of any cost increases which may be due to Covid 19; b. Design works procured through the Tameside Additional Services contract (TAS) are included in warranties provided by the LEP under the Design and Build Contract, to ensure that the Council is adequately protected ; and c. Liability of the LEP is capped at ten times the value of the works 2. Enter into Deed of Appointment with the LEP to procure the services of Currie and Brown to fulfil the role of Independent Certifier for the contract in the additional sum of £8,550. 3. To approve a virement between the unallocated basic need budget and this project for a further £62,448.
Corporate Plan:	To ensure that the Council is able to meet its statutory duty to provide sufficient and suitable school places to enable schools to accommodate the planned increase in pupils at the school
Policy Implications:	To increase the Published Admission Numbers at other high schools, however due to lack of surplus accommodation at other

schools, this would require completely new accommodation to be built rather than repurposing and remodelling existing spaces.

Financial Implications:
(Authorised by the statutory
Section 151 Officer & Chief
Finance Officer)

There is approved basic need funding of £1,311,000 for this project. The actual spend to date against the project is £275,139 with a further estimated £22,598 commitment resulting in total spend to date of £297,737.

The total contract costs of £1,075,711 (detailed at paragraph 9.1) against the remaining funding of £1,013,263 results in a shortfall of £62,448 against the approved funding.

In order for the project to proceed within an approved budget a virement will be necessary between the unallocated basic need budget and this project for £62,448 or seek to value engineer the project to reduce the value of the contract to within the available budget. There is a current unallocated basic need budget of £583k, which could support this.

Legal Implications
(authorised by the Borough
Solicitor)

This is the final governance step in any capital works project where first approval is to obtain in principle decision to allocate funding to a project, the second approval is to agree proceeding once more information available as to the cost of the project and the third and final stage which is this report is to approve the project proceeds by entering into the necessary contracts once detailed information provided as to the cost of the project and any associated risks together with the programme delivery against which progress can be monitored. As there is an additional funding requirement mainly because the works have been undertaken in two stages and further varied as the Headteacher who had concerns about construction during the Pandemic it requires a decision of Cabinet.

As set out in the main body of this report the work to deliver the extension and associated building works will be delivered via the contract with the LEP.

As part of the contractual strategic partnering arrangements with the LEP there is a standard contract between the LEP and the Council as the current contract with the LEP has no cap on liability. However it is understood that the LEP is no longer able to secure an unlimited liability provision with its sub-contractors. Therefore a liability cap has been proposed to be included in the head contract to reflect the liability provisions in the sub contract. It will also need to reflect that the costs cover Covid risks which clearly the contractual arrangements which were set up in 2011 did not envisage.

The main risk to the programme will be executing the contract (as once executed the contractor bears all delay risks) and whilst the contract has been drafted it needs the project management team to agree and sign off all the schedules including Schedule 4 (programme), Schedule 7 (completion dates, and Schedule 9 (payment milestones). The Independent Certifier's role will be critical to this project to ensure its delivery both in terms of timing and quality of performance. It is often regarded as an optional extra because of the additional cost but experience shows it is absolutely critical to achieving value for money and protection for the authority.

Risk Management:

Set out in the report.

Background Information:

The background papers relating to this report can be inspected by contacting the report writer Paul Smith by:



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1. INTRODUCTION

- 1.1 Audenshaw High School increased its published admission number through the statutory consultation process with effect from September 2021, from an intake of 210 to 240 per year and also agreed to take 240 pupils from September 2020. The growth in demand for high school places, is as a result of increased birth rates in the local area and across Tameside.
- 1.2 The school was able to accommodate the additional pupils admitted in September 2020 using surplus accommodation, following of the closure of its sixth form provision in June 2018. The sixth form block had been empty for two years and required cosmetic updating. As the room sizes are generally smaller than standard sized 55m², as they were designed to accommodate smaller groups of students, the removal of fixed furniture in (redundant science units and a kitchenette) in three rooms was also required, to make the rooms large enough to accommodate standard size classes.
- 1.3 The sixth form block was therefore refurbished in August 2020, as part of Phase 1 of the expansion works, including repainting of all rooms, removal of the kitchenette in the former common room and redundant science furniture in two room, new carpets, ceiling tiles and so on where necessary. However, as the block was designed for smaller sixth form groups, three rooms remain undersized and cannot accommodate standard sized class groups. Structural internal modelling is required to provide ten standard sized classrooms for general teaching. In addition, there is a requirement to remodel three spaces in the science block to create two additional science laboratories and a new food technology room to enable the increase in pupils to access sufficient facilities for the increased.
- 1.4 The project represents good value for money by remodelling and repurposing existing rooms in the school rather than constructing brand new accommodation.
- 1.5 The Executive Cabinet approved a budget of £1,311,000 for the project at its meeting on 29 July 2020.
- 1.6 This report seeks permission to enter into a Design and Build Contract with inspired spaces Tameside Limited (LEP) to deliver the project and also enter in a joint Deed of Appointment with the LEP and Currie and Brown who will be the Independent Certifier, for the project.
- 1.7 An executive summary of the independent value for money report required before entering into any contract with the LEP is attached at **Appendix 1**.

2 FUTURE SCHOOL PLACES REQUIREMENTS IN TAMESIDE

- 2.1 All local authorities have a statutory duty to ensure that there are sufficient school places to meet demand in the area. These may be school places available at provision maintained by the local authority, academies, or other non-maintained schools. In order to carry out this statutory duty, Councils need to carry out school place planning and forecasting.
- 2.2 Planning for fluctuations in demand for school places is an important function which needs to be carried out at a local level and will differ depending on the phase of learning, for example, pupils will travel further to secondary schools than primary schools. The compact geography of the borough and the mix of types of school eg single sex means that place planning happens at a level higher than wards or towns.
- 2.3 School place planning is a complex process, that takes account a range of factors including the number of births in the borough, in year movement and cohort survival rates as well as parental preference and planned housing development. With rapid shifts in economic conditions for families and changing patterns of migration, planning for basic need for school

places requires a proactive approach to best respond to both short and medium-term demand for places.

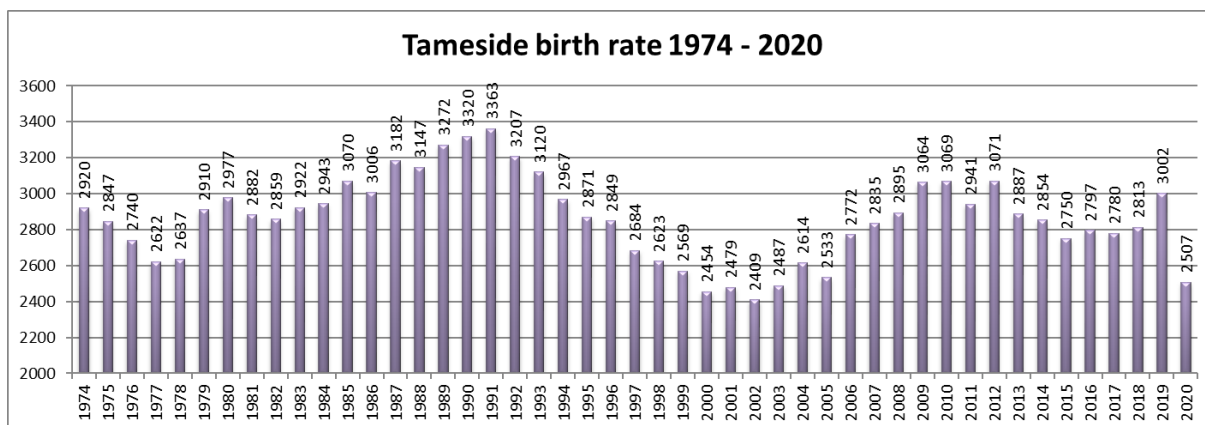
- 2.4 In 2006, the Council reviewed its secondary school provision under the Building Schools for the Future programme. The review led to some fundamental changes to the secondary school landscape in the borough including closing six schools and opening three including the creation of two new academies and the building of five new mainstream secondary schools.

Strategic Planning

- 2.5 Planning school places is a dynamic process. Tameside Council has taken the view that, in the current situation of rising demand for places, our strategy needs to be refreshed on a regular basis to be responsive to fluid and contemporaneous data. In order to do this, the Council's Executive Cabinet receives recommendations on an annual basis through the annual determination of admission arrangements process. The annual report highlights current issues and potential solutions in advance of the annual consultation on admission arrangements that includes consultation on changes to published admission numbers. By taking this approach, the Council has managed to ensure sufficient places to meet increasing demand over the last 18 years which has seen a 27% rise in birth rates in the borough and a 24% increase in pupils coming into primary schools. The birth rate is now beginning to decrease.

3 CURRENT DEMAND

- 3.1 In common with many areas of the country, Tameside experienced a surge in births between 2002 and 2012. The birth rate rose from a low of 2,409 in 2002 to a recent high of 3,071 in 2010, a 27% increase. The birth rate fell by 9% from 2010 to 2018 but there was a significant increase in 2019.
- 3.2 As can be seen from the graph below, over the last 46 years, the birth rate in the borough has followed a distinct cycle which appears to repeat over a 25 year period. The peak of births in the borough was reached in 1991 when 3,363 babies were born. The most recent peak was in 2012 with 3,071 babies born. There followed a relatively stable seven year period. Birth rates form the basis for any school place planning model. Therefore, any new proposals to increase the number of school places need to be a mix of permanent and temporary as these will become surplus in years to come.



- 3.3 A number of factors are used to predict how many year 7 places will be needed in the borough and to some extent planning to meet secondary needs is easier as pupils are in primary schools already. These include birth rates, the number of pupils in primary schools, in year pupil movement and planned housing developments. These factors give a range within which demand for school places need to be assessed. For many years, the Council has used an average of Year 6 numbers plus 5% to give an indication of demand; however, this

increased to 6% for several years but has now fallen back to 5%. This formula has enabled the Council to outperform the national average for allocating preference schools for a number of years:

Preference allocations on national offer day	2016		2017		2018		2019		2020	
	SECONDARY SCHOOLS									
	T'side	Eng	T'side	Eng	T'side	Eng	T'side	Eng	T'side	Eng
% 1 st preference	87.6%	84.1%	82.2%	83.5%	84.6%	82.1%	83.9%	80.9%	85.6%	82.2%
% any preference	96.9%	96.5%	94.9%	96.1%	96.6%	95.5%	95.8%	94.9%	96.9%	95.6%
PRIMARY SCHOOLS										
% 1 st preference	88.7%	88.4%	90.9%	90.0%	93.5%	91.0%	91.5%	90.6%	91.5%	90.2%
% any preference	96.8%	96.9%	97.5%	97.7%	98.6%	98.1%	97.8%	98.0%	97.9%	97.8%

3.4 Taking all the factors into consideration, projected demand for secondary places is shown in the tables below:

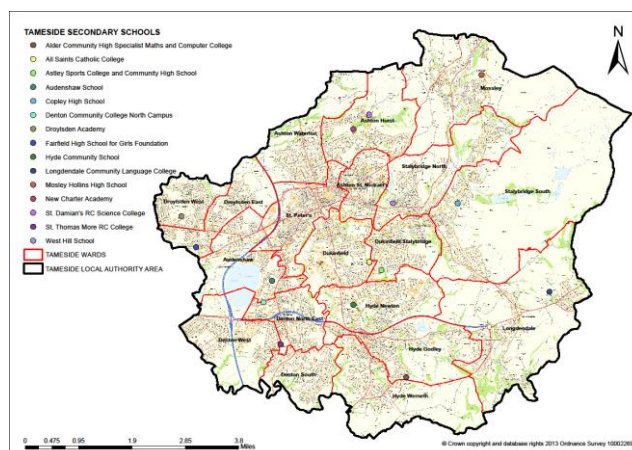
SECONDARY SCHOOL PREDICTIONS 5% COHORT SURVIVAL 2021 – 2030 (JAN 20 PUPIL CENSUS)										
	Sep-21	Sep-22	Sep-23	Sep-24	Sep-25	Sep-26	Sep-27	Sep-28	Sep-29	Sep-30
Primary numbers	3127	3024	3088	2993	2894	2878	2807	2806	2876	3072
Predicted intake	3283	3175	3242	3143	3039	3022	2947	2946	3020	3226
Places available	3239	3224	3239	3214	3184	3154	3154	3154	3154	3154
Balance of places	-44	49	-3	71	145	132	207	208	134	-72

Secondary Places Supply

3.5 The Council plans secondary school places in a single borough wide planning area. The demographics of the borough are complicated with 16 high schools of which:

- 12 out of 16 are voluntary aided or academies
- 11 out of the 16 being on the outskirts of the borough leading to high levels of cross local authority area travel to learn patterns
- three Roman Catholic high schools
- two single sex boys schools
- one single sex girls school
- a free school

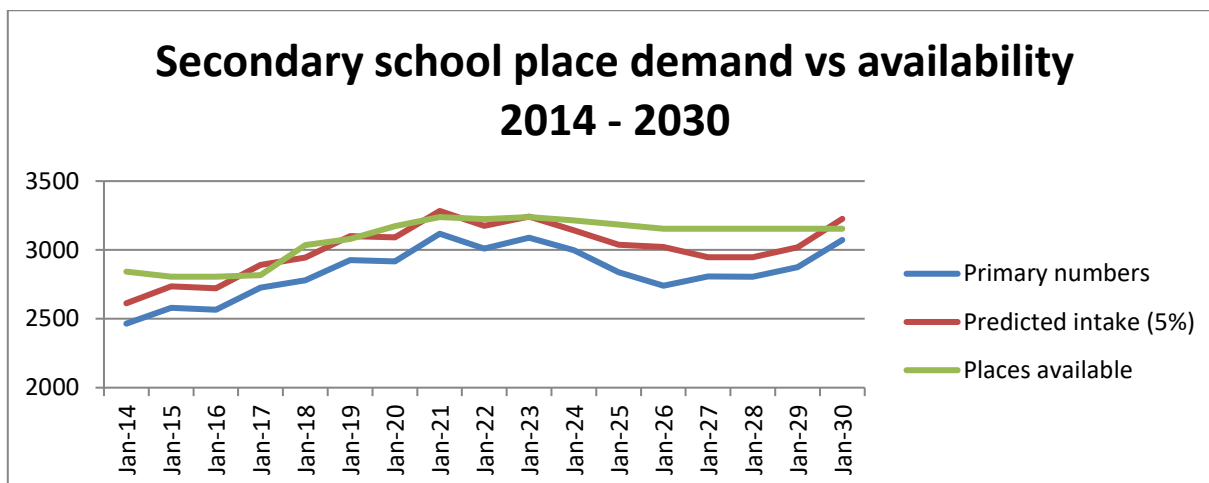
3.6 All of these factors mean that ensuring sufficient places for secondary schools is challenging.



- 3.7 Due to the rising numbers of pupils in primary schools, the focus of increasing places has been on the secondary phase. Tameside has used a mixture of permanent and temporary places in primary schools to accommodate the increase in population. A bulge group in secondary schools is somewhat different to a bulge class in a primary school due to the different nature of how learning takes place. Primary provision is largely based in one classroom so a bulge class can be accommodated with the addition of one classroom which were often accommodated in either surplus accommodation such as a room that was used as a community room or IT suite within a school or in a demountable classroom. Secondary schools pupils move around school for different lessons and also learn in specialist resources such as science labs and so a bulge group requires a more detailed look at the accommodation required. However, secondary schools usually have much smaller average class sizes than primary schools.
- 3.8 Tameside Council has a statutory duty to secure sufficient places for all pupils resident in the borough but the ability to directly procure these places is limited to its community schools. Officers from the Council have been talking to Headteachers at all schools in Tameside but particularly from voluntary aided schools and academies for a number of years to encourage them to put forward proposals to increase their admission numbers in view of the increase in numbers coming through from primary schools. Tameside Council is the admission authority for four community schools in the borough and therefore can propose increases in published admission numbers at its own schools.
- 3.9 By being proactive in discussions with secondary headteachers has resulted in an increased number of secondary places being agreed and the number of places available has increased by 16% from its lowest point of 2796 in 2010 to 3239 in September 2021.

TAMESIDE YEAR 7 PUBLISHED ADMISSION NUMBERS (CURRENT)						
School	Type	Ward	2019	2020	2021	2022
St Damian's	Vol Aided	Ashton Hurst	165	165	165	165
Great Academy Ashton	Academy	Ashton Hurst	270	270	270	270
Denton Community College	Community	Denton North East	330	330	330	330
St Thomas More	Vol Aided	Denton North East	150	150	160	160
Audenshaw (boys)	Academy	A'shaw	210	240	240	240
Fairfield (girls)	Academy	Droy East	195	197	199	199
Droylsden Academy	Academy	Droy West	180	180	195	180
Laurus Ryecroft	Free School	Droy East	150	210	220	220
Rayner Stephens	Academy	Duk/Staly	180	180	180	180
Copley	Academy	Staly South	150	150	150	150
All Saints	Academy	Dukinfield	150	150	180	180
West Hill	Academy	Staly North	170	170	170	170
Alder	Community	Hyde Godley	180	180	180	180
Hyde High School	Community	Hyde Newton	240	240	240	240
Longdendale	Academy	Longdendale	180	180	180	180
Mossley Hollins	Community	Mossley	180	180	180	180
		Total	3,080	3,172	3,239	3,224

- 3.10 The increased places that have been determined and /or agreed with our secondary schools means that supply is now able to meet demand for all but three years between now and 2030 based on the assumption that the cohort survival rate does not exceed 105%.



4 PLANS TO MEET FORECAST DEMAND FOR SECONDARY SCHOOL PLACES

- 4.1 The Council's strategy and plans to meet future forecasted demand are approved by Executive Cabinet at least annually when the school admission arrangements are also determined.
- 4.2 The table in section 2.20 demonstrates that currently, some additional places are needed for September 2021, September 2023. After that point, predicted demand begins to fall and there is sufficient surplus capacity to begin to reduce published admission numbers again. There is an increase in demand for September 2030 and plans will need to be made to address the shortfall nearer the time.
- 4.3 The predicted number of additional places needed are very small and will almost certainly be available due to the number of parents winning appeals to schools and opting for schools in other areas or private education. The additional places that schools have agreed to take for September 2021 and September 2023 will be accommodated on a temporary basis and will not necessitate permanent increases in published admission numbers as this will generate significant levels of surplus capacity in future years.
- 4.4 In partnership with our secondary schools, we have been able to close the gap for places for the predicted demand in the system for the next ten years. The Council is very grateful to all our schools that are taking additional pupils in the true spirit of partnership.

5 AUDENSHAW SCHOOL PLACES

- 5.1 The Executive Cabinet approved a budget of £1,311,000 for Phase 1 and 2 of the project on 29 July 2020.
- 5.2 Audenshaw School has increased their published admission number through the statutory consultation process from September 2021 from 210 to 240 but agreed to take 240 pupils from September 2020, in order to support the Council to provide sufficient places.
- 5.3 Audenshaw School closed its sixth form provision to new entrant from September 2017 and the last pupils left in June 2018. This gives the opportunity for the school and the Council to remodel surplus accommodation in the former sixth form block, together with some internal remodelling in the main school to create additional science and food tech teaching space, without having to construct new additional accommodation.

6 PROJECT SCOPE

- 6.1 As part of the Council's strategy to provide sufficient school places for an expanding pupil population, we are looking expand the school so it can take additional pupils. To obtain the extra classrooms required in Phase 2 of the project, we are looking to;
1. Structurally remodel the former sixth form common room to create 3 new classrooms
 2. Remodel an existing Design and Technology room in the Science Block room to create a second Food Technology room
 3. Remodel rooms DT06 and TC1 to create two new Science Laboratories.
- 6.2 The design work for Phase 2 including surveys has been procured through the LEP via the Tameside Additional Services (TAS) contract. These works will be covered by warranties provided under the Design and Build contract.
- 6.3 The current COVID 19 pandemic is inevitably having an impact on the construction industry due to delays in manufacture of components, delivery delays and the need for onsite workforce to work maintaining social distancing and taking other precautions e.g. ensuring staff isolate in accordance with PHE guidance where necessary. Each project is now assessed by the LEP and their subcontractors to identify where the potential risks are and to include this risk within the fixed price for the scheme.
- 6.4 A letter has also been received from the DfE outlining the approach councils should be taking for capital projects in schools. The DfE encourage all responsible bodies to act as responsible clients and assure themselves that contractors are adhering to Public Health England (PHE) guidance. It is contractors' responsibility to ensure sites are safe, and they should be making decisions about whether work can continue safely in line with PHE advice.
- 6.5 The Cabinet Office published Procurement Policy Note (PPN) guidance on 20 March 2020. This sets out information and guidance for public bodies on payment of suppliers, contractual relief, and contingent workers and includes specific guidance on how the PPN should be applied to construction contracts.
- 6.6 Responsible Bodies must ensure they are taking specific advice in relation to any construction contract, in particular where there are potential claims and/or reliance on the PPN proposed by contractors. You must also give careful consideration to any instruction you might give to contractors as any such instruction may carry unintended financial risks for you under the contract terms.
- 6.7 As outlined in the report, the school is struggling to accommodate their allocated pupils within the current space provision and the Council has two options to consider:
1. Do nothing
 2. Enter into a Design and Build contract with the LEP to complete the proposed works, utilising existing accommodation.

7. PARTNERSHIP

- 7.1 The Local Education Partnerships (LEP) was established as a means of delivery through which capital investment made available could effectively be deployed in accordance with the Strategic Partnering Agreement entered into between Tameside Metropolitan Borough Council and the LEP dated 4 February 2009.
- 7.2 The Audenshaw High School Expansion project scheme is being procured and managed by the Local Education Partnership (the LEP) on behalf of the council. The capital budget for the scheme now stands at £1.3m, which is sufficient to accommodate the projected scheme costs.

- 7.3 The LEP has progressed the scheme to a point where all the schedules for the Design and Build and sub contracts, have been drafted and the standard form contract is being updated.
- 7.4 A draft programme is included at **Appendix 2**. Due to the intrusive nature of the works, they must be carried out in the summer break. The school have agreed early access to the science block to allow the two new laboratories and food technology room to be completed in 8 weeks and access to the former sixth form block for the six week summer break to complete the structural remodelling works.
- 7.5 This report seeks approval to enter into a Design and Build proceed with the scheme contract with the LEP and appointment an Independent Certifier for the project which is a requirement of the contract.

8 THE HEAD CONTRACT & DEED OF APPOINTMENT

- 8.1 The Design and Build Contract between the Council and the LEP will be in a standard and approved format. The scheme has been developed with an agreed specification to a point where costs have been fully established. The costs set out in the Head Contract are within the approved budget set out in section 5.
- 8.2 Included within the Head Contract will be the appointment of an Independent Certifier, the person appointed jointly by the Authority and the LEP to act as independent certifier in relation to the works in accordance with the Independent Certifier's Deed of Appointment to check that milestones have been reached before payment is certified.
- 8.3 At present the proposed programme shows a completion on 3 September 2021 (including design and construction) upon signature of the contracts and the agreed start date. This will allow the school to proceed as planned with the increased pupil intake.
- 8.4 The project design phase is 100% complete therefore no delays are expected once the contract is approved.

9 COST SUMMARY

- 9.1 The cost summary for the scheme is set out in the table below

Cost	Value £
Main building work	1,019,276
LEP fee @ 2%	20,385
Project Management Fee	7,500
Legal Fees estimate	5,000
Independent Certifier Fee	8,550
Insurances (relating to fees covering Construction All Risk (CAR) and Excess Public Liability Insurance (XSPL) estimate	15,000
Total costs Phase 2	£1,075,711
Total Available Budget	£1,311,000
Less already expended	£ 297,737
Net Available Budget	£ 1,013,263
Budget Shortfall	£62,448

10 RISK

- 10.1 The main risk to the scheme is cost increase and delay as a result of implications of Covid 19, from delays in deliveries or staff having to isolate. The contract price submitted by the LEP includes the assessment of potential cost increases that have been stepped down to the supply chain. It is proposed that the standard Design and Build contract is amended to make provision for delays proven to be due to the impact of Covid 19, to be treated as a Default Event, which allows the contractor additional time but not additional payment.
- 10.2 Both contractor and subcontractor to take on board the government guidelines to site works and to accommodate social distancing and other Covid 19, risk management measures in their programme and site organisation.
- 10.3 To ensure the supply of specialist equipment, given long lead times, it may be required to order some equipment for the Science laboratory's in advance of contract completion, through the Tameside Additional Services contract.

11 RECOMMENDATIONS

- 11.1 These are included at the front of the report.