

**THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA**  
**CABINET AND CORPORATE SERVICES SCRUTINY COMMITTEE –**  
**18 APRIL 2016**

**REPORT BY THE CHAIRMAN**

**FOX PRIMARY SCHOOL PROCUREMENT**

Whilst she was still a Councillor, Victoria Borwick asked the Procurement Working Group Chairman, Cllr Rinker, to examine the Fox Primary School procurement process because she had concerns about the adequacy of the planning application/permissions for the project, and the manner in which the procurement project team planned the procurement that may have led to the subsequent overspend and delay in the opening of the school.

Unfortunately, the Procurement Working Group had finished its examination of individual procurements/contracts by the time of Cllr Borwick's request, so I agreed that we could examine this procurement at the Cabinet and Corporate Services Scrutiny Committee where such contracts have in the past and will in the future continue to feature on our Agendas at the request of Committee Members.

Attached are the following papers by way of background:

Appendix 1 – Report to Cabinet 19 November 2015

Appendix 2 – Report to Cabinet 19 June 2014

The November 2015 Cabinet Report, starting at 4.15, comments on the problems that were encountered:

“Since Cabinet approval in June 2014 the project has been subject to unpredictable delays throughout the planning approval process. This had an impact to the commencement and completion of the enabling works.

It was originally intended to remove the embankment in a two phase approach commencing in October 2014 firstly with the removal of the trees. This strategy was affected by the revised planning application process.

A full planning application was made and planning permission granted at the Planning Applications Committee on 17<sup>th</sup> March 2015. The confirmation

of planning approval was further delayed by the risk of review by the Secretary of State to see if the application should be "called in".

Enabling works finally started at the school in May 2015 and were successfully completed in October 2015. These works involved the demolition of the "Fox Cottage" (the school's former reception and administration area), temporary replacement of this accommodation, removal of trees and shrubs from the embankment to the west of the site and the excavation, removal of this embankment in its entirety including contaminated soil and structural elements of the former reservoir located on the site.

These works were undertaken as a separate package to the proposed main works. As the embankment contained soils that were contaminated these works were undertaken by a contractor specialising in this type of work.

At the request of the Cabinet Member for Education and Libraries and the Tri-Borough Director of Schools Commissioning, supporting the Head Teacher of Fox primary school, there has been a change in the proposed decanting methodology for delivery of the project. The school will now decant the entire existing school before the end of May 2016 to allow for the Contractor to undertake the refurbishment on the building at the same time. The school will be decanted into other schools, the new block and new temporary mobile classrooms".

**FOR DISCUSSION**

**Councillor Pat Mason**

Chairman

Cabinet and Corporate Services Scrutiny Committee

# Executive Decision Report

<b>Decision maker</b>	<p>Full Cabinet</p> <p>Date of decision: 19 June 2014</p> <p>Forward Plan reference: KD04237</p>	 <p>THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA</p>
<b>Report title (decision subject)</b>	<p>PROPOSAL TO REMODEL FOX PRIMARY SCHOOL AND EXPAND ITS INTAKE FROM 45 TO 60 PUPILS PER ANNUM, AND THE PROVISION OF TEACHER TRAINING, ICT HUB &amp; OTHER ADDITIONAL FACILITIES</p>	
<b>Reporting officer</b>	<p>Ian Heggs, Director of Schools' Commissioning and Michael Clark, Director for Corporate Property and Customer Services</p>	
<b>Key decision</b>	<p>Yes</p>	
<b>Access to information classification</b>	<p>Public</p> <p>With exception of Confidential Part B paper.</p>	

## 1. EXECUTIVE SUMMARY

- 1.1. This report seeks Cabinet agreement to a proposal to extend and remodel the current Fox Primary School building to enable 2 Forms of Entry (FE), including provision for the existing teacher training, support hub for ICT and other facilities, in accordance with the preferred scheme described below, with a revised project budget as described in the Confidential Part B paper and an anticipated completion to achieve an opening by September 2016.

- 1.2. It asks that officers be permitted, subject to statutory consultations, to proceed with development of the recommended option (Option D) in order to continue development of a scheme designed to increase children's ability to access places at this heavily oversubscribed, "Outstanding" school and to bring its existing facilities up to the physical standards commensurate with 21<sup>st</sup> century learning as well as providing additional facilities including; teacher training centre for up to 230 teachers and an ICT Hub, providing ICT support services to both Fox and other schools.
- 1.3. This paper should be read in conjunction with the Confidential Part B paper and the associated appendices;
  - Appendix 1 - Procurement process for the appointment of Design Team.
  - Appendix 2 – Procurement process for the appointment of the Client Side Team (Project Manager and Quantity Surveyor).
  - Appendix 3 - Equalities Impact Assessment.

## **2. RECOMMENDATION**

- (a) The Cabinet is recommended to approve the progression of the scheme for the preferred design (Option D) as articulated below in order, subject to consultation, to expand Fox Primary School from 1.5 forms of entry to 2 forms of entry. This proposal would increase its capacity by 105 places, refurbish and remodel the existing building to bring it up to modern building performance requirements and support the delivery of 21<sup>st</sup> century education, teacher training and ICT support services more readily.
  - 2.1. This expansion would be subject to a statutory 4 week consultation with the school and its community as required by the School Organisation (Prescribed Alterations to Maintained Schools England) Regulations 2013/3110. This consultation would begin towards the end of June and the proposal determined by the Cabinet Member for Education after the consultation.
  - 2.2. A capital pipeline bid was submitted and approved by Cabinet in February 2014. The submission allowed for an initial budget as set out in Confidential Part B. A draft paper was presented at Leader's Group (April 2014), where Officers were set the task to generate savings in the total project cost, in order to demonstrate better 'value for money', whilst still providing key elements within the proposed scheme, as presented by Officers and Members, and agreed with the school.

### **VALUE ENGINEERING**

- 2.3 To generate significant savings (please see Confidential Part B paper). Children's Services and Corporate Property have put forward a number of opportunities for reducing the overall project cost.

2.4 The project cost has been reduced accordingly, by value engineering the scheme, through reconsidering the works to the existing building and consequently, marginally reducing the scheme in a variety of ways. The added benefit of this approach means that the works will be less disruptive, which is one of the school's priorities. Opportunities proposed are to:

- Reduce structural alterations
- Omit over-cladding
- Omit re-roofing
- Reduce training centre
- Reduce entrance works
- Reduce ICT and FFE scope to reflect the current provision (ie retain existing ICT and provide new within new build only).

Savings generated above are clearly set out in the Confidential Part B paper.

### **3. RECOMMENDED OPTION**

#### **Option D:**

3.1 Cabinet is requested to approve this release from the current Capital Pipeline Programme as approved by Members in February 2014 for the Fox Primary project, which comprises:

- New build extension;
- Upgrading and remodeling of the existing building to create new teaching spaces in line with DfE Building Bulletin 99, bringing it up to the required size and specification and providing a more appropriate entrance;
- Providing a training facility for local newly qualified teachers;
- Providing additional flexible and specialist spaces for special needs, intervention and community work;
- Reproviding an ICT support hub for several local schools;

This produces a total revised project budget as described in the Confidential Part B paper.

3.2 In order to progress the project, in line with the above recommendation, the Cabinet is also asked to approve:

- The appointment of the architect, Norfolk Property Services (NPS) for the remainder of the project for RIBA Work Stages: C to L, a break clause being implemented in July if the proposal is not determined for progression by the Cabinet Member for Education as a result of the consultation. Please refer to the Confidential Part B paper;

- Appointment of the technical client side team, EC Harris, for the life of the project for RIBA Work Stages: C to L, with a similar break clause to that referred to in relation to NPS. Please refer to the Confidential Part B paper;
- Delegated approval to the Deputy Leader and Cabinet Member for Housing, Property and Regeneration to appoint the enabling works contractor (tbc) to remove low levels of contaminated soil and removal of the embankment which comprises the external teaching and ecological/habitat area at a total cost as supplied in the Confidential Part B paper.

## **REASONS FOR DECISION**

3.3 This decision is required in order to:

- Expand from 1.5FE to 2FE and improve the satisfaction of parental preference for this oversubscribed school;
- As a result, improve access by children to an “Outstanding” school;
- Develop more appropriate teaching and intervention spaces with better specialist facilities to assist the school in raising standards further;
- Reduce overcrowding in the current building and upgrade tired internal and external fabric;
- Provide, in accordance with the objectives of the current School Organisation Plan, a more appropriate organisational structure, further supporting the school in its drive to improve pupil outcomes;
- Provide community access to improved facilities at the school and support the school’s highly effective professional development of local teachers and raising of standards in schools with performance issues.
- ‘Renew the legacy’ – reflecting the Royal Borough’s continued investment in its assets.

## **4. BACKGROUND**

4.1. In 2012 it was agreed with the Cabinet Members for Education and for Children’s Services that a feasibility study be undertaken to establish whether, how and at what cost the current Fox Primary School could be expanded to accommodate 2 forms of entry rather than its current 1.5. The reasons for this consideration in relation to Fox were that:

- The school was (and is) heavily oversubscribed, there having been 140 1st preferences expressed for the 45 places for September 2014 (and 390 preferences in all). The school is in an area of high demand and this position is likely to persist in the foreseeable future as the pupil population continues to grow;

- It is also high-performing (rated by Ofsted as “Outstanding”) and delivering an increasing amount of class-based professional development for both new and experienced teachers from across the Borough (and, indeed, from across the range of the Tri-Borough partnership);
  - The current intake of 45 children per year makes for an inefficient structure which is potentially harder to manage than is desirable;
  - Unlike a number of other schools in this position, could physically be expanded whilst adhering to accommodation requirements;
  - Expanding popular, successful schools is in line with both local and national policy, particularly in areas of need. Furthermore, the Royal Borough’s School Organisation strategy further prioritises expansion of such schools with admissions numbers not reflecting multiples of 30.
- 4.2. In May 2013 a delegated decision was approved by the Head of Asset Management and Capital Projects to appoint professional design services (for RIBA Stages A&B only). They were the subject of a competitive tendering process, won by Norfolk Property Services, and the subsequent design development process fully involved school staff and governors at meetings/interviews convened by the Royal Borough. It was agreed to follow the Department for Education (DfE)’s Building Bulletin 99 guidance, which encourages a thorough analysis of the condition and suitability of existing buildings when considering their expansion or the addition of new buildings. The procurement process is set out in Appendix 2 and Confidential Part B paper.
- 4.3. Whilst the feasibility process was being undertaken Children’s Services submitted a bid to the Education Funding Agency under the heading “Targetted Basic Need”, only applicable to Academies, Free or “Outstanding” schools. The bid was accepted and a total of £1,062,626 agreed; a sum which, however, does not approach the true cost even of simply providing an extension. (This funding, already being provided by phased payments, of about £90k per month, may need to be returned if expansion is not delivered).

## **5. PROPOSAL AND ISSUES**

### **DESIGN CONCEPTS**

- 5.1. A total of four concept options for remodelling, phasing and extending the building were reviewed, as part of the feasibility study, and programme issues for each option were debated at length given the site constraints.
- 5.2. The option which ultimately emerged as the favoured one, agreed by both officers and the Headteacher and Governing Body of school, involved demolishing the former caretaker’s cottage, removing existing external teaching garden, habitat area, which are currently located on the earth bank (along one

edge of the site) and constructing a two-storey classroom extension with external teaching/roof terraces in its place.

- 5.3. Under this option, the existing building would also be refurbished and remodelled, in order to improve circulation, create purpose-built small group areas and ensuring appropriate adjacency and siting of rooms. The project would involve works to the building structure, envelope and external fabric plus some upgrade or replacement works to mechanical and electrical installations.

### **REMOVAL OF EMBANKMENT**

- 5.4. Initial soil investigations undertaken during the summer of 2013 revealed that the embankment, is contaminated with low levels of asbestos (up to depths of 0.5m). This presents an ongoing operational issue for the school, as access to the areas has had to be restricted by temporary cordoning off of sections and laying a temporary membrane over the remaining areas, to allow limited access to those.
- 5.5. Regardless of which option is approved by Cabinet, the long term management of this area (ie. excavation and off-site disposal) will need to be tackled in any event and its removal would require detailed engineering and logistical planning, which includes the subsequent removal of existing trees. Therefore, the removal of an area which is currently very difficult to use and/or manage (the more so given the soil condition) would be the school's preference anyway.
- 5.6. Further intrusive investigations are required in order to establish the true extent of contamination (although currently perceived to be relatively low-risk); however this cannot be fully established until works commence. As a result, Corporate Property is recommending to de-risk the programme by undertaking works to remove the embankment in its entirety, as an enabling works package. This will also achieve the most effective solution to the removing the actual and perceived risk associated with asbestos.
- 5.7. In order to de-risk the programme and assist with managing the presence of asbestos on site, it is recommended to commence enabling works as soon as possible.

### **PROPOSED WORKS TO EXISTING BUILDING**

- 5.8. In respect of the current building it was clear that some refurbishment and remodelling would be required to bring it up to 21<sup>st</sup> century educational standards. There is insufficient space for the interventions required by Ofsted and integral to raising achievement; room sizes are variable and large space provision inadequate; fenestration is poor and the heating system is in need of upgrading. The building is poorly ventilated, cold in winter and overheats in the summer. The kitchen and hall are inadequate in size and whole-school assemblies are not currently possible. The proposed scheme intends to overcome these issues.

- 5.9. Furthermore, the redesign and upgrading of some of the spaces, in particular the larger ones such as the hall and new studio, and the proposed improved access to and zoning of them, will enable the school to increase its place and role in the local community in accordance with its desires and expectations

## **REQUIREMENTS BEYOND BUILDING BULLETIN 99**

### **TEACHER TRAINING**

- 5.10. In addition to enabling provision for 2 forms of entry a particular feature of the remodelling and extension design has been an emphasis on providing a more appropriate environment for key elements of outreach by the school, namely its support to newly qualified teachers from other local schools and the access by the community to high quality spaces. It is critical to the highest outcomes that such support is provided on-site. A remote teacher training base would not support such an approach and training detached from the learning environment is widely recognised as being generally much less successful.
- 5.11. The school's support to local newly qualified teachers assists in raising standards through professional development, constituting a very valuable resource for the Royal Borough, particularly important given the release of the Professional Development Centre. The professional debate which takes place through the continuing professional development indisputably enriches the understanding of the school's staff, and the remodelled facilities, consisting of two principal rooms and a tea point, will form part of the facility available to the wider community when not in use by the training function.
- 5.12. The training provision made for local newly-qualified teachers made at Fox is something of which the Royal Borough can be justly proud, as it demonstrably improves the quality of teaching and learning in the Authority's schools and has been used to help to uplift outcomes in schools experiencing specific standards issues. The difficulty with the current arrangement at Fox is that, whilst a significant amount of the trainees' day is spent in classrooms, there is also a need to bring them together and discuss both learning objectives and outcomes, and at present this may only be achieved by depriving the school of a space or spaces normally used for teaching.
- 5.13. Numbers of trainees, currently in the order of 230 per annum throughout the year, are likely to grow to as many as 60 at any one time, and the release of the Isaac Newton Centre only adds to the value of this very important and successful local provision. The income, in the region of £80,000 per annum, is mostly offset by the costs of additional staffing and materials. It should be noted, however, that, at the margins, Fox has been able to help targeted local schools to raise achievement, assisting Colville and (the then) Middle Row Primary Schools to progress from Ofsted's "Requiring Improvement" category to "Good", and its leadership of Ashburnham has demonstrably given that school capacity to improve.

## **ICT HUB**

- 5.14. The ICT hub is a facility for supporting local schools to maintain and develop their ICT hardware and software. The exponential growth of both available equipment and its sophistication and capabilities can present a genuine problem for schools, especially primary schools, which often have neither the knowledge nor the capacity to tackle these issues alone. This hub provision by Fox is thus of considerable importance to efficient and effective ICT education and the use of ICT in education in the schools it supports. The required physical area is relatively modest. In revenue terms it is cost neutral, the income paying for the 2 ICT technicians- also available to support Fox pupils and staff.

## **SPECIALIST ROOMS – OVER BB99**

- 5.15. Building Bulletin guidance for mainstream schools has frequently been exceeded by local authorities in the past in some or all areas, and many Royal Borough schools exceed it in internal areas, including newer ones such as ARK Brunel. The main items specified in the proposals for this scheme which are over and above the specific Building Bulletin guidance are:
- 5.16. The areas grouped within the category of “specialist facilities” above include a blend of small rooms provided to facilitate the type of intervention recommended by Ofsted to raise standards in a targeted manner and to support the relatively high percentage of pupils at Fox with statements of special needs (currently 16 and rising). These are not dissimilar to those provided at ARK Brunel and proposed for the new Marlborough school. They also include a community room, common to all new or majorly refurbished primary schools within the Royal Borough because of the value of family learning in raising achievement, and of parent groups to community cohesion. In addition such spaces have a wider value in enabling community members to meet for adult learning and recreational purposes. Currently Fox hosts regional table tennis activities and is a centre of excellence for judo. Fox having a strong musical tradition, there is also modest space allowed for safe and secure storage of musical instruments, always an issue in such circumstances.
- 5.17. Finally, the current configuration of reception, hall and kitchen spaces is inadequate for 2 forms of entry. Visitor reception is, at present, provided for in a detached building, whereas children enter via a constrained part of the main building at some distance from any passive staff oversight. The hall is at the smaller end of the range for such facilities, and the kitchen is extremely small, necessitating some very idiosyncratic arrangements which would not be appropriate in a larger, modern school and certainly not reflecting the requirements of the Government’s Key Stage 1 free school meals initiative.

## **6. OPTIONS AND ANALYSIS**

6.1 The Design Team developed four options, summarised below:

**Option A: Undertake No Works and Maintain the Status Quo**

This option has the following key advantages:

- There would be no disruption to either neighbours or an “Outstanding” school;
- There would be no need for potentially complex engineering works to the bank;
- There would be no need for the predominantly Royal Borough funding for the scheme.

However, if the programme were not to be progressed:

- The current building’s considerable inadequacies in supporting the curriculum would remain;
- The school could not admit any more than 1.5 forms of entry, curtailing access to high quality education and parental preference and maintaining an avoidably complex delivery model associated with such pupil numbers;
- The enhanced work proposed with the wider local and educational communities could not be delivered;
- The earth bank would still require contamination treatment or removal.

**Option B: Extend Each End of the Existing Building**

This option has the following advantages:

- It would minimise impact on neighbours;
- It would centralise entry from Edge Street and provide an impressive new façade;
- Classroom sizes would be much improved, as would Hall and Studio spaces.

The issues with this proposal include:

- Major disruption to teaching and learning during noisy structural work;
- The need for a significant number of temporary classrooms on a constrained site for some 6 months;
- Permanent, undesirable rearrangements to outdoor learning.

**Option C: Extend to the Rear of the Building**

This option has the following advantages:

- Disruption to the school would be minimised;
- The bank would not need to be removed;
- A new Edge Street entrance would be created;
- Classrooms would be suited.

The issues with this proposal include the following :

- Bank contamination treatment would still be required;
- Only 3 new classrooms would be provided and some small ones would remain;
- 3 temporary classrooms would be required on this constrained site during the works;
- Outdoor learning space would be reduced.

#### **Option D: Remodel, Refurbish and and Extend on the Site Currently Occupied by the Bank**

The recommended option has the following benefits/advantages:

- A new, purpose-built extension comprising eight new teaching spaces with good security zoning and sensitive, phased refurbishment and significant remodelling would be undertaken in the existing building, bringing it up to modern standards;
- Decanting would be provided initially mostly or wholly within the new build, although some temporary accommodation may be required;
- Separate and secure community access would be achievable;
- Outdoor learning space would be maximised including exciting teaching terraces;
- The most beneficial impact on the school's teaching and learning spaces would be achieved and additional purpose built spaces would overcome current overcrowding;
- Teacher training facilities for some 230 teachers per annum would be provided and the ICT hub would better provide for support to local schools;
- It deals with the contaminated land issue – by removing it in its entirety.

Items to consider with this proposal include:

- Complex engineering to remove the bank; number of party wall notices required;
- Removal of embankment and external teaching/planting area currently provides a visual screen between neighbouring/adjacent properties.
- Disruption to administrative spaces during the works;
- Disruption to adjoining owners, neighbours and the local community including; those still being educated within the existing building during its refurbishment.
- Upon completion of this option, the opportunity to develop the site, expand or increase capacity any further would be limited.

### **A Further Option: Extending Only**

This option, namely to extend into the bank as with option 4 above but to do no works to the existing building would have the following benefits:

- It would deliver exciting new internal and external spaces;
- It would provide the classrooms required for 2 forms of entry.

Issues with this proposal include:

- No improvements to a substandard building being made;
- The increased numbers of pupils would not be supported by corresponding increases in hall, dining, specialist or other support areas;
- The DfE's previously stated, and agreed, advice to upgrade facilities (including services such as mechanical and electrical) would not be provided and the school would not be future-proofed, requiring ongoing work in future years.

## **7. CONSULTATION**

- 7.1. Given the sensitive nature of the scheme, whilst significant consultation with the School and Governing Body has driven design development to date, and the Cabinet Members for Education and Housing and Property have been consulted, wider debate with the local community has not been initiated at this point. The requirements for consultation in connection with Planning applications will be exceeded, based on recent experience with educational developments elsewhere within the Royal Borough. Similarly, the Authority will comply with school organisation requirements through a related and concurrent consultation. The current guidance from the DfE was published in January 2014 and is designed to streamline the process in order to be more responsive to the needs of parents and the local community. In the case of Fox School the consultation

will be led by the local authority on the grounds that there is a strong case to enlarge the school from 1.5 to 2 forms of entry, but the Regulations state that the decision should not be made until the necessary capital funding has been secured, and that the scheme is deliverable- hence the construct and timing of this report.

- 7.2. The first full public consultation events and leaflets to the community are planned for late June 2014.

## **8. EQUALITY IMPLICATIONS**

- 8.1. The scheme has the following positive contributions to make to equality of opportunity:

- It will improve accommodation of parental preference significantly by increasing the numbers of children allocated according to those preferences;
- It will increase the numbers of children able to access education at Fox described by Ofsted as “Outstanding”;
- It will improve the opportunities to provide interventions to those with Special Educational needs, other specific issues with their learning and, indeed, the gifted and talented by providing appropriate physical spaces;
- Through improved access and circulation areas (including a lift) it will much improve circulation and accessibility throughout the building;
- Improve the quality of teaching and learning experienced by children attending other local schools by supporting their educators yet more successfully through the NQT process and by offering more readily other targeted support to schools experiencing standards issues.

An Equalities Impact assessment is attached as Appendix 3.

## **9. PROCUREMENT**

- 9.1. For explanation of the procurement process for the appointment of the Design Team (NPS), please refer to Appendix 1 and Confidential Part B paper.
- 9.2. Re the procurement process for the appointment of Client Side Team (EC Harris), please refer to Appendix A and Confidential Part B paper.

## **10. LEGAL IMPLICATIONS**

- 10.1. The legal implications are contained within the report.

## **11. FINANCIAL AND RESOURCES IMPLICATIONS**

- 11.1. The project has an initial budget as outlined in the confidential Part B paper, detailed in the Capital Programme. The Royal Borough has received a basic need allocation of £1,062,626 from the DfE for the expansion of “outstanding” schools. Conditions are attached to the funding, with the requirement for the funding to be paid back to the DfE should the project not be delivered.
- 11.2. The Dedicated Schools Grant (DSG) for schools which funds the revenue costs is driven by pupil numbers, so that the proposed increase to two forms of entry will be matched by increased DSG income.
- 11.3. The school's training and support functions are self financing, any small surpluses being utilised to help neighbouring schools to raise standards. The capital costs for the provision of the training centre facility will be funded through centrally retained DSG.

Ian Heggs  
**Director of Schools Commissioning**

Michael Clark  
**Director of Director for Corporate Property and Customer Services**

- **Local Government Act 1972 (as amended) – Background papers used in the preparation of this report:**  
**DfE Building Bulletin 99;**  
**School Organisation (Prescribed Alterations to Maintained Schools (England) Regulations 2013/3110**

**Contact officer(s): Ian Turner, Education Capital Projects Manager, 07739314745**

**Legal implications reviewed by: Andre Jaskowiak, Legal Services, 020736**

## Equality Impact Analysis Tool

Overall Information	Details of Full Equality Impact Analysis
Financial Year and Quarter	2014 1 <sup>st</sup> quarter and following.
Name and details of policy, strategy, function, project, activity, or programme	Title of EIA: Expansion and Remodelling –Fox Primary School Short summary: The proposal is to expand the intake of this heavily oversubscribed 'Outstanding' school from 45 to 60 pupils per year, both by new build and by upgrading the existing building.  Note:
Lead Officers	Name: Ian Heggs Position: Director of Schools Commissioning Email: <a href="mailto:Ian.Heggs@rbks.gov.uk">Ian.Heggs@rbks.gov.uk</a>  Ian Turner Education Capital Projects Manager <a href="mailto:Ian.Turner@rbkc.gov.uk">Ian.Turner@rbkc.gov.uk</a> 077 393 14756
Lead Borough	State which officer is co-ordinating the EIA and other associated documentation  Ian Turner
Date of completion of final Full EIA	08/09/2014
Section 02	Scoping of Full EIA
Plan for completion	Timing: 3 Months Resources: Existing Children's Services and projects resources

Single Borough EqIA Tool



<b>Analyse the impact of the policy, strategy, function, project, activity, or programme</b>	Analyse the impact of the policy on the protected characteristics (including where people / groups may appear in more than one protected characteristic). You should use this to determine whether the policy will have a positive, neutral or negative impact on equality, giving due regard to relevance and proportionality.		
	<b>Protected characteristic</b>	<b>Borough Analysis</b>	<b>Impact:</b>
	Age	RBKC No known impact – admissions ages will remain the same	Neutral
	Disability	RBKC Improved – design of facilities will focus on Equalities Legislation, access and other requirements, and increased pupil numbers will lead to increased admissions of pupils with additional needs.	Positive
	Gender reassignment	RBKC      There is no known impact	Neutral
	Marriage and Civil Partnership	RBKC      There is no known impact	Neutral
	Pregnancy and maternity	RBKC      There is no known impact	Neutral
	Race	RBKC      There is no known impact	Neutral
	Religion/belief (including non-belief)	RBKC      There is no known impact	Neutral
	Sex	RBKC      There is no known impact	Neutral
	Sexual Orientation	RBKC      There is no known impact	Neutral
<b>Human Rights or Children's Rights</b> If your decision has the potential to affect Human Rights or Children's Rights, please contact your Borough Lead for advice			

<b>Section 03</b>	<b>Analysis of relevant data</b> Examples of data can range from census data to customer satisfaction surveys. Data should involve specialist data and information and where possible, be disaggregated by different equality strands.
<b>Documents and data reviewed</b>	After Cabinet Decision parents and the local community will be consulted both informally and as part of the statutory processes (planning and related). The proposal does seek to improve equality of access to high quality provision, given the large numbers of parents unable to secure their first preference for their children to be educated at the school (see the report to Cabinet of 19 <sup>th</sup> June 2014). In addition, 43% of current pupils have English as an additional language and 5% have statements of special need, well above both local and national averages. The proposal seeks both to improve the physical provision made available to them through additional intervention spaces and improved teaching environments and to increase the numbers to whom such support can be offered.
<b>New research</b>	Not anticipated

<b>Section 04</b>	<b>Consultation</b> Complete this section if you have decided to supplement existing data by carrying out additional consultation.
<b>Consultation in each borough</b>	The planning process will require statutory consultations ; it is proposed to supplement these with informal consultations with parents and the local community.
<b>Analysis of consultation outcomes for each borough</b>	Consultation to date has been with the governing body, which is supportive. Leader's Group endorsed the proposals in principle on April the 24 <sup>th</sup> 2014.

<b>Section 05</b>	<b>Analysis of impact and outcomes</b>
<b>Analysis</b>	Indisputably the proposals will both increase accommodation of a parental preference and of access to very high quality education. They will also improve disabled access to a building which is currently challenging in that respect.

<b>Section 06</b>	<b>Reducing any adverse impacts and recommendations</b>
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<b>Outcome of Analysis</b>	The design and construction programme is being developed and phased to minimise negative impact on existing pupils. The new build and refurbishments will greatly improve disabled access.
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<b>Section 07</b>	<b>Action Plan</b>					
<b>Action Plan</b>	Note: You will only need to use this section if you have identified actions as a result of your analysis					
	Issue identified	Action (s) to be taken	When	Lead officer and borough	Expected outcome	Date added to business/service plan
	Consultation	Infomal Formal	June –July 2014 July – September 2014	Ian Heggs Steven Bell	Positive for both	September 2014

<b>Section 08</b>	
<b>Chief Officers' sign-off</b>	Name: Andrew Christie Position: DSC Email: Andrew.Christie@rbkc.gov.uk Telephone No:
<b>Key Decision Report (if relevant)</b>	Date of report to Cabinet/Cabinet Member: 09/06/2014 Key equalities issues have been included: Yes
<b>Lead Equality Manager (where involved)</b>	Name: Position: Date advice / guidance given: Email: Telephone No:

Please ensure that a final version of your EqIA is sent to the Equalities Officer, Angela Chaudhry, so that it can be published on our intranet

<b>New research</b>	No new research is required.
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<b>Section 04</b>	<b>Consultation</b>
	Complete this section if you have decided to supplement existing data by carrying out additional consultation.
<b>Consultation in each borough</b>	The Governing Bodies of both schools have been consulted, as have staff and also Leader's Group.
<b>Analysis of consultation outcomes for each borough</b>	The outcomes of the consultations were in favour of the proposals.

<b>Section 05</b>	<b>Analysis of impact and outcomes</b>
<b>Analysis</b>	The impact on all but those with disabilities will be neutral as the proposal is actually to increase the number of the places available by small number. The final provision will be more suitable for those with disabilities and more able to accommodate visits by specialist support agencies. The locations are some 600m apart, minimising travel issues for the vulnerable.

<b>Section 06</b>	<b>Reducing any adverse impacts and recommendations</b>
<b>Outcome of Analysis</b>	The design of the new build and refurbishment of the existing building at Avondale will be fully compliant with the latest Equalities Act requirements. Every effort will be made to support parents and children during the decanting period and afterwards when the provision is consolidated onto the Avondale site.

<b>Section 07</b>	<b>Action Plan</b>
<b>Action Plan</b>	Note: You will only need to use this section if you have identified actions as a result of your analysis



# Executive Decision Report

<b>Decision maker</b>	Date of Cabinet: 19 November 2015	 THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA
<b>Forward Plan details</b>	Date decision entered onto Forward Plan: 19 August 2015	
	Forward Plan reference: 04626/15/K/AB	
<b>Report title</b>	FOX PRIMARY SCHOOL – APPOINTMENT OF CONTRACTOR FOR CONSTRUCTION STAGE	
<b>Ward</b>	CAMPDEN	
<b>Reporting officers</b>	Michael Clark Director of Corporate Property and Tri-Borough Director of TFM Ian Heggs Tri-borough Director of Schools Commissioning	
<b>Key decision</b>	Yes	
<b>Access to information classification</b>	Public (Part A) with Confidential/Exempt (Part B) Appendix Information relating to the financial or business affairs of any particular person (including the authority holding that information)	

## 1. EXECUTIVE SUMMARY

- 1.1 In June 2014 Cabinet approved to remodel and extend the Fox Primary School, Kensington Place, to expand its intake from 45 to 60 pupils per annum and the provision of teacher training, ICT hub and additional facilities.
- 1.2 This report seeks approval from Cabinet to:
- a) Increase the project budget to cover the additional costs of providing temporary classrooms to ensure the project completion and occupation is achieved by September 2016 as set out in Part B of this report.
  - b) note that the Deputy Leader and Cabinet Member for Housing, Property and Regeneration will exercise his delegated powers will enter the Council into contract for the main works (Stage two under a two Stage D&B procurement), with Galliford Try Ltd when all commercial and contractual matters are satisfactory resolved, and once the contract value is within the overall agreed project budget as set out in Part B of this report.

- 1.3 The design of the scheme has been progressed and developed in accordance with the brief and with key stakeholders, namely, Corporate Property, Children Services, and The School – including The Head, Governors and Teachers and RBKC's Planning Department.
- 1.4 To achieve our project milestones and ensure completion before September 2016 we will need to enter into contract with Galliford Try Ltd by the end of November 2015. This will facilitate a start on site before Christmas 2015. Cabinet are requested to approve the delegation to appoint the contractor for the construction phase to the Deputy Leader and Cabinet Member for Housing, Property and Regeneration. Financial close is expected end of November 2015.
- 1.5 At the request of the Cabinet Member for Education and Libraries and the Tri-borough Director of Schools Commissioning, supporting the Head Teacher of Fox primary school, there has been a change in the proposed decanting methodology for delivery of the project. The school will now decant the entire existing school before the end of May 2016 to allow for the Contractor to undertake the refurbishment on the building at the same time. The school will be decanted into other schools, the new block and new temporary mobile classrooms.
- 1.6 The benefits of this approach are:
- a) Maintain the desired programme;
  - b) Ease health and safety requirements;
  - c) Reduce overall programme period;
  - d) Deliver logistical benefits; and
  - e) Minimise potential for disturbance to Children's learning.
- 1.7 Previously the project was programmed to refurbish the existing school on a floor by floor basis. Temporary classrooms are now required to decant pupils into them during the works, thus reducing the impact of the construction works on the staff and pupils. This temporary classroom option was not allowed for within the original budget approved by Cabinet in June 2014.
- 1.8 Confidential/exempt information is contained in the exempt Part B Appendix as it details information relating to the financial or business affairs of any particular person (including the authority holding that information).

## **2. RECOMMENDATIONS**

- 2.1 This report asks Cabinet to:
- a) approve an increase in the project budget to cover the additional costs of providing temporary classrooms to ensure the project completion and occupation is achieved by September 2016 as set out in Part B of this report; and

- b) note that the Deputy Leader and Cabinet Member for Housing, Property and Regeneration will exercise his delegated powers to enter into contract for the main works (Stage Two under a Two Stage D&B procurement), to Galliford Try Ltd when all commercial and contractual matters are satisfactory resolved, and once the contract value is within the overall agreed project budget as set out in Part B of this report; and

### **3. REASONS FOR DECISION**

- 3.1 To achieve our project milestones and ensure completion before September 2016 we will need to enter into contract with Galliford Try Ltd by the end of November 2015. This will facilitate a start on site before Christmas 2015. Financial close is expected end of November 2015.

### **4. BACKGROUND**

- 4.1 In June 2014 Cabinet approved a decision to remodel and extend Fox Primary School, Kensington Place, London, W8 7PP to expand its intake from 45 to 60 pupils per annum and the provision of teacher training, ICT hub and additional facilities.
- 4.2 The Client Side Project Manager, Quantity Surveyor, Employers Agent and Construction Design & Management Co-ordinator are already appointed. Additionally the Contractor, Galliford Try, has been appointed under Stage One to provide pre-construction design and advice services under the Improvement and Efficiency South East (IESE) Framework.
- 4.3 The design of the scheme has been progressed and developed in accordance with the brief and with key stakeholders, namely, Corporate Property, Children Services, and The School – including The Head, Governors and Teachers and RBKC's Planning Department.
- 4.4 Each RIBA Design Stage has been presented, approved and signed off by the key stakeholders.
- 4.5 Full planning application was made and planning permission granted at The Planning Applications Committee on 17th March 2015.
- 4.6 The various construction work packages have been developed, specified and competitively tendered or priced by the Contractor ready for incorporation into a final lump sum cost presentation.
- 4.7 The Council's consultant Quantity Surveyor is currently evaluating the sub-contractor packages and liaising with Galliford Try to resolve any technical and commercial queries.
- 4.8 It is anticipated that a final lump sum will be presented mid November 2015. The Council will enter into contract with Galliford Try by the end of November 2015 subject to the contract sum being within the approved budget.
- 4.9 It is intended that the project will commence before Christmas 2015.

- 4.10 The delegation of this decision is required in November by Cabinet because January 2016 Cabinet would make the occupation by September 2016 unachievable.
- 4.11 The need for this scheme was set out in the Cabinet decision report of June 2014, namely:
- Expand from 1.5FE to 2FE Improve the satisfaction of parental preference for this oversubscribed school;
  - As a result, improve access by children to an “Outstanding” school;
  - Develop more appropriate teaching and intervention spaces with better specialist facilities to assist the school in raising standards further;
  - Reduce overcrowding in the current building and upgrade tired internal and external fabric;
  - Provide, in accordance with the objectives of the current School Organisation Plan, a more appropriate organisational structure, further supporting the school in its drive to improve pupil outcomes;
  - Provide community access to improved facilities at the school and support the school’s highly effective professional development of local teachers and raising of standards in schools with performance issues.
  - ‘Renew the legacy’ – The Borough proudly investing in its assets.
- 4.12 The school have agreed to contribute towards the project from the school funds for certain elements of the scheme.
- 4.13 The terms of the proposed Contract for the main works are as set out in an IESE Standard Form Pre-Construction Contract followed by the Joint Contracts Tribunal Design & Build Contract 2011, (The JCT Contract) both of which have been amended to incorporate the standard terms required by the Council.
- 4.14 The full breakdown and further detail of these costs and proposed maximum contract sum of is set out in Appendix ‘B’.

#### **The need for Temporary Classroom option**

- 4.15 Since Cabinet approval in June 2014 the project has been subject to unpredictable delays throughout the planning approval process. This had an impact to the commencement and completion of the enabling works.
- 4.16 It was originally intended to remove the embankment a two phase approach commencing in October 2014 firstly with the removal of the trees. This strategy was affected by the revised planning application process.
- 4.17 A full planning application was made and planning permission granted at the Planning Applications Committee on 17th March 2015. The confirmation of

planning approval was further delayed by the risk of review by the Secretary of State to see if the application should be 'called –in'.

- 4.18 Enabling works finally started at the school in May 2015 and were successfully completed in October 2015. These works involved the demolition of the 'Fox Cottage' (the schools former reception and administration area), temporary replacement of this accommodation, removal of trees and shrubs from the embankment to the west of the site and the excavation, removal of this embankment in its entirety including contaminated soil and structural elements of a former reservoir located on the site.
- 4.19 These works were undertaken as a separate package to the proposed main works. As the embankment contained soils that were contaminated these works were undertaken by a contractor specialising in this type of work.
- 4.20 At the request of the Cabinet Member for Education and Libraries and the Tri-borough Director of Schools Commissioning, supporting the Head Teacher of Fox primary school, there has been a change in the proposed decanting methodology for delivery of the project. The school will now decant the entire existing school before the end of May 2016 to allow for the Contractor to undertake the refurbishment on the building at the same time. The school will be decanted into other schools, the new block and new temporary mobile classrooms.
- 4.21 Previously the project was programmed to refurbish the existing school on a floor by floor basis. Temporary classrooms are now required to decant pupils into them during the works, thus reducing the impact of the construction works on the staff and pupils. This temporary classroom option was not allowed for within the original budget approved by Cabinet in June 2014.
- 4.22 The proposal is to provide six temporary classrooms located on the site and the remaining children decanted off site to another school venue for the second half of the summer term. This is an additional cost to the project for which funding is being sought.
- 4.23 The benefits of this approach are:
- a) Maintain the desired programme;
  - b) Ease health and safety requirements;
  - c) Reduce overall programme period;
  - d) Deliver logistical benefits; and
  - e) Minimise potential for disturbance to Children's learning

## **5. PROPOSAL AND ISSUES**

- 5.1 To delegate authority to the Deputy Leader and Cabinet Member for Housing, Property and Regeneration to enter into contract for the main works (Stage two under a two Stage D&B procurement), with Galliford Try Ltd when all commercial and contractual matters are satisfactory resolved, once the contract value is within the overall agreed project budget as set out in Part B of this report; and

- 5.2 To increase the project budget to cover the additional costs of providing temporary classrooms to ensure the project completion and occupation is achieved by September 2016 as set out in Part B of this report.

## **6. OPTIONS AND ANALYSIS**

- 6.1 The appointment of Galliford Try Ltd to undertake Stages One and Two of the design and build contract is via the OJEU IESE compliant contractor framework and associated processes. Analysis of the process and outcomes is subject to analysis by the RBKC corporate property project manager supported by the professional consultants.
- 6.2 The Council's consultant Quantity Surveyor is currently reviewing the submitted packages and liaising with Galliford Try Ltd to resolve any technical and commercial queries.

## **7. CONSULTATION**

- 7.1 The Deputy Leader and Cabinet Member for Housing, Property and Regeneration has been consulted and is agreeable to the decisions.
- 7.2 The Cabinet Member for Education and Libraries has been consulted and is agreeable to the decisions.

## **8. EQUALITY IMPLICATIONS**

- 8.1 There are no equality issues.

## **9. PROCUREMENT PROCESS**

- 9.1 The Head of Strategic Procurement has been consulted, and has no comments.
- 9.2 This appointment was procured as a two-stage Design and Build Project using the Improvement and Efficiency South East (IESE) framework in accordance with the programme delivery strategy agreed at Cabinet Working Group in March 2011.
- 9.3 This is a fully EU compliant procurement route which avoids the cost and time of a undertaking a single OJEU procurement which can add up to at least 3 additional months to the selection process and up to £100,000 in internal and external resource management. Also, there is a considerable risk of legal challenges to the procurement process. This has become more common in recent years when contractors have realised that there may be a possibility of either re-opening tender processes or winning very large sums in damages. This is far less likely when using a framework as the pool of challengers is limited to the contractors using it, who would be effectively suing their client for the entire stream of work procured.
- 9.4 The IESE major projects framework was first established in 2006 and has successfully procured over a £1 billion worth of Projects with over £90 million

in cashable savings. It is now in its second generation and has eight firms of contractors.

9.5 Contracts are procured through the IESE framework via a two-stage process:

**Stage ONE** An initial pre-construction stage agreement

At this stage a contractor is selected on the basis of a 70 per cent quality, 30 per cent price split. The price element is comprised of their management costs for the project (overheads and profit, head office costs, insurance etc.) and their role as a member of the design team in the pre-construction phase (design advice and tendering activities). For this project the Contractor came on board at the end of RIBA Stage D The Contractor has worked with the Corporate Property, Family Services, Project Management Team and the Design Team appointed by the Contractor (led by Barron and Smith Architects) through to RIBA Stage F (Production Information).

**Stage TWO** A Design and Build construction Contract

During the pre-construction stage the Contractor obtains quotes for the various individual sub-contract tender packages i.e. groundwork's, cladding/facade etc. in a fully 'open-book' manner. All of these package tender processes will be checked by our project Quantity Surveyor (Arcadis), there will also be oversight on a programme cost level from Corporate Property Cost Advisors (Arcadis).

9.6 Once a level of at least 80 per cent price certainty has been reached (i.e. 80 per cent of the works, in value, have been tendered), then the main construction Contract can be entered into. This will ensure, on the one hand, that prices are competitive, and on the other, that by the time the Contract is signed there will be a high level of certainty in terms of cost, programme and quality.

9.7 Details on the level of cost certainty reached are detailed in the Confidential/exempt information included Part B Appendix.

## **10. PLANNING IMPLICATIONS**

10.1 The Executive Director of Planning and Borough Development has been consulted and has no objection to the appointment.

## **11. LEGAL IMPLICATIONS**

11.1 The Director of Law has been consulted and has no comments.

11.2 Legal Officer: Andre Jaskowiak, Senior Solicitor (Contracts), Tri-Borough Shared Legal Services; [andre.jaskowiak@rbkc.gov.uk](mailto:andre.jaskowiak@rbkc.gov.uk); tel: 020 7361 2756.

## **12. FINANCIAL AND RESOURCES IMPLICATIONS**

12.1 The Group Finance Manager, Corporate Services, has been consulted and there are no comments from a Service Finance perspective.

- 12.2 The Corporate Finance Manager has been consulted and comments as follows: The additional spend will feed into the Council's capital programme. As the Council is heading towards the limits of its reserve releases set by the financial planning parameters this spending may be funded from internal borrowing which will require repayment under statute and regulation. The final source of funding will depend on the Council's financial position at the year end in which the spending is incurred.
- 12.3 The Senior Finance Officer, Family and Children's Services, has been consulted and has no comments.

### **13. BUSINESS PLAN**

- 13.1 Please refer to the Cabinet papers dated 19 June 2014 which detail the business cases and justifications for undertaking the scheme and the appointment of Galliford Try (stage 1 of the design and build processes under a Pre Contract Services Agreement (PCSA)).

### **14. RISK MANAGEMENT**

- 14.1 A costed risk register is held by the RBKC Project Manager on each individual project. These risk registers are updated monthly by the client side team, Project Manager and Quantity Surveyor, as per the procedure outlined in the RBKC Project Managers Manual

### **15. HEALTH AND WELLBEING, INCLUDING HEALTH AND SAFETY IMPLICATIONS**

- 15.1 No issues other than those covered by the design process and under the CDM regulations.

### **16. STAFFING**

- 16.1 This appointment does not impact on any internal staff roles.

**Michael Clark**  
**Director of Corporate Property and Tri-Borough Director of TFM**

**Ian Heggs**  
**Tri-borough Director of Schools Commissioning**

**Local Government Act 1972 (as amended)**

**Background papers used in the preparation of this report: none**

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