

**SCHOOL ORGANISATION PLANNING – REPORT OF THE SOP
TASK & FINISH GROUP – MOORLAND EARLY YEARS UNIT
AND REPLACEMENT FLYING START: PROCUREMENT OF
CONTRACTOR FOR CONSTRUCTION**

Purpose of the Report

1. To provide Members with the output of discussions between the SOP Task & Finish Group and SOP Team at its meeting on the 7 December 2022, in relation to proposals associated with Moorland Primary School, prior to its consideration by Cabinet at its meeting on the 15 December 2022.
2. Members of this Scrutiny Committee are requested to note the comments and observations made by the Task & Finish Group, and these be submitted as a letter to the Cabinet Member ahead of the Cabinet meeting on the 15 December 2022.

Background to the Proposal

3. Moorland's Primary School has seen deterioration of some of its buildings over recent years, particularly in relation to the Early Year's unit. A development on site also presents an opportunity to address some of the increasing demand for ALN spaces and to expand to support the national childcare offer commitment for 3–4-year-olds in the local area.
4. At its meeting on 14 July 2022, Cabinet agreed to establish a 20 place Specialist Resource Base for primary aged children with Complex Learning Needs at Moorland Primary School from September 2023. The proposal was considered by this Scrutiny Committee on the 5 July 2022.

5. Within the paper it was proposed to establish a Special Resource Base (SRB) for primary aged children with Complex Learning Needs (CLN) at Moorland Primary School from September 2023. It also outlined the scope of the project, including:
 - Replace the Moorland Early years unit;
 - Provide a replacement Flying start from Willows High School increasing from 32 to 44 with 8 childcare offer spaces for 3 and 4 year olds;
 - Provide a crèche and community room for parenting and community use;
 - Provide a 20 place Specialist Resource base for Complex Learning needs;
 - Demolish care takers house.

6. The Director of Education, under delegated authority, gave authorisation to proceed to tender on 12 November 2021 in line the Council's delegations.

7. The Council commenced the project in 2020 but came across market challenges with market interest. The project was tendered via the SEWSCAP framework in January 2022 and received no tender returns. Feedback included the project complexities (such as a live school operating on the confined site), substantially increased demand for construction in the industry and the type of construction considered.

8. Following discussions with SEWSCAP framework contractors one has confirmed that it would be able to tender at a later date, due to resourcing issues at the time. This response has now been received and is considered value for money. However, the project value is now above officer delegations.

SOP Task & Finish Group Meeting – 7 December 2022

9. The SOP Task & Finish Group met on the 7 December 2022 to consider the proposals in detail. Papers were released to the Group 3 working days ahead of the meeting to allow Members to have the opportunity to digest the contents.

10. Two Appendices to the proposal contained exempt information, and it was agreed that any comments or observations arising from these appendices would be shared with the Committee in confidence.

11. The Cabinet Proposal contained information relating to:
 - Condition and Suitability
 - Land matters relating to Moorland Primary School
 - Complex Learning Needs Specialist Resource Base
 - Mainstream places
 - Flying Start
 - The proposal also contained details of Financial, Legal, Human Resources, Property and Highways and Transport Implications. An Equalities Impact Assessment was also attached.

12. The Cabinet Proposal contained the following recommendations:
 - (i) authorise the funds for the main contract required from the Council's Education Asset Renewal programme, subject to Ministerial approval for the enhanced Flying Start Welsh Government contribution, to enable the Moorland Primary School project to commence.

 - (ii) subject to Ministerial approval for the enhanced Flying Start Welsh Government contribution, delegate responsibility to the Director of Education (in consultation with the Director of Economic Development and S151 Officer) for all matters relating to the procurement of the project (up to and including award) and completion of ancillary documents (as applicable).

13. The reasons for the recommendations were to:

- Avoid any further delays on implementing the SRB provision.
- Address the condition of the current school estate to meet statutory requirements.
- Ensure the Suitability of the current school to meet the demands of 21st century learning
- To meet demand for special school places for primary age learners with complex learning needs, to enable pupils to received specialist education within their local area.

14. At the Task Group meeting, Members were joined by the following witnesses:

- Richard Portas, Director of School Organisation Planning
- Brett Andrewartha, School Organisation Planning Manager
- Mian Saleem - Operational Manager, Economic Development

School Organisation Planning Task & Finish Group Observations

15. The Task & Finish Group made the following observations at the meeting on the 7 December. Members are requested to note the following. There will be an opportunity for the Chair to briefly give an overview/update of the meeting, if required. The following will be drafted into a letter to the Cabinet Member following this meeting. Comments and observations as follows:

- The Task & Finish Group commend the report to Cabinet for consideration.
- Group Members discussed the site and asked questions around any future housing development and its proximity to the school. They particularly raised safeguarding and mitigating measures to be considered when agreeing the types of tenure that could be developed. Members were satisfied with the answers provided at the meeting but

stated that they would wish to flag to both the Chair of Planning and Head of Planning (who will be copied into the letter) that Group Members had raised this issue and would seek reassurance that a rigorous analysis would be undertaken on any housing development to ensure safeguarding around the school, and this also be discussed and agreed in detail with the school directly.

- Group Members stated that they agreed with the rationale for the development and improvement of Early Years Provision, given the current condition of the facilities.
- Group Members noted the constraints and practicality of developing on the Moorland site. They were satisfied with measures taken in relation to developments freeing up additional land for the school. In addition, Members wished to echo some of the concerns raised in the Cabinet report relating to highways and welcomed the commitment that this is not a barrier.
- Members asked a number of questions regarding future proofing of ALN places and noted the commitment that this will be brought back via the SOP Annual Report, which will be considered by the Group in January 2023.
- Members asked questions in relation to procurement, tendering and the framework agreement. Members were satisfied that the process that been satisfactorily subject to scrutiny by the Council (including approval by Procurement) and the proposal offered value for money. Members were also satisfied with responses received relating to the role of legal in relation to reviewing and signing off this proposal.
- Following discussions with Officers, Group Members highlighted an issue that they had not raised with them, namely whether any of the buildings were listed. A verbal update will be given at this meeting or raised in the letter to the Cabinet Member if after this meeting.

- Group Members stated that they would also seek reassurance that the Moorland development would stand the test of time and would be built to meet standards and future needs. Whilst they are confident that this would be the case, they stated that they would wish for the Council to avoid issues (such as significant problems with the building itself, heating, electricity etc) that may require significant investment or re-build in 40-50 years (as had been the case with those built in the 1950s/60s).

Scope of Scrutiny

16. The scope of the scrutiny was for Members of the Task & Finish Group to consider and provide comments on the draft report to Cabinet, prior to its consideration of the report on the 15 December 2022.

Way Forward

17. Members of this Scrutiny Committee are requested to note the comments and observations made by the Task & Finish Group, and these be submitted as a letter to the Cabinet Member ahead of the Cabinet meeting on the 15 December 2022.

Legal Implications

18. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any legal implications arising from those recommendations. All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the

procedural requirements imposed by the Council e.g. Scrutiny Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

Financial Implications

19. There are no direct financial implications arising from this report. However, financial implications may arise if and when the matters under review are implemented with or without any modifications.

RECOMMENDATION

The Committee is recommended to:

- I. Note the comments and observations made by the Task & Finish Group, and these be submitted as a letter to the Cabinet Member ahead of the Cabinet meeting on the 15 December 2022.

Davina Fiore

Director of Governance and Legal Services

7 December 2022