

**SCHOOL ORGANISATION PROPOSALS: MOORLAND EARLY YEARS UNIT AND REPLACEMENT FLYING START: PROCUREMENT OF CONTRACTOR FOR CONSTRUCTION**

**EDUCATION, EMPLOYMENT & SKILLS (COUNCILLOR SARAH MERRY)**

**AGENDA ITEM: 6**

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**Appendices 2 and 5 to this report are exempt from publication on the basis that it contains information of the description set out in paragraphs 14 and 21 of Part 4 of schedule 12 A of the Local Government Act 1972 and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.**

**Reason for this Report**

1. To request Cabinet to 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.
2. To 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).

**Background**

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 Cabinet paper and Statutory Notice is enclosed in **Appendix 1**.

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 scheme sits within the Council's Education Asset Renewal Programme and currently includes a contribution of £1.3m from Welsh Government for the provision of Flying Start.
7. The Director of Education, under delegated authority, gave authorisation to proceed to tender on 12 November 2021 in line the Council's delegations.
8. 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.
9. 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. As fully detailed in **Confidential Appendix 2** this response has now been received and is considered value for money. However, the project value is now above officer delegations.

## Issues

### Condition and Suitability

10. Moorland Primary school is rated at both Condition B and Suitability B, however this does not reflect the severely deteriorating condition of the early years unit which is not a suitable learning environment. A letter in **Appendix 3** has been provided by the Chair of Governors to outline concerns.
11. **Appendix 4** also outlines a report on the significant condition issues in the building. Substantial remedial works are ongoing to avoid a complete closure of the early years building, due to increasingly unsafe roofing and leaks. Daily maintenance creates additional pressure on staffing and management of the school.

12. Replacing this part of the school is therefore essential to avoid a scenario whereby the Council cannot fulfil its statutory responsibility to provide appropriate education for children.

### **Land matters relating to Moorland Primary School**

13. The Council has been progressing works to replace early years accommodation at Moorland Primary School and to re-locate Flying Start provision currently on the site at Willows High School.
14. Flying start are currently based at Willows High School and a new school will be built on land at Splott Market in 2025 as part of the Band B programme. Therefore, an alternative location is required.
15. The Flying Start unit would also have a community room for delivery of parenting courses and a creche facility. The community room would also be for the school to use out of hours and wider community use. For Flying Start and childcare to operate within the new building, a re-registration will need to take place with Care Inspectorate Wales (CIW).
16. Early years provision for Moorland Primary School is in a demountable unit at the rear of the school site. The unit has been rated as condition C. It currently accommodates 64 part-time Nursery places and 60 Reception class places. The size of the nursery will remain the same and is appropriate for the demand in the area. The new Early years building would be built in the playground, this existing unit would be removed.
17. Accommodation for the Early years Specialist Resource Base (SRB) would be provided as part of this planned work, within the same unit. The junior SRB will be an existing first floor classroom with adaptations required to make it suitable for the needs of the pupils.
18. There is currently a boxing club located on part of the Moorland Primary School site. At present, the school redevelopment project is not reliant on the boxing club land. However, if this was to become available at a later date it would be beneficial to the school as it is a confined site. The cost of the demolition for this is currently not factored into any budget.
19. The former Ysgol Glan Morfa school building is currently being appraised by the Council's housing department in relation to the delivery of Council housing on the site. Completion of the demolition is due in December 2022. The capital receipt for this will contribute to the Council's disposal targets and is outlined in **Appendix 5**.
20. The Caretaker's house sits within the school footprint. This will be demolished as part of the project. There is no capital receipt to be realised associated with this as the land will be reallocated for the school's use.

## **Complex Learning Needs Specialist Resource Base**

21. The majority of learners with Additional Learning Needs (ALN) attend a local mainstream school and benefit from effective Additional Learning Needs Provision (ALP). These learners do not need to attend a special school or Specialist Resource Base.
22. However, the number of pupils with severe and complex needs, who need a place in a special school or specialist resource base has continued to grow.
23. This is due to a number of factors including:
  - pupil population changes
  - improved survival rates for children born with significant disabilities,
  - increased complexity in needs
  - increased incidence and identification of specific needs such as autism, ADHD, physical disabilities and sensory impairments
24. The range of expertise, specialist support and facilities required in special schools and Specialist Resource Bases (SRBs) has also increased.
25. Whilst there are a number of existing specialist settings across Cardiff, there are not enough places available. The number of children who would benefit from a place is projected to increase over coming years.
26. At its meeting on 14 July 2022, Cabinet agreed to proceed to establish a 20 place Specialist Resource Base for primary age children with Complex Learning Needs at Moorland Primary School from September 2023. Placement within the SRB at Moorland Primary School would be subject to an Individual Development Plan (IDP). The proposed capacity for 20 pupils would be in addition to the capacity of mainstream places in the school.
27. The Cabinet also agreed to expand special schools and SRBs for primary age children with Complex Learning Needs by 180 places at five other schools city-wide, and to establish an SRB for 30 secondary age learners with Complex Learning Needs at Willows High School from September 2023, to meet the current and forecast need for places.
28. Each of the existing English-medium Specialist Resource Bases for primary age Learners is expected to be fully occupied in coming years, with admissions appropriately phased to best meet the needs of learners.
29. Each of Cardiff's special schools and SRBs is a city-wide provision, and the SRB at Moorland Primary School would improve the overall distribution of specialist provision across Cardiff. However, the SRB at Moorland Primary School would also be the first specialist provision within the Splott community. Children with Complex Learning Needs resident in Adamsdown and Splott are currently transported to other areas of the city to access appropriate specialist provision. Learners

living in these areas of the city have the potential to access specialist provision closer to home, reducing the time they spend travelling to and from school.

30. The establishment of the SRB will offset the projected increase in spending on places in other Council areas or in independent schools. Without investment in additional in-county places, such spending on places would be expected to grow significantly in future years.
31. The differential in average per-pupil revenue costs between placements in Cardiff's special schools and SRBs, and in alternative independent provision, vary greatly. The current differential in average per-pupil revenue costs between placements at a Cardiff special school or in an SRB, and in alternative independent provision, are greater than £50,000 per year, per learner, plus transport costs. However, there are not sufficient places available in other Council areas or in independent schools within a reasonable travel distance for the number of learners projected to require such support.
32. The additional costs per place in the SRB at MP School have been calculated at c£15,000 per learner based on 2022/23 funding levels. The admission of learners to the base would be phased over coming years.
33. The annual cost to the Council of school transport for learners with Complex Learning Needs / Autism Spectrum Condition to within-County provision averaged c£5,000 per learner in 2021/ 2022. The annual cost to the Council of school transport for learners with Complex Learning Needs / Autism Spectrum Condition to alternative independent provision is c£10,000 per child. However, transport costs can fluctuate considerably depending on the home address of the pupils attending a special school.
34. The implementation of the proposed changes will incur increased home to school transport costs for the Council as some, if not all, learners will be eligible for free home to school transport.
35. When compared to the approximate cost of a Complex Learning Needs placement in alternative provision, the additional revenue costs of 48 additional places at MPS would total c£300,000 based on the current average of c£15,000 per learner. When compared to placements in alternative independent provision at c£50,000 per learner, the SRB to meet these learners' needs would reduce the Council's annual cost liability by c£700,000 for placements alone, unless an alternative provision were identified. Overall, the proposed changes would result in a more efficient use of financial resources compared with spending on placements in, and transport to, other Council areas or independent schools.

## Mainstream places

36. The proposed placement of the Early Years unit at Moorland Primary School, replacing two Reception classes and a nursery class, would provide sufficient places for future intakes to the school.
37. The below table sets out the recent Number on Roll data for the school, from May 2022 and previous summer terms (when Nursery places are at highest occupancy). The number of pupils on roll at the school in Reception to Year 7 has marginally exceeded its published capacity of 378 places and the number of pupils enrolled in the Reception class has closely aligned to its capacity of 64 part-time places.

Table: School Number on Roll Data – Summer term 2019 - 2022										
School	Nursery	Rec	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Number On Roll (Rec – Year 6)	
2022	62	51	59	60	53	55	57	48	383	
2021	53	58	58	54	56	55	58	53	392	
2020	Data not captured – schools closed									
2019	64	59	53	57	55	58	60	49	391	

38. Whilst intakes to schools city-wide are falling, and the number of children resident in the catchment area of Moorland Primary School entering Reception in the period 2023/2024 to 2025/2026 will be at lower levels than in recent years, it is anticipated that intakes to schools will stabilise and begin to rise towards the end of the decade.
39. Retaining sufficient capacity to continue to admit up to 64 nursery age children and up to 60 children to Reception year therefore provides an appropriate balance in the availability and forecast take up of places.

## Flying Start

40. This expansion from 32 PTE places to 44 PTE for Flying start, contributes to Welsh governments commitment to a phased roll out of the part time, high quality childcare element of Flying Start to 2-3 year olds, from April 2023 and also provides an opportunity to support the national childcare offer commitment for 3-4 year olds.
41. The Flying start programme aims to:
- maximise child development outcomes to support the best start in life, particularly for our most disadvantaged children;

- address inequality and alleviating some of the impacts of deprivation;
  - support and strengthen Welsh medium provision; and
  - address gaps in the availability of provision
42. Flying start is currently based at Willows High school in a standalone bespoke unit, which was previously funded by Welsh Government. Willows will be moving to a new build in a different location In September 2025.
43. The current Flying start unit, once vacated, was planned for Tremorfa Nursery to move into, which is also dilapidating. The projects are closely dependant on another. The first in the chain is for Flying start to move to Moorlands primary school
44. Once completed, the building would accommodate up to 52 Children, this is an increase from 36 at the current Flying start provision, and a designated creche and space for parenting provision. In addition to 8 childcare offer spaces.
45. Developing this option has enabled Flying start to extend its reach locally, by including additional LSOA's. These LSOA's have a high proportion of families on income benefit with children 3 years and under. Families from these LSOA's signed up to the Flying Start Programme during September 2022 this resulted in 65 children becoming eligible for Flying Start services, including approximately 16 children aged 2-3 years and who are therefore eligible to receive the Flying Start childcare offer immediately.
46. The project team have looked at different solutions to ensure that the project can go ahead. From dividing the project up, or not implementing the flying start.
47. If the investment into the project does not go ahead, there will be a shortfall of places for families identified for the need of the flying start programme, of which these are entitled to. There are no existing providers within the locality to offer the provision for these children.
48. By completing this project, it will provide continuity of education provision to the families and community for pupils from age 2. The inclusion of childcare offer places also promotes and supports the opportunities for parents to enter/ remain in work and training.

### **Scrutiny Consideration**

49. The Children & Young People's Scrutiny committee are due to consider this item. Any comments received will be circulated at the Cabinet meeting.

## **Financial Implications**

50. This project has been awarded WG Flying Start Capital Grant funding to the sum of £1.3 million. Additional funding may be available with further bids to WG planned. The total remaining costs will need to be funded through additional grant allocation, the existing Education capital programme or capital receipts. The capital receipt for Glan Morfa land will be used to offset any need to use capital programme budgets but is unlikely to cover the full balance, with the timing of the capital receipt requiring consideration in line with the current capital programme.
51. Any additional revenue costs in relation to the maintenance and provision of the unit will remain the responsibility of the school. As schools delegated budgets are based on pupil numbers, these will need to be included in any future budgets, which may put additional pressure on overall schools' budgets.
52. The decision maker should have assurance on the overall affordability of any projects or schemes taken forward and should also consider the impact on sustainability of other schools within the localities identified, including pupil numbers and financial risks, including potential funding streams.

## **Legal Implications**

53. Legal Services are instructed that the proposal will be to direct award via a Framework Agreement (subject to approval in recommendation 1 and delegated approval in recommendation 2). Legal services has not reviewed the framework. Before placing reliance on a framework and awarding a contract, in summary, the decision maker should satisfy itself that the Council was identified in the contract notice (advertising the framework opportunity) as a party entitled to use the framework and the framework process allows for a direct award. The client department should also satisfy itself as to the T&CS and as to whether they are suitable for their requirements before awarding the contract.
54. Any direct award needs to be approved by procurement.
55. In addition to the above the service area should be satisfied that the direct award represents best value. Best value is normally established through the running of a competitive tender exercise. In the absence of such a competitive tender exercise the report should make clear why the direct award represents best value and how the authority has been able to satisfy itself on this point.
56. Any further legal implications (if any) with regards the procurement will be set out in the delegated report referred to in recommendation 2.

## **Equality Act 2010**



57. In considering this matter the decision maker must have regard to the Council's public sector equality duties under the Equality Act 2010 (including specific Welsh public sector duties). Pursuant to these legal duties, Councils must in making decisions have due regard to the need to (1) eliminate unlawful discrimination, (2) advance equality of opportunity and (3) foster good relations on the basis of protected characteristics. The Protected characteristics are: age, gender reassignment, sex, race – including ethnic or national origin, colour or nationality, disability, pregnancy and maternity, marriage and civil partnership, sexual orientation, religion or belief – including lack of belief. If the recommendations in the report are accepted and when any alternative options are considered, the Council will have to consider further the equalities implication and an Equality Impact Assessment may need to be completed.

### Well Being of Future Generations (Wales) Act 2015

58. The Well-Being of Future Generations (Wales) Act 2015 ('the Act') places a 'well-being duty' on public bodies aimed at achieving 7 national well-being goals for Wales - a Wales that is prosperous, resilient, healthier, more equal, has cohesive communities, a vibrant culture and thriving Welsh language, and is globally responsible.
59. In discharging its duties under the Act, the Council has set and published well-being objectives designed to maximise its contribution to achieving the national well-being goals. The well-being objectives are set out in Cardiff's Corporate Plan 2022-25. When exercising its functions, the Council is required to take all reasonable steps to meet its well-being objectives. This means that the decision makers should consider how the proposed decision will contribute towards meeting the well-being objectives and must be satisfied that all reasonable steps have been taken to meet those objectives.
60. The well-being duty also requires the Council to act in accordance with a 'sustainable development principle'. This principle requires the Council to act in a way which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. Put simply, this means that Council decision makers must take account of the impact of their decisions on people living their lives in Wales in the future. In doing so, the Council must:
- Look to the long term
  - Focus on prevention by understanding the root causes of problems
  - Deliver an integrated approach to achieving the 7 national well-being goals
  - Work in collaboration with others to find shared sustainable solutions
  - Involve people from all sections of the community in the decisions which affect them
61. The decision maker must be satisfied that the proposed decision accords with the principles above; and due regard must be given to the Statutory

Guidance issued by the Welsh Ministers, which is accessible using the link below: <http://gov.wales/topics/people-and-communities/people/future-generations-act/statutory-guidance/?lang=en>

### General

62. The decision maker should be satisfied that the proposed decision is in accordance within the Council's budget and policy framework.
63. The decision maker should also have regard to, when making its decision, to the Council's wider obligations under the Welsh Language (Wales) Measure 2011 and the Welsh Language Standards.
64. With respect to the flying start contract, further legal advice should be sought if there are any changes to current flying start contracts as a result of the proposed recommendation.

### **Human Resources implications**

65. HR People Services will work with the Governing Body to address the HR implications arising from the establishment of a Specialist Resource Base at the school and the resulting need for additional staffing. Where the Governing Body have adopted the Council's School Redeployment and Redundancy Policy, any new vacancies arising as a consequence of the establishment of the Specialist Resource Base will provide opportunities for school-based staff on the school redeployment register.

### **Property Implications**

66. Strategic Estates are supporting Education on the funding of the Moorland School development through managing the disposal of the former Ysgol Glan Morfa site which adjoins the Moorland Primary site. This capital receipt is ring fenced towards the delivery of the Moorland School Nursery and we will ensure best value is achieved through the disposal process.
67. The valuation for the former Ysgol Glan Morfa site is enclosed in the **Confidential Appendix 5**.

### **Highways and Transport Implications**

#### Transport matters relating to Moorland School SRB

68. The proposed SRB on the site of Moorland Primary School would serve pupils in the south-central area of Cardiff and so is well-placed given its relatively central location, proximity to public transport routes and facilities, and potential for active travel connections.
69. A transport assessment has been carried out with highways and transport improvements identified.

70. Learner Transport will need appropriate facilities for drop-off and pick-up. As the site is very constrained, initial considerations suggest the use of the adjacent turning circle on the Singleton Road cul-de-sac along the western boundary of the site to provide a designated area. This is directly adjacent to the school building access and would provide suitable access from Learner Transport vehicles. The designated area can be provided through implementation of parking and loading restrictions.
71. A review of parking and loading restrictions in the adjacent streets (including Moorland Road on the east side of the site) will be undertaken with a view to introducing additional restrictions where required to avoid congestion and parking issues. The potential for introducing a School Street at the lower end of Singleton Road will be investigated as part of this work. Any measures would be delivered by the transport team with funding from Welsh Government's Active Travel Fund grant.
72. Further proposed school safety measures would include improvements to road crossings, and general improved facilities for pedestrians and cyclists, including along desire lines through Moorland Park.

### **Equality Impact Assessment**

73. An initial Equality Impact Assessment has been carried out. It concluded that the proposed changes would not negatively affect a particular group in society. This assessment will be reviewed after consultation.
74. A Statutory Screening Tool including Equality Impact Assessment is attached as **Appendix 6**.

### **Reasons for Recommendation**

75. It is recommended to authorise funds and delegate delivery to officers for the following reasons:
  - 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 21<sup>st</sup> 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.

### **RECOMMENDATIONS**

The Cabinet is recommended to

- (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).

<b>SENIOR RESPONSIBLE OFFICER</b>	<b>Melanie Godfrey</b> <b>Director of Education &amp; Lifelong Learning</b>
	9 December 2022

*The following appendices are attached:*

### **Appendices**

- Appendix 1: Previous Cabinet Paper
- Appendix 2: Confidential Cost Summary
- Appendix 3: Letter from Chair of Governors
- Appendix 4: Condition of Early Years Unit
- Appendix 5: Confidential Valuation Report
- Appendix 6: Equality Impact Assessment