

Meeting of:	<b>Cabinet</b>
Date of Meeting:	<b>Monday, 11 April 2022</b>
Relevant Scrutiny Committee:	Learning and Culture
Report Title:	Ysgol Y Deri Expansion - Acceptance of Tender
Purpose of Report:	To seek Cabinet approval for the acceptance of a competitive tender for the new build works for the Ysgol Y Deri Expansion at Lower Cosmeston Farm.
Report Owner:	Deputy Leader and Cabinet Member for Education and Regeneration
Responsible Officer:	Paula Ham, Director of Learning and Skills
Elected Member and Officer Consultation:	<p><b>Officers Consulted:</b>  Trevor Baker: Head of Strategy, Community Learning and Resources  Nathan Slater: Sustainable Communities for Learning Project Manager  Carolyn Michael: Head of Finance  Gemma Jones: Operational Manager -(Accountancy)  Victoria Davidson: Operational Manager, Legal Services</p> <p>The scheme has been subject to a statutory consultation process with prescribed consultees in accordance with the School Standards and Organisation (Wales) Act 2003.</p>
Policy Framework:	This is a matter for Executive decision by the Cabinet.
<p><b>Executive Summary:</b>  On 15 July 2019, Cabinet approved the revised Band B 21st Century Schools Programme which included the Ysgol Y Deri Expansion. (Cabinet minute C39)</p> <p>Tenders were recently sought using the South East Wales Schools and Capital Funding (SEWSCAP) contractor framework under Lot 9.</p> <p>These have subsequently been evaluated by Vale of Glamorgan Council and AECOM (Multi-disciplinary Consultancy) in accordance with the criteria stated in the tender documentation.</p> <p>Further details of AECOM's tender evaluation are outlined in the Part II item on this agenda.</p>	

## **Recommendations**

1. That Cabinet notes this report and recommendations considered in connection with the Part II report later in the agenda.
2. That use of the urgent decision procedure as set out in section 14.14 of the Council's constitution is exercised in connection with the Part II report later in the agenda.

## **Reasons for Recommendations**

- 1-2. To allow Part I and II reports to be considered together.

### **1. Background**

- 1.1** The Sustainable Communities for Learning and Education Programme is a unique collaboration between the Welsh Government and Local Authorities. It is a major long-term strategic capital investment programme with the aim of creating a generation of Sustainable Communities for Learning in Wales.
- 1.2** In July 2017, the Council submitted its Strategic Outline Programme (SOP) to Welsh Government, identifying the projects included within the Band B programme. The Council's SOP was subsequently approved by Welsh Government on 10 November 2017.
- 1.3** On 21 November 2018 Welsh Government and WLGA issued a joint statement announcing a change to the Welsh Government intervention rate for the Sustainable Communities for Learning Programme. Welsh government funding for non-faith school schemes would increase from 50% to 65%. A new intervention rate was introduced for facilities for those pupils with additional learning needs and those in pupil referral units at 75% Welsh Government funding.
- 1.4** Due to the above policy change, on 15 July 2019 Cabinet approved a more robust Band B Sustainable Communities for Learning Programme to consider emerging new priorities (Cabinet minute C39). The programme included the Ysgol Y Deri Expansion scheme as an additional learning needs scheme at an intervention rate of 75% Welsh Government funding and 25% Council funding. The scheme will address the fast-growing demand for complex pupil placements at Ysgol Y Deri and avoid costly out of county placements. The scheme is being proposed on land at Lower Cosmeston Farm following a review of potential site options. The scheme will include a new 150 place school building and associated outdoor space.

### **2. Key Issues for Consideration**

- 2.1** A two-stage tendering process has been undertaken for the scheme. The delivery of the project from tender to build completion spans September 2021 to September 2023. The number of proposals being progressed currently within the Welsh Government Band B 21st Century School programme means that the market is competitive. It is important that the Council ensures that it is able to

procure the contract on advantageous terms to enable it to deliver the schemes in line with its Strategic Outline Programme.

- 2.2** The first stage appointment would be for design and procurement services only. This would include developing a range of design options for the scheme working alongside key stakeholders. A preferred option would be identified for the scheme which would be subject to a reserved matters planning application which would be completed by August 2022. The scheme has already been submitted as an outline application and is currently under consideration by the Local Planning Authority. This was done to determine the principle of development, with initial work on the planning application being undertaken by Aecom. However, following the submission of the application additional surveys have been requested to determine the proposal. It is considered that a contractor would be best placed to provide this information as part of a professional services contract which would represent best value for money and improve timescales for delivering the scheme.
- 2.3** Tender for the works has recently been sought from 10th September 2021 to 22nd October 2021. The tender process utilised the South East Wales Schools and Capital Funding (SEWSCAP) Contractor Framework.
- 2.4** 5 tenders were received and opened on 22nd October 2021. These have subsequently been evaluated by the Vale of Glamorgan Council and AECOM (multi-discipline consultancy) in accordance with the criteria stated in the tender documentation.
- 2.5** Further details of AECOM's tender evaluation are outlined in the Part II item on this agenda.
- 2.6** If approved by Cabinet, the Council will enter into a Professional Services Contract only with the successful contractor at this stage
- 2.7** A further report will not be presented to Cabinet until August 2022 for the second stage appointment. This appointment would be for the construction of the school buildings by executing an NEC4 Option A (Lump Sum with Activity Schedule) Contract with the successful contractor.
- 2.8** The steps outlined above would ensure that the project is delivered in line with the Council's SOP with Welsh Government, ensuring that the new schools are constructed for a September 2023 opening.

### **3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?**

- 3.1** The Well-being of Future Generations Act 2015 (“the 2015 Act”) requires the Council to think about the long-term impact of their decisions, to work better with people, communities and each other and to prevent persistent problems such as poverty, health inequalities and climate change.
- 3.2** To make sure we are all working towards the same purpose, the 2015 Act puts in place seven well-being goals on the Council. The 2015 Act makes it clear the

listed public bodies must work to achieve all of the goals, not just one or two, these being:

A prosperous Wales

A resilient Wales

A healthier Wales

A more equal Wales

A Wales of cohesive communities

A Wales of vibrant culture and Welsh Language

A globally responsible Wales

**3.3** This proposal contributes to achieving the wellbeing goals by:

Improving sustainability of school buildings through the creation of BREEAM Excellent accommodation.

Ensure an efficient supply and demand of school places across the Vale of Glamorgan through effective forecasting of future demand.

The new school would be designed to better meet the needs of pupils. The new building would provide specifically for pupils with additional learning needs and will be designed to meet their needs.

A key objective of the Sustainable Communities for Learning Programme is to Increase the level of community access and interaction through the use of the school's educational facilities whilst meeting the needs of the school.

Supporting contractors to deliver a programme of community benefits that aims to reduce unemployment through increased apprenticeship opportunities.

**3.4** The 2015 Act imposes a duty on all public bodies in Wales to carry out "sustainable development", defined as being, "The process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals." The action that a public body takes in carrying out sustainable development includes setting and publishing well-being objectives and taking all reasonable steps in exercising its functions to meet those objectives.

**3.5** Previously completed Band A projects have contributed to improving the economic and environmental wellbeing of Wales as follows.

Over 70% of project spend has been within Wales.

Over 90% of the workforce has been recruited from within Wales

A minimum of 80% of waste has been averted from landfill and recycled.

**3.6** The 2015 Act sets out five ways of working needed for the Council to achieve the seven well-being goals, these being:

The importance of balancing short-term needs with the needs to safeguard the ability to also meet long-term needs.

Considering how the Council's objectives impact upon each of the wellbeing goals listed above.

The importance of involving people with an interest in achieving the well-being goals and ensuring that those people reflect the diversity of the area which the Council services.

Acting in collaboration with other persons and organisations that could help the Council meet its wellbeing objectives.

Acting to prevent problems occurring or getting worse.

**3.7** The Council has committed as part of the Corporate Plan 2020-2025 to achieving a vision of 'Working Together for a Brighter Future'. This plan is reflective of the Welsh Government's Well-being of Future Generations Act and is comprised of four Well-being objectives to deliver this vision:

- Objective 1 - To work with and for our communities
- Objective 2 - To support learning, employment, and sustainable economic growth
- Objective 3 - To support people at home and in their community
- Objective 4 - To respect, enhance and enjoy our environment

**3.8** Well-being Outcome 2, 'To support learning, employment, and sustainable economic growth' is directly linked to education with a number of actions contributing to the Sustainable Communities for Learning programme. However, the delivery of projects through the Sustainable Communities for Learning Programme also helps to meet the other well-being objectives. We have prioritised the need to raise standards of achievement as one of our well-being objectives. We are proud of the Vale of Glamorgan and our place in Wales and that the use of the Welsh language is growing in the Vale. We respect and value diversity within our communities and recognise the importance of promoting equality of opportunity. We also appreciate our unique heritage and culture and the importance for people of all ages to enjoy a range of activities and to have opportunities to be creative. We have therefore identified valuing culture and diversity as one of our eight well-being objectives.

**3.9** Details of the objectives that the Sustainable Communities for Learning Programme supports and contributes to are outlined below.

**Objective 1: Work with and For Our Communities**

The project has been subject to a robust consultation process to engage relevant stakeholders and the wider community.

Consultation material for the project has been available in both English and Welsh.

**Objective 2: To support learning, employment, and sustainable economic growth**

Improve standards of achievement for pupils through sharing excellence between schools and the targeting of resources.

Secure improved outcomes for groups of learners at risk of underachievement.

Increase the learning opportunities for disadvantaged individuals and vulnerable families.

Reduce the number of young people not in education, employment or training.

Secure aspirational outcomes for learners with additional learning needs through early intervention and effective collaboration in line with the proposed Additional Learning Needs and Education Tribunal (Wales) Act.

Implement the new school modernisation programme in delivery of Band B of the Welsh Government's Sustainable Communities for Learning programme.

**Objective 3: Support People at Home and in their community**

School facilities will be available to the wider community.

The project will include an active travel plan to promote opportunities for walking and cycling and provide user facilities on site.

**Objective 4: Respect, Enhance and Enjoy Our Environment**

Project has been developed to include ecological enhancements throughout the site and within the proposed building.

Includes habitat areas to improve learning and enhance ecological value on the site.

**3.10** The construction would be undertaken in line with the five ways of working, promoting collaboration and ensuring all stakeholders are involved throughout the design process. The Sustainable Communities for Learning Programme meets the five ways of working by:

- Responding to the need to ensure that there is a well-managed balance of supply and demand of school places across the Vale.
- Developing schools that will have an environment reflective of the national mission for education in Wales and future curriculum.
- Ensuring that schools remain sustainable, reflects the needs of local communities, and are equipped with the best possible learning environments.
- Delivering rigorous consultation with open communication channels and numerous opportunities for stakeholders to engage throughout the process.
- Ensuring that schools are of the right size, in the right places and serving the educational needs of their local communities as part of the school organisation process.

## **4. Resources and Legal Considerations**

### **Financial**

- 4.1** The current capital cost for the 150-place new build additional learning needs school is £12.1m. This amount is currently included within the Capital Programme. This amount is currently under review following market changes since the tender process has been completed.
- 4.2** The project is jointly funded by the Council and Welsh Government, through the Sustainable Communities for Learning Programme. The Welsh Government contribution will be £8.850m with the Council contributing the remaining £3.250m. The Council's contribution is funded using Section 106 contributions received from housing developers.

### **Employment**

- 4.3** The staff at the existing site would be retained with additional staff recruited as the number of pupils on roll increases once the new site is completed. The Governing Body would be responsible for both sites. Staff would remain on existing terms and conditions.

### **Legal (Including Equalities)**

- 4.4** It will be necessary to enter into formally executed contracts with the successful bidder.

## **5. Background Papers**

Proposal to increase the capacity of Ysgol Y Deri to meet future demand for special education in the Vale of Glamorgan, 26 April 2021 ([Cabinet minute C 560](#))

21st Century Schools Programme - Band B Update, 15 July 2019 ([Cabinet minute C39](#))