

Report to Cllr N Jupp, Cabinet Member for Learning and Skills

March 2022

Midhurst Rother College, Midhurst - Extension of Changing Rooms - Allocation of Capital Funding for Project Delivery

Report by Mr A Edwards, Assistant Director (Property and Assets) and Mr P Wagstaff, Assistant Director (Education and Skills)

Electoral division: Midhurst

Summary

The County Council has a statutory duty to provide sufficient school places for all children who need a place.

Midhurst Rother College is an Academy Secondary School providing education for pupils aged 11 to 18 in the Midhurst/Petworth area and surrounding areas. The School was built in 2012 on the site formerly occupied by Midhurst Grammar School following a reorganisation of schools in the area. The School was completely rebuilt with the exception of the Sports Hall, incorporating changing rooms, which was considered adequate at the time.

The school was built for a Published Admission Number (PAN) for each year group of 240 (8 forms of entry (FE)) but due to low uptake of places has, until recently, operated at 6FE (180 places in each year group). Following an increase in parental preference and need for Secondary places in the area, the County Council have asked the Academy Trust to increase their PAN back to 240 to accommodate the current and projected need for places. Whilst the Academy accept the school was built as 8FE, they have raised the inadequacies of changing provision for the increasing numbers which necessitates secondary aged pupils changing in other facilities, including classrooms. An increase in changing provision, in line with guidelines set out in the Department for Education's Building Bulletin 103, will enable the school to increase its PAN back to 240 in all year groups. This will enable placement of secondary aged pupils close to their home, resulting in a reduction in school transport costs and a long term sustainable solution for the provision of Secondary places in the locality.

Approval is required for the allocation of funding from the Capital Programme to provide the necessary accommodation at Midhurst Rother College for the provision of additional changing facilities. The budget will fund all associated fees and furniture and equipment.

Recommendations

The Cabinet Member for Learning and Skills is asked to approve:

- (1) The allocation of £1.670m to fund the necessary accommodation as set out in paragraph 2.1 of the report to enable the provision of additional changing provision at Midhurst Rother College;
 - (2) The authorisation to commence a procurement process and delegation to the Assistant Director (Property and Assets) to appoint contractors to complete the design and cost the new accommodation;
 - (3) The delegation of authority to the Assistant Director (Property and Assets) to submit the necessary planning application and to obtain all statutory consents required, and to enter into a construction contract with the successful tenderer;
 - (4) The delegation of authority to the Assistant Director (Property and Assets) to apply to the freeholder for consent to the alterations under the lease dated 16th February 2011; and
 - (5) The delegation of authority to the Director of Law and Assurance to negotiate and agree the terms of a development agreement with the Academy Trust for the County Council and their contractors to enter the School and construct the changing facilities
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Proposal

1 Background and context

- 1.1 The County Council has a statutory duty to ensure there are sufficient primary and secondary school places for all children who need a place. School places need to be available to pupils for the start of each academic year (September), with projects planned and delivered, wherever practicable, by the summer in the relevant year. The Basic Need requirements are reviewed annually to identify the next tranches of projects and to ensure planned projects are still required following reviews of projection data of pupil numbers. The requirements across the county are set out in the annual update of the [Planning School Places](#) document.
- 1.2 The Planning School Places 2022 document sets out how the County Council are planning sufficient school places across the county. Planning is split across District and Boroughs with schools working in 24 planning areas. Midhurst Rother College (MRC) is an Academy and provides secondary aged places for 11 to 18 year olds in Midhurst, Petworth and surrounding villages.
- 1.3 Midhurst Rother College was built in 2012 following a reorganisation of schools in the area and brought together the former Midhurst Intermediate and Midhurst Grammar Schools into one building on one site providing for pupils aged 11-18.
- 1.4 The new school was funded under the Government's Building Schools for the Future Programme with the exception of the Sports Hall (including changing rooms) which was of reasonable condition having been built in 2008 and therefore the brief did not include for its replacement. The Sports Hall block was originally built to serve Midhurst Grammar School which provided for fewer pupils aged 13-18.

- 1.5 The School was built for a Published Admission Number of 240 and the Academy's Funding Agreement agreed on this basis. However, upon opening, the school did not fill and therefore the Trust proposed and agreed a Published Admission Number (PAN) reduction to 180 which was sufficient to meet the need at that time. In September 2021 and moving forward, the popularity of the school and requirement for secondary places has grown and the school received 210 first preferences for Year 7. They agreed to accommodate the additional pupils, noting the limitations of the changing provision on site.
- 1.6 Whilst the new school was built for a PAN of 240 and the school's net capacity is sufficient for this, as mentioned above, the changing rooms were built for Midhurst Grammar School when the school catered for much lower numbers and therefore, following a review of BB103 (DfE Briefing Guidance for Accommodation in Primary and Secondary Schools) it has been agreed that the changing rooms do not meet the guideline area required for an 8FE Secondary School.
- 1.7 The Multi-Disciplinary Consultant (MDC) were commissioned to undertake viability work in Autumn 2020 to explore options for increasing the changing provision. Detailed feasibility work, including surveys, were undertaken in Spring 2021 and, following approval of design fees by the then Director of Property and Assets in March 2021, the MDC were appointed to develop designs to RIBA stage 7.
- 1.8 The project has progressed to RIBA stage 3 with a cost estimate provided at the end of stage 2. Full budget and approval to procure the project is now required to ensure delivery of this project.

2 Proposal details

- 2.1 The building project at Midhurst Rother College will increase the provision of changing room accommodation to enable the College to increase their admission number from 180 to 240 pupils in each year group. Across Years 7 to 11 this is an overall increase of 300 pupils.
- 2.2 It is proposed that a procurement exercise is launched to appoint a contractor to undertake the construction activities for the changing provision through an open single stage tender, advertised on the Council's e-Sourcing portal In-Tend, as well as Contracts Finder in accordance with the Council's Standing Orders on Procurement and Contracts and Public Contract Regulations 2015 (PCR 2015).
- 2.3 As part of this decision the Cabinet Member is asked to approve delegation of authority to award the contract to the Assistant Director (Property and Assets); the process to award will be subject to an officer key decision.
- 2.4 The MDC have been appointed to provide design services; contract administration; health and safety advice and services in relation to furniture and equipment for the full delivery of the project.
- 2.5 The current programme for delivery of the additional accommodation indicates this will be available for March 2023 with works commencing on site in July 2022.
- 2.6 The design and tendering exercise will be managed by the MDC and the County Council's Procurement Category Lead for Place.

2.7 The additional changing facilities will be utilised by the School to enable an increase to the PAN and so meet the need for places within the locality. The County Council will put in place mechanisms to monitor that the project is achieving the required benefits.

3 Other options considered (and reasons for not proposing)

3.1 There is an option to do nothing but there is insufficient accommodation available for staff and pupil changing.

4 Consultation, engagement and advice

4.1 The Capital and Assets Board (the Council's internal governance process for capital projects) has considered and supports the proposal and comments from the Board have been incorporated into the final proposal and recommendations. No material changes have been made to the proposal or the recommendations since consideration by the Board.

4.2 The United Learning Trust (Academy Trust), Headteacher and Governors have been fully involved in the design and support the proposals. They will continue to be involved as the design work continues.

4.3 The details of the proposal have been shared with the local Member representing the Midhurst Division.

4.4 The proposal will be subject to planning permission via the South Downs National Park Authority. Pre-application advice has been sought and the application will need to demonstrate how the development will not impact on increased water usage.

4.5 The Commercial Panel, part of the County Council's internal governance process for assessing procurement proposals, has been consulted on this proposal.

5 Finance

5.1 There is provision in the capital programme to progress this project. The table below shows the additional draw down into the main Capital Programme required is £1.670m to implement the proposal at Midhurst Rother College. This represents 3.2% of the amount of Basic Need in the programme.

5.2 The £1.670m being requested will be funded from the unallocated Basic Need Grant approved by the County Council in February 2022. The table below demonstrates the funding split and funds available based on the approved capital programme for 21/22.

	Total unallocated £m
Basic Need as per Capital programme 2022/23 to 2026/27	52.070
Net Changes since Capital Programme approval	-1.620
Midhurst Rother College	-1.670
Basic Need remaining 2022/23 to 2026/27	48.780

- 5.3 The remaining unallocated funds after the allocation for project implementation for Midhurst Rother College is £48.780m when looking at amounts approved within the Capital Programme 2022/23 to 2026/27 and subsequent changes.
- 5.4 The total gross cost of the project, including the previously approved design fees of £0.160m is £1.830m (exclusive of VAT) and inclusive of inflation and contingencies to reflect current market conditions. An allowance has also been included to meet the Carbon Strategy and implications of Water Neutrality. A 10% Client Contingency; 10% construction risk contingency; design development risk of 2.5% and inflation to 3rd quarter 2022 has been included in the total budget requested.
- 5.5 This project will enable 300 additional places to be available. With a gross cost of £1.830m, this equates to £6,100 per place which is significantly below benchmarks for secondary school places.
- 5.6 The budget requirement to complete the project is therefore £1.670m funded from the Basic Need budget within the approved Capital Programme. The table below shows the projected profile of the gross project costs.

Capital Programme allocation	2022/23 £m	Total £m
Midhurst Rother College	1.670	1.670

6 Risk implications and mitigations

Risk	Mitigating Action
Insufficient allowance in capital programme to award the contract tender to the contractor.	This report is seeking funds estimated as being required at this stage. There are some issues in the construction industry relating to inflation of materials. Contingencies have been included within the budget sought.
Contractor's ability to deliver this project on time and to budget.	The County Council's Capital Delivery Team and MDC Project Manager will work closely with the contractor and school to drive forward a programme to enable delivery for December 2022 delivery.
Planning permission is refused or other statutory consents are refused	Pre-planning consultation has been undertaken with Planners and statutory consultees to minimise the risk of issues arising. It is anticipated that a Water Neutrality statement will be required to support the application and additional works may be required to ensure the water usage is neutral MDC to consider and check that a building regulations approval application will be successful

Consent to the alterations from the freeholder is refused	Early engagement with the freeholder to check which design and alterations are going to be agreed under the terms of the lease dated 16 th February 2011
Current volatile marketplace for supplies and securing contractors. Delay to programme and unavailable materials to deliver to programme	This will be monitored throughout the project and in particular when entering into the tender process. As the project construction is due to start July 2022, the market may have settled.
Design development to adhere to WSCC Carbon Strategy	Allowance has been made within the cost estimate.

7 Policy alignment and compliance

7.1 [Our Council Plan](#) sets out the corporate priorities and includes a commitment to help people and communities to fulfil their potential. This proposal will provide appropriate accommodation and equipment to meet the need for places in the area.

7.2 Legal Implications

The County Council's MDC has been appointed to undertake the design work required which is now well underway. The MDC was competitively procured from the Crown Commercial Framework reference RM3741. The instruction of the MDC to provide technical consultancy advice for the design of the extension of Midhurst Rother College is compliant with public contract regulations PCR 2015 and the Council's Standing Orders.

The resulting construction contract will be procured via an open single stage tender on the Council's e-Sourcing portal In-Tend, as well as Contracts Finder in accordance with the Council's Standing Orders on Procurement and Contracts and PCR 2015 as applicable and Legal Services will be instructed in the usual manner.

The County Council will need to negotiate, agree and enter into a development agreement with the Academy Trust for the County Council and their contractors to enter the School and construct the changing facilities. The agreement will cover how the building contractor and professional team are selected, their respective duties, the form of changing facilities to be built for the trust, how the facilities will be constructed, practical completion and the defects liability period. The agreement will also provide for the Academy Trust to observe the planning requirements and restrictive covenants on the site.

The County Council will need to apply to the freeholder to obtain consent for alterations under the terms of the lease to the school dated 16th February 2011

7.3 Equality Duty and Human Rights Assessment

Section 149 of the Equality Act 2010 requires that public bodies, in exercising their functions, have due regard to the need to (1) eliminate discrimination, harassment, victimisation and other unlawful conduct under the Act, (2) advance equality of opportunity and (3) foster good relations between persons

who share a protected characteristic and persons who do not share it. This proposal will ensure suitable changing facilities for those with protected characteristics.

7.4 Climate Change

The County Council's Design Guides have been adhered to in relation to the design of the additional changing accommodation. The Design Guides have recently been updated to ensure school building designs are in line with the County Council's [Climate Change Strategy](#). Alongside the design, a Heat Decarbonisation Plan has been commissioned to consider any further improvements to reduce carbon.

7.5 Crime and Disorder - None

7.6 Public Health – None

7.7 Social Value - Not applicable for this specific proposal.

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Background papers

None