

<b>DECISION-MAKER:</b>	CABINET		
<b>SUBJECT:</b>	BITTERNE PARK SCHOOL SIXTH FORM APPROVAL TO SPEND		
<b>DATE OF DECISION:</b>	21 DECEMBER 2009		
<b>REPORT OF:</b>	CABINET MEMBER FOR CHILDREN'S SERVICES		
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#### **STATEMENT OF CONFIDENTIALITY**

None

#### **SUMMARY**

On 21<sup>st</sup> September Cabinet approved the proposal to establish a sixth form at Bitterne Park School, agreed to accept the grant of £6.38 million from the Learning and Skills Council (LSC) and added this sum to the Children's Services and Learning Capital Programme.

Approval is now required to commit expenditure on the scheme of £6.38 million in line with Cabinet's stated support for the scheme.

This report provides details of the capital investment that is needed and the facilities at the school that it will deliver to local learners.

#### **RECOMMENDATIONS:**

- (i) To approve, in accordance with Financial Procedure Rules, capital expenditure in the sum of £6,380,000 from the Children's Services Capital Programme to provide a sixth form at Bitterne Park School.

#### **REASONS FOR REPORT RECOMMENDATIONS**

1. Approval is required to commit expenditure on the scheme to enable it to proceed within the planned programme dates.
2. The proposed expenditure meets the criteria for the grant.
3. The project will provide sufficient additional accommodation to increase the capacity of the school by 180 pupils to enable the age range of the school to be altered from 11-16 to 11-18 from 1<sup>st</sup> September 2011, as set out in the statutory notice agreed by Cabinet in September 2009.

#### **CONSULTATION**

4. The proposed project was agreed following pre statutory consultation conducted by the Governing Body of the school. Full details of the consultation were appended to the 21<sup>st</sup> September Cabinet report.
5. The building project proposals have been discussed with the School and SCC officers and approved by the LSC.

6. A Project Board has been established to manage the project. The first meeting was held on 20<sup>th</sup> November 2009.

### **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

7. This is the only option that supports the Cabinet decision on 21 September to establish a sixth form at Bitterne Park School that complies with Financial Procedure Rules.

### **DETAIL**

8. Cabinet made it clear when approving the proposal to establish a sixth form at Bitterne Park School on 21 September, that they support it and will do all they can to facilitate it.
9. The project will provide a 180 place sixth form block with a Gross Internal Floor Area (GIFA) of 2106m<sup>2</sup>, the block is arranged over three floors comprising:-
  - Lower ground floor: double height theatre, dance studio, café and study area, plant room.
  - Upper ground floor: main entrance and reception, general and specialist teaching accommodation
  - First Floor: general and specialist teaching accommodation

An artist's impression of the building and a site location plan is attached at Appendices 1 and 2.

10. The current programme enables a contract to be signed by 20<sup>th</sup> May 2010 which is a condition of the LSC funding agreement. It is anticipated that the project will start on site in August 2010 and complete by the end of December 2011.
11. A Project Board has been established comprising officers from the Council and Capita Symonds, Bitterne Park School and the LSC. The first meeting was held on 20 November 2009 when the Project Initiation Document (PID) was approved (draft PID attached at Appendix 3). The PID sets out roles and responsibilities, reporting mechanisms, change control and risk management.

### **FINANCIAL/RESOURCE IMPLICATIONS**

#### **12. Capital**

The current cost estimate for the project is £6.36 million including design risk contingency, furniture & equipment and professional fees. The project will be wholly funded by the LSC grant of £6.38 million. Funding will be drawn down from the LSC in accordance with the LSC requirements (on 1<sup>st</sup> April 2010 the responsibility for capital funding of school sixth forms will transfer to the School Funding Agency). The Council has made it clear in a Memorandum of Understanding that it will not allocate funding to the proposal, which must therefore be contained within the LSC and/or Bitterne Park School's own delegated budgets.

13. The conditions of the LSC grant state that prior written confirmation must be obtained from the LSC on any material changes (more than 5%) to the overall budgeted cost of the scheme, or in the cost of key elements of the scheme. If the costs vary significantly (more than 10%) a capital application will need to be submitted to the LSC with a full justification for any proposed changes. Therefore if a fully costed scheme exceeded the £6.38m available, in the first instance additional funding will be sought from the LSC (or successor body).
14. Once the scheme has been given approval to spend and the build has commenced, if the project overspends, the shortfall will firstly be claimed from the LSC, or failing that from Bitterne Park School's own delegated budgets as laid out in the Memorandum of Understanding between the City Council and the school. No additional funding will be allocated from Council resources.

### Revenue

15. Sixth form funding is currently overseen by the LSC but will transfer to the City Council in April 2010 as part of the overall transfer of responsibility for post 16 education.
16. Funding for school sixth forms is calculated using a national funding formula based on:
  - **Standard Learner Numbers (SLN)** depends on the consolidated number of Learners and the number and size of subjects being taken by each student.
  - The **Provider Factor** is calculated individually for each school and reflects success, social deprivation, course weighting and area costs.
  - The **Funding Rate** is the national rate for each Standard Learner Number, £3,007 in 2009/10.
  - **Additional Learning Support** is funding to provide support for students for special educational needs.

(Standard Learner numbers x Provider Factor x Funding rate) + Additional Learning Support.
17. Bitterne Park School will need to manage the new sixth form from within the total of this additional grant funding plus its existing 11-16 school budget. The school will also need to plan for any shortfall in funding due to lower than anticipated take up of sixth form places.

### Property

18. The maintenance costs for the buildings, both long and short term and Revenue and Capital will need to be determined and added to existing maintenance budgets. It should be noted that specialist equipment, fittings and systems are excluded from the building maintenance process and will need to be separately assessed and funded.

19. The grant for the new buildings will be paid by the LSC to the City Council. The land and building of the school, as a community school, rest in the ownership of the Council as the maintaining authority with the day to day control and management of the premises delegated to the Governing Body of the school within the restrictions imposing under the Scheme for Financing School and the terms of the School individual delegated budgets.
20. The building project will be required to comply with the Council's Financial Procedures rules and Procurement rules. There is a clear requirement to demonstrate 'best value' in procuring both the professional services and construction elements of the proposal. The Council will set out how this will be achieved in the proposed Memorandum of Understanding with the school and the PID.

### **Other**

21. The building will be designed to achieve British Research Establishment Environment Assessment Method (BREEAM) very good rating.
22. It is anticipated that the project will be procured via the Southampton City Council General Building Framework Lot 3. This is a single stage tender process using Joint Contract Tribunal (JCT) 2005 standard form of contract.

### **LEGAL IMPLICATIONS**

#### **Statutory power to undertake proposals in the report:**

23. Bitterne Park School (as proposer) has a legal duty under the School Standards & Frameworks Act 1998 as amended to implement the proposal to establish a sixth form by the date set out in the recommendations. If the school fails to reach agreement with the Authority or the LSC in relation to project management, site issues etc or they fail to meet the requirements of the statutory conditions imposed, the school will be required to apply to the Council, as decision maker for school organisation matters, to defer the implementation date or to revoke the proposals as appropriate.

#### **Other Legal Implications:**

24. The Council, acting in its capacity as decision maker, must also have regard to all relevant equalities legislation, section 17 of the Crime & Disorder Act 1998 and the Human Rights Act 1998 in assessing the impact of these proposals on both individuals and the local community.

### **POLICY FRAMEWORK IMPLICATIONS**

25. The proposed project, as set out in this request, is fully in accordance with the:-
  - Children and Young People's Plan 2009-12
  - 14-19 Learning, Skills and Employability Strategy 2009-12.
  - Economic Development Plan 2009-12.

## SUPPORTING DOCUMENTATION

**Non-confidential appendices are in the Members' Rooms and can be accessed on-line**

### **Appendices**

1.	Artists Impression of Sixth Form block
2.	Site Location Plan
3.	Draft Project Initiation document

### **Documents In Members' Rooms**

1.	None
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### **Background Documents**

Title of Background Paper(s)

Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

1.	Memorandum of Understanding	
2.	Capita Symonds RIBA Stage D report	

**Background documents available for inspection at:** Children's Service and Learning, Frobisher House

**FORWARD PLAN No:** CS03755      **KEY DECISION?** YES

<b>WARDS/COMMUNITIES AFFECTED:</b>	Bitterne Park
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