

**CABINET PROCEDURE RULE
PARAGRAPH 3.43 AND APPENDIX 4
URGENT DECISION**

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DATE 12th October 2018

The Constitution gives delegated authority to the Leader of the Council, or in her absence the Deputy Leader of the Council, or in her absence the relevant Portfolio Holder to take an urgent executive decision in consultation with the Chief Executive.

The need has arisen for an urgent decision in respect of the following:

Procurement of Construction Works at Oakfield Lodge School

To authorise the entering into of a construction contract for the replacement facility for Oakfield Lodge Pupil Referral Unit (PRU) in Crewe. The agreed contract value for this project is £2,335,600.00

The reasons for urgency are as follows:

Budget approval was obtained for the replacement PRU project from Cabinet on 29 Sept 2015 and Council on 22 October 2015. However, because the value of the contract is outwith the financial delegations to the Executive Director, Cabinet approval is required to authorise the awarding of this contract. Regrettably, that requirement was overlooked, and there is not now sufficient time to seek Cabinet authority at a scheduled Cabinet meeting, nor to convene a special meeting of the Cabinet.

Financial approval had been given by Cabinet in October 2015 for this named capital scheme. Since this date, specific financial virements have been formally approved by Mark Palethorpe through approved processes: these virements were required to meet increased costs linked to detailed feasibility and planning outcomes.

The critical factors presented which make this an urgent action include:

- **This school provides for our most vulnerable learners and has had to function in poor conditions and in adequate facilities which are not suitable to meet pupil needs for an unacceptably long time.**
- **This project was already extremely challenging to complete by August 2019 in order to allow for the school to move over the summer holiday period into the new build. Delaying the start by even 2-3 weeks will mean that the ability to complete before the start of the new term is totally lost.**

- Any further delay in the start date will impact on more learners and mean staff, learners and parents will not be able to start a new academic year in suitable accommodation in 2019. These pupils urgently deserve better facilities.
- Further delay in commencing with the replacement project will put the completion date in serious jeopardy, potentially increase the costs of the project and prolong the use of inadequate facilities that are not suitable to meet pupil needs.
- There is a clear financial risk to this project if delayed even a short period in that the approved contractor could redeploy essential personnel and resources to alternative schemes thus delaying both the start date and completion – this could result in increased project costs to remobilise teams which had previously been given a specific project start date. Therefore, progressing this project at the earliest opportunity will avoid any redeployment of contract teams and result in no risk of added costs.
- The establishment of the build site compound and early groundworks are very much dependent on suitable weather – a delay into November would seriously threaten the completion date as the likelihood of poor weather is seriously increased.

Additional information:

The core function of this school as a Pupil Referral Unit is to support the successful reintegration of some of our most vulnerable young people back into mainstream provision following exclusion. These pupils deserve our critical attention and support centred upon appropriate facilities which complement their needs. **Since the opening of the school in April 2011, the school has had to function in temporary accommodation which has not been fit for purpose. Ofsted report (March 2016) stated : ‘The temporary premises and facilities are not suitable to meet the needs of the school’.**

Oakfield Lodge has occupied its current temporary buildings in Warmingham Road, Crewe since November, 2015, following its relocation from The Oakley Centre, in central Crewe, which was deemed inappropriate to meet the needs of the pupils attending. **This temporary location was heavily criticized by OFSTED at the full Inspection in January 2014 : ‘The management committee should make urgent representation to the local authority in order to secure a suitable and permanent building venue for the unit’.**

The current cohort size for the school is 45 although more pupils are currently accessing support from the school. **The critical need for the new provision to be completed as soon as possible is reflected in the Ofsted Inspection report as published this week (10th October 2018) which recognised that alternative locations were having to be used : ‘There are more pupils on roll than the temporary accommodation can house. The local authority has therefore decided that a large proportion of pupils in Year 11 will be taught at The Fermain Academy for the current academic year. The school also uses a number of other alternative providers to complement the education provided by the school’. ‘A number of pupils are tutored away from the school site. Some pupils are tutored at their homes whereas others are tutored in spaces such as public libraries and council offices’.**

The use of additional sites to meet pupil needs as outlined above increases levels of risk in terms of effective safeguarding of pupils and the effective deployment of staff. **The urgent need to have as many pupils on one site accessing high quality new provision will significantly reduce safeguarding / Health and Safety risks.**

The current temporary site had previously been used for an educational setting by the Willowview Educational Trust, whom had vacated the property. Existing buildings were refurbished and an additional temporary mobile classroom added on the site. Following discussions with the previous leadership and Interim Executive Board at Oakfield Lodge, it was agreed that the Warmingham Road site would be appropriate for a permanent new build facility on the site. The purchase of the site (initially leased) was completed on 24th October, 2017. Since 2014, a further 7 Ofsted Inspection visits have taken place inclusive of a full Inspection. **In all reports and discussions, the Council stressed their full commitment to the construction of a new and permanent school which was fit for purpose as a Pupil Referral Unit.**

The Council has closely followed procurement requirements in the proposed construction of the new school based upon the approved funding envelope. Following the establishment of a Project Board, the preferred scheme was progressed with an appointed contractor being secured using the Council's 'NW platform'. Planning permission was received on 10th August, 2018.

The current building and associated mobile classrooms were only ever intended as a temporary interim solution, and these facilities, in particular the mobile classrooms in use, **are in a very poor condition and in need of urgent replacement; this provides compelling evidence for the need to move rapidly to new buildings.** The intention is to complete the new building for September 2019 occupation. The contractor had mobilised in readiness to commence on 8th October, 2018 and this has now been delayed until the construction contract is signed.

In summary, further delays in commencing with the replacement project will put the completion date in serious jeopardy, potentially increase the costs of the project and prolong the use of inadequate facilities that are not suitable to meet pupil needs. In addition to this, and in order to accommodate the build within a live school site, the school has given over space for the site compound required for the building works and the actual build area and further delays will have a prolonged effect on the schools ability to deliver the curriculum to these very vulnerable pupils both before and during the build.

Briefing notes on the development of the scheme were provided to the Children and Families Portfolio Holder and respective Ward Members on 21st November, 2016 and 17th January, 2017. Verbal updates have been given to the Portfolio Holder in more recent times in terms of the progression to commence the construction of the new buildings. No specific issues were raised but there was strong support to progress this essential work.

The following Members have been notified and invited to make representations:

Cllr Margaret Simon, Chairman of the Corporate Overview and Scrutiny Committee

Cllr Sam Corcoran, Leader of the Labour Group

Cllr Arthur Moran, Leader of the Independent Group

Cllr Rod Fletcher, Leader of the Liberal Democrat Group.

Any comments received have been taken into account.

Advice has been taken from the following Officers:

- (1) S151 Officer
- (2) Director of Legal Services

Their comments have been taken into consideration in producing this decision form and any attached information.

This matter is a Key Decision and the Chairman of the relevant Scrutiny Committee has agreed that the making of the decision is urgent and cannot reasonably be deferred.

The decision is exempt from call-in.

The decision is not outside the Budget and Policy Framework.

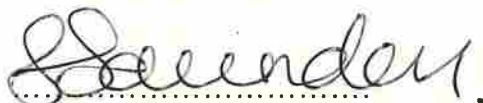
This decision is subject to the relevant provisions of the Council's Constitution.

DECISION

That authority is given to enter into of a construction contract for the building of the replacement facility for Oakfield Lodge Pupil Referral Unit in Crewe.

Signature of decision taker:

Signed:



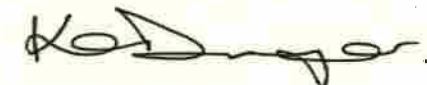
Cllr Jos Saunders
Cabinet Member for Children
and Families

Date:

16/10/18

Signature of Chief Executive:

Signed:



Chief Executive

Date:

12/10/2018

A copy of this decision form and any supporting documentation will be made available to all Members of the Council subject to the Access to Information Procedure Rules.

This decision will be reported at the next meeting of the Cabinet.

