

WIRRAL COUNCIL

CABINET – 23RD JULY 2009

REPORT OF THE DIRECTOR OF CHILDREN'S SERVICES

APPOINTMENT OF TECHNICAL ADVISER TO THE WIRRAL ACADEMY/BSF PROGRAMME UNDER THE NATIONAL PARTNERSHIPS FOR SCHOOLS (PFS) FRAMEWORK.

EXECUTIVE SUMMARY

There is a requirement for the Council to appoint a Technical Adviser to the Wirral Academy/BSF Programme under the national Partnerships for Schools (PFS) framework, initially to implement the agreed capital works at Birkenhead High School Academy, but with the provision for further Academy and Building Schools for the Future (BSF) works. The report seeks approval to use the Partnerships for Schools procurement framework for Technical Adviser/Project Manager appointments. The report requires Cabinet approval as the funding allocation for the first two Academies from PFS exceeds £250,000.

1.0 Background

- 1.1 This report seeks approval to the appointment of a single Technical Adviser organisation, using the national Partnerships for Schools framework, in order to
- (i) move to the practical implementation of the capital investment at Birkenhead High School Academy, currently Birkenhead High School for Girls (Academy 1), to be known as Birkenhead High School – an independent 3 – 19 Academy
 - (ii) the provision to appoint the same Technical Advisers to the development of proposals in respect of the proposed new Academy for boys in Birkenhead (Academy 2)
 - (iii) makes provision under the PFS Technical Advisers framework for an option for the Technical Adviser appointed for Academies 1 and 2 to be retained to advise on the full Wirral BSF Phase 1 programme.
- 1.2 The proposal to appoint a Technical Adviser to Academies 1 and 2, with an option to retain on Wirral BSF Phase 1 is a result of discussions between the LA and Partnerships for Schools with regard to the procurement of these two Academies. Following these discussions, a decision has been taken by PFS, in agreement with the Children and Young People's Department (CYPD) and Birkenhead High School (Academy 1) to jointly procure Academies 1 and 2 under the national PFS Academies Framework and appoint the same Technical Adviser to both. The office of the Schools Commissioner and the DCSF are also in agreement with this approach.
- 1.3 These are seen to be advantages to PFS, the LA, Birkenhead High School (Academy 1) and Academy 2 in such a joint procurement. For the LA it offers quicker delivery of Academy 2, the new boys Academy as the alternative would be for this to be part of full BSF phase 1, which would result in a later delivery date. Joint procurement also allows for some economy of scale in the costs and scope of Technical Adviser support

and makes best use of the existing, small CYPD team dealing with capital and property issues. There is a further benefit in that the Academies Framework process and documentation shares a great deal with the PfS One School Pathfinder procurement process used at Woodchurch High School, there is therefore an existing degree of familiarity with parts of the process.

- 1.4 PfS are also interested in Academies 1 and 2 being delivered as quickly as possible and see this as the best procurement route. The joint package of Academy 2, a new build high school of a relatively modest size, 750 pupils and an extensive programme of extension and refurbishment on a restricted and challenging site at Academy 1, Birkenhead High School, also produces a single package of works which will be more attractive to the market than two stand alone schemes. For Birkenhead High School, and Academy 2 the prospect of significant major works in future phases of work on Wirral should act as a powerful incentive for the company appointed to perform well on their early projects.
- 1.5 Capital funding for both schemes will be allocated from national funding by PfS. In the case of Academy 1, Birkenhead High School, approx £10 million will be allocated to the school. This is an additional amount to the capital which Wirral is expected to receive under Building Schools for the Future. The capital funding for Academy 2, the new boys Academy will also come from national funding, via PfS. In this instance the funding will be deducted from future BSF allocations to Wirral, as the scheme is part of the solution to Birkenhead secondary surplus places and school condition issues, which were identified as a priority under full BSF.
- 1.6 Funding for both schemes will be from Treasury, to PfS, to the LA who will be the accountable body for expenditure. Cabinet on 26.6.08 agreed “provisional approval to CYPD to lead on the procurement of a new Academy at Birkenhead High School should the Secretary of State’s decision be that the new Academy should proceed to implementation and that this should be at no financial risk to the Council” (Minute 82). The Secretary of State agreed to enter into a Formal Funding Agreement for Academy 1, Birkenhead High School Academy on 27th February 2009. In respect of Academy 2, the new boys Academy the Secretary of State has agreed a Statement of Intent, the first step, on 24th June 2009. A similar Funding Agreement and specific capital allocation for Academy 2 will be made in due course as the approval process progresses. The two capital funding allocations will be completely separate and ring fenced to each scheme.
- 1.7 The capital allocations provided by PfS include £400,000 for the procurement of Technical Adviser support to implement the approval and subsequent procurement process, using the PfS Contractor Procurement Framework, which is an updated version of that used on the Woodchurch One School Pathfinder scheme. This is a requirement of the funding allocations. It is proposed to use the PfS Framework for the procurement of Technical Adviser support using a listing of fourteen companies who have been “pre-procured” by PfS. This is the same principle as in the PfS Contractor Procurement Framework last used to select the contractor for the new Woodchurch High School One School Pathfinder. The PfS Contractor Framework will also be used to select the single contractor for Academies 1 and 2.
- 1.8 A suite of standard documentation is used to procure Technical Adviser support under the PfS framework. This documentation supports the following stages in the procurement process:

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| (i) | Expression of Interest sent to all companies on the PfS framework list for Technical Adviser support – this was sent out on | 30.06.09 |
| (ii) | Responses received from interested companies – deadline | 07.07.09 |
| (iii) | Invitation to tender issued to interested companies | 08.07.09 |
| (iv) | Deadline for submission of tenders | 22.07.09 |
| (v) | Evaluation of tenders by | 29.07.09 |
| (vi) | Interviews for shortlisted companies | 30.07.09 |
| (vii) | Formal appointment – subject to Cabinet approval on 23.7.09 to appoint the successful company using the PfS Framework | 31.07.09 |

1.9 This report was written at the start of the process set out above and a verbal update on the selection process can be given to Cabinet on 23.07.09. This timescale will allow for mobilisation of the chosen Technical Adviser company in mid-August to progress the capital works at Birkenhead High School (Academy 1) through the design development phase as quickly as possible from the start of the Autumn Term and also to be in place for the next key steps, in respect of the new boys Academy (Academy 2).

1.10 Academy 3, for which the Statement of Intent was signed by the Secretary of State on 24.06.09, is not included in this procurement of Technical Adviser support as the current Park High School is part of the nine school Wirral grouped PFI scheme. The PFI contract, signed in 2001, runs until 2031. As in all PFI contracts, the private provider with whom the Council has a contract is also the key partner in the procurement and delivery of capital infrastructure works in the school, carried out under detailed contractual arrangements in the PFI contract. There will therefore need to be detailed discussions between the sponsors of the new Academy, PfS, the PFI provider and the Council to set out the procurement routes and agreements for capital investment at this site. These premises were extended, extensively remodelled and refurbished as part of the PFI contract approximately six years ago and therefore capital requirements are likely to be less than Academy 2, the new build. Investment here will also be 'top sliced' from future Wirral BSF allocations for the reasons set out in 1.4 above for Academy 2.

2.0 Financial and Staffing Implications

2.1 The cost of the Technical Adviser support, up to £400,000 will be met as part of the capital allocation from PfS. The contract for this support will require careful management to ensure no additional financial risk to the Council, either through the allocation being overspent or through contractual issues.

2.2 The Academy programme will require additional project support to that currently available in the Children and Young Peoples Department. In addition to the requirements set out here for the LA responsibilities for Academies 1, 2 and 3, there is a requirement to provide additional project support to draw up the LA's Expression of Interest for BSF Phase 1. The LA has been ranked as a potential early entrant to Phase 1, ahead of our previous entry date of 2015, and Phase 1 will fund major works at St Anselm's College and extensive secondary special estate renewal. It is proposed that the initial additional staffing requirements for the Academy programme set out in this report and Phase 1 of BSF are the subject of a further report.

2.3 In terms of risk to the Council arising from the capital works at each of the Academy sites, the basic financial risk is the same as that on the current Woodchurch High

School. The need to work jointly with sponsors is more complicated than the Woodchurch project and will require dedicated staff to provide continuity to minimise risk. Under the PfS Academy Framework, Academy procurement has to be via the LA.

3.0 Equal Opportunities Implications

- 3.1 The works at Academy 1 are at a single sex girls school located in the same geographical area of the borough as Prenton High School for Girls. Academy 2 is a single sex boys school which it is proposed to locate in the same area. Academy 3 provides a mixed-sex option for the same area.
- 3.2 New and refurbished premises will provide enhanced accessibility in comparison with current provision.

4.0 Community Safety Implications

- 4.1 There are none arising directly from this report.

5.0 Local Agenda 21 Implications

- 5.1 There are none arising directly from this report.

6.0 Planning Implications

- 6.1 All works funded from the capital allocations set out in this report will be the subject of the standard planning and building control requirements.

7.0 Anti-poverty Implications/Social inclusion Implications

- 7.1 Academy proposals are designed to support educational disadvantage in deprived areas.

8.0 Local Member Support Implications

- 8.1 Academies 1, 2 and 3 are intended to primarily serve the Birkenhead area but will have potential impact and implications for secondary school provision over a wider area. The sites for Academies 1 and 3 are in Claughton Ward, the site for Academy 2 has yet to be determined. In respect of BSF Phase 1, St Anselm's is in Claughton Ward and the special school proposals have implications for all Wards, given that they take children from across the borough.

9.0 Background Papers

- 9.1 DCSF Academy Guidance documents;
PfS Technical Adviser Framework document;
PfS Standard Tender documentation;
PfS Scope of Services documentation;
PfS Academy Procurement documentation;
Cabinet Reports on Birkenhead High Academy and Secondary Place Review in Birkenhead;
CYPD Working Papers.

RECOMMENDATIONS

That

The Cabinet:

- (1) Approve the appointment of the Technical Adviser under the Partnership for Schools (PfS) Framework in respect of works at Birkenhead High School (Academy 1).
- (2) Approve the provisions for the same Technical Adviser to be appointed Academy 2 and BSF Phase 1.

Howard Cooper
Director of Children's Services