

# **MINUTES OF MEETING Urgent Decisions HELD ON Monday, 31st July, 2023, 9:30-9:40**

## **PRESENT:**

**Councillor:** Zena Brabazon, Cabinet Member for Children, Schools and Families

**ALSO ATTENDING:** Kodi Sprott, Principal Committee Coordinator, Ayshe Simsek, Democratic Services and Scrutiny Manager, Henry Holman, Capital Programmes Advisor, Claire Barnes, Major Projects Delivery Manager, Joanna Heard, Project Manager

### **1. FILMING AT MEETINGS**

The Chair referred to the notice of filming at meetings and this information was noted.

### **2. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

### **3. DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **4. HORNSEY SCHOOL FOR GIRLS - CONTRACT AWARD FOR URGENT CONDITION AND SAFETY WORKS**

The Cabinet Member for Children Schools and Families considered a report seeking a waiver of Contract Standing Order 9.01 (requirement to tender) Contract Standing Order 10.01.1a on the basis of 10.01.2.(d)(ii) and approval for an award of contract to Diamond Build Plc for a value of up to £682,017.52, including a provisional sum of £125,000 and a contingency of £162,000.88, for urgent condition and safety works at the Hornsey School for Girls. This was Pursuant to Contract Standing Order (CSO) 9.07.3 to approve the issuance of a letter of intent in the value of £100,000.

The Cabinet Member noted the background to this required urgent decision. The Council had instructed a structural engineer to carry out a full inspection of the school, and Reinforced Autoclaved Aerated Concrete (RAAC) was discovered in the roof of teaching Block A. This necessitated identified classrooms being immediately vacated. A detailed report provided on 26 June 2023 also identified RAAC panels to the top floor of Block A and the Performing Arts block that were deteriorated to an extent that remedial action is required within 3-6 months. Given the amount of work required to address these structural issues officers advised that it was not considered feasible to complete rectification of all areas in Block A by September 2023.

The Cabinet Member sought clarification on what works the contract would be funding in this first phase and it was noted that this was four science labs and a preparatory classroom. There would be a second phase to this project to undertake remaining works. There would be further discussions with the DFE for funding of these required second phase of works.

The Cabinet Member further noted that to ensure alternative teaching space could be identified, the Council had appointed an architect to work with the school to ascertain minimum space requirements. The architect proposed a solution using space within the existing school buildings, which had meant there was not a need to secure temporary classrooms.

In response to a question from the Cabinet Member, the proposed expenditure was being funded through the approved capital programme and further discussions were being held with Department for Education with regards to potentially providing funding for the next phase of these works as set out in 6.10 in the report.

It was noted that the classrooms would be ready by 12<sup>th</sup> September. The Contractor Diamond Build PLC was already on site completing some existing enabling works and it would take a further six weeks to complete these works with students ready to access the science laboratories by the 12<sup>th</sup> September. There would be a staggered start to the start of the school term, starting with Year 7, Year 8 and then Year 11. It was noted that further works will be required to rectify the remaining Science labs and other teaching and support areas in Block A and therefore likely there will be a second phase of works.

The Cabinet Member praised the school's major projects delivery team for their good work dealing with the arising RAAC issues. She felt that, in comparison with other London boroughs, the council had responded to this issue swiftly.

### **The Cabinet Member for Children, Schools and Families,**

#### **RESOLVED**

1. To grant approval of a waiver of Contract Standing Order 9.01 (requirement to tender) pursuant to Contract Standing Order 10.01.1a on the basis of 10.01.2.(d)(ii).
2. To grant approval pursuant to Contract Standing Order (CSO) 9.07.1d) and CSO 16.02, the award of a contract for urgent condition and safety works at Hornsey School for Girls to Diamond Build Plc for a value of up to £682,009.64, which includes an initial contract value of £495,008.76, plus an option for additional works on the Performing Arts block at an estimated value of £125,000 and for other ancillary works for a contingency value of £62,000.88.
3. To grant approval, pursuant to CSO 9.07.3, the issuance of a letter of intent for a value of up to £100,000.

4. To note that the aggregated value of an enabling works package for the installation of scaffolding awarded to Diamond Build Plc under a waiver of Contract Standing Orders on 21<sup>st</sup> July 2023 at a value of £33,838.51 and of the works contract which totals £715,848.15 as detailed in section 6.7 below.

### **Reasons for decision**

1. Following an inspection of the school by a structural engineer, Reinforced Autoclaved Aerated Concrete (RAAC) was discovered in the roof of teaching Block A. An immediate recommendation was provided on 2<sup>nd</sup> June 2023 for identified 4 fully specified Science laboratories, a science preparation room and an access corridor to be vacated immediately. The school responded to this immediately, with support from Haringey's Corporate Landlord team. A detailed report was provided on the 26<sup>th</sup> of June 2023 which identified additional RAAC panels to the top floor of Block A and the Performing Arts block that were deteriorated to an extent that remedial action is required within 3-6 months, if those spaces are to be used. Given the quantum of work required to address these structural issues it is not considered feasible to complete rectification of all areas in Block A by September 2023.
2. An architect was appointed to work with the school to ascertain the minimum space requirements and proposed a solution using space within the existing school buildings without the need of temporary accommodation. This includes 4 laboratories in Block A, with a 5<sup>th</sup> classroom repaired to provide a science prep area, 10 general teaching classrooms in Block G, an ICT classroom in block G, and 2 subject offices in block G together with necessary repairs to the Performing Arts block.
3. The analysis of existing teaching accommodation reviewed the available space in Blocks A (below the top floor) and Block G to meet the curriculum needs of the school. The provision set out in 4.2 above will ensure the school can deliver the full curriculum, although practical science will have to be reprogrammed to prioritise Yr 11 students approaching GCSEs once the 4 labs on the top floor of Block A have been made safe for use. This is the minimum required to deliver the curriculum although this is not ideal and should be considered a temporary measure only. Discussions are in progress with the Department for Education to agree the funding of a long-term solution. If this timescale is elongated, there will be a further project brief developed to provide at least two more science labs, if required, within 12 months to meet the necessary accommodation schedule for this school, as per BB103.
4. The general teaching classrooms in Block G that have been identified as alternative science provision will not be fitted out as labs – science will be taught as theory, with any experiments either demonstrated virtually, by the teacher alone (safety allowing) or will need to be specifically timetabled for when a lab on the top floor of Block A is available. This will be disruptive to the science department, given it will be split over two buildings, and for pupils outside of Yr 11, but represents the most effective and value for money

solution in the circumstances and avoids the use of temporary accommodation, which would be a more costly and less deliverable solution in the time available.

5. Interim teaching arrangements were in place at the school from Monday 5<sup>th</sup> June 2023, when advice was received from surveyors in advance of their report to close 4 teaching spaces in Block A immediately. The school responded with support from Haringey Council's Corporate Landlord team to close these areas, which was deemed possible due to exams taking place in other areas of the school. Following receipt of the full report from surveyors, the alternative solution provided for the second half of summer term 2023 is not sustainable and will impact the quality of teaching and learning from September 2023.
6. Due to the urgency of providing this solution for autumn term 2023, a Cabinet Member signing has been requested to seek approval for award of a contract based on a bid from Diamond Build Plc to provide the proposed solution to meet space requirements for teaching and learning and minimise the disruption to the school flowing from the loss of this accommodation. A waiver of Contract Standing Orders, which usually requires tendering, has been requested. Diamond Build Plc is a local supplier with a proven track record and has the capacity to undertake the work. The price submitted has been evaluated and considered acceptable. The direct award will be raised via the HPCS.
7. The Chair of the Overview and Scrutiny Committee has, in accordance with Part Four, Section D, Rule 17.1 of the Council's Constitution, agreed that the taking of the decision recommended in this report is urgent and cannot reasonably be deferred and has supported the decision to waive the requirements of the Constitution in Part Four, Section D, Rule 13 and the 5-day notice period requirement for key decisions set out in Part Four, Section D. It was agreed the decision was urgent and time critical in accordance with Part Four Section H Rule 18 (a) and 18 (b).
8. The Chair of Overview and Scrutiny further agreed that the call-in procedure shall not apply to this decision. This is because the decision is urgent, and any delay would seriously prejudice the Council's interests in the delivery of education. The provision of adequate temporary teaching facilities will enable the Council to meet its statutory obligation by minimising partial closure periods, providing education in a safe and appropriate environment, and securing the best possible outcome for students. Accordingly, the Chair of Overview and Scrutiny Committee has agreed that the decision sought is both reasonable in all circumstances and should be treated as a matter of urgency. This is in accordance with Part Four, Section H Rule 18 (a) and 18 (b) of the Council's Constitution

## Alternative Options Considered

1. Do nothing – this would result in a failure by the Council to make adequate provision for teaching and learning for the students at Hornsey School for Girls.
2. Relocate pupils to other schools for lessons taught in Block A 2<sup>nd</sup> Floor and the Performing Arts Block. This option was considered but it was noted that there are no suitable alternative secondary school teaching spaces available within the vicinity of Hornsey School for Girls. It was also discounted as being detrimental to the children’s education.
3. There are no resources within the Council that have the capacity along with the necessary experience, qualifications, and expertise to deliver this service in house.
4. Use of the LCP Major Works Framework, Education Lot was discounted as this framework is not available for works below £1m.
5. The Council’s Dynamic Purchasing System for Minor Works (DPS) does not permit a direct award. A mini competition was discounted as it was felt negotiating with a single contractor under a waiver of the usual requirement for tendering would be most efficient in terms of time. A cost management consultant has been appointed to assess the tender price and confirm value for money.

*A further Special Urgency signing was held on the 1<sup>st</sup> of August 2023 to update and agree the resolutions and report. This was due to the previous attached report and recommendations containing an error in the reference to the contractor. The report of the 31<sup>st</sup> of July read Diamond Build Group Plc and should have read Diamond Build Plc. The Cabinet Member was advised on the 1<sup>st</sup> of August 2023 that there was no material change in the decision with the update to the report and recommendations. This update was needed to mitigate any issues with the contract award.*

*These resolutions and minutes have been updated to reflect the decision making in this signing.*

CHAIR: Zena Brabazon

Signed by Chair .....

Date .....