<table>
<thead>
<tr>
<th>Title of paper:</th>
<th>Approval of Ellis Guilford School Building Schools for the Future (BSF) Final Business Case (FBC)</th>
</tr>
</thead>
</table>
| Director(s)/ Corporate Director(s): | Jim Mason  
Director of Major Programmes Development |
| Wards affected: | Basford and Bestwood |
| Portfolio Holder(s): | Councillor David Mellen  
Portfolio Holder for Children’s Services |
| Date of consultation with Portfolio Holder(s): | 2nd December 2010 |
| Report author and contact details: | Matthew Neal, BSF Programme Director, Development  
Tel: 0115 87 63403  
E-mail: matthew.neal@nottinghamcity.gov.uk |
| Other colleagues who have provided input: | Glen O’Connell – Director of Legal and Democratic Services  
Tel: 0115 8764330  
E-mail: glen.oconnell@nottinghamcity.gov.uk |
| | Jim Driver – Strategic Finance Manager, Corporate Finance  
Tel: 0115 8764226  
E-mail: jim.driver@nottinghamcity.gov.uk |
| Key Decision: | Yes |
| Reasons for Key Decision: | Expenditure of £500,000 or more in a single year  
Revenue income of £500,000 or more in a single year  
Savings of £500,000 or more in a single year  
Capital expenditure of £1,000,000 or more  
Capital income of £1,000,000 or more  
Significant effects on communities living or working in an area comprising two or more wards in the City |
| Relevant Council Plan Strategic Priority: | World Class Nottingham  
Work in Nottingham  
Safer Nottingham  
Neighbourhood Nottingham  
Family Nottingham  
Healthy Nottingham  
Leading Nottingham |
| Summary of issues (including benefits to citizens/service users): | The improvements to Ellis Guilford School are part of the overarching Building Schools for the Future (BSF) programme of rebuilding and improving the facilities of secondary and special schools in Nottingham City. |
| | This report summarises the Final Business Case (FBC) for Ellis Guilford School and seeks |
Approval of the FBC will enable the document to be submitted to PfS. Any delay would potentially introduce slippage in the programme and affect the completion date for the scheme.

The BSF and Academies Programme is fundamental to Nottingham’s commitment to raising educational outcomes and the life chances for this and future generations of Nottingham’s young people. The level of investment that Nottingham City Council is due to receive allows a once in a generation opportunity to shift educational attainment through the provision of 21st century facilities that maximise the opportunities for effective teaching and learning.

**Recommendation(s):**

1. Executive Board is asked to approve the FBC for Ellis Guilford School shown at Appendix A to this report for submission to PfS, and note the associated risk issues and their mitigations.

2. Amend the capital programme to reflect the revised scheme cost of £12.656m.

**1 BACKGROUND**

1.1 Nottingham City Council is a Wave 2 authority in the national Building Schools for the Future (BSF) Programme which aims to rebuild or remodel all secondary and special schools. In Nottingham, this will be delivered by the Local Education Partnership (LEP) which was established in June 2008 following a lengthy procurement process.

1.2 The redevelopment of the Ellis Guilford School on its current site in Basford is part of the BSF Wave 2 Phase 2 schemes and has been approved by Executive Board within the Wave 2 Outline Business Case and Final Business Case previously submitted.

1.3 The BSF Team has progressed the Ellis Guilford scheme to a detailed design level and a Stage 2 submission was received from the LEP for the Ellis Guilford School and is currently being reviewed by the Council’s Building School for the Future (BSF) Team and its advisors. A formal Stage 2 approval will be sought from the January 2011 Executive Board, however the BSF Team can confirm that the proposals developed represent the vision of and have been developed with the School.

The BSF team has been involved in subsequent discussions with PfS in respect of potential savings to be made to all of the schools within BSF that are unaffected. The BSF Team has offered up a 5% saving (approximately) on the original funding allocation amount. As a consequence of these discussions and due to the advanced nature of this scheme the BSF Team has been advised to submit the FBC to PfS before the end of this year.

1.4 The total cost of the scheme will be £12,656,230, which includes an allowance for the full recovery of the Council’s scheme management cost as well as the cost of the new build and refurbishment works detailed in the FBC.
1.5 The overall works will be funded through a drawdown of government grant (£11,456,230) and a capital contribution from the school (£0.4m via devolved formula capita). A further Council contribution (£0.800m) will be met from the overall Wave 2 Council allocation previously approved by Executive Board, subject to confirmation of works to take place in the science block.

1.6 Initial modelling on the Council contribution required to meet the ongoing lifecycle costs of the scheme has been calculated at £97k per annum based on the assumptions used for the submission of the Wave 2 business case. This amount will be funded from the annual Council / School Forum contribution for Wave 2 of £2.3m per annum which has previously been approved by Executive Board.

2 REASONS FOR RECOMMENDATIONS (INCLUDING OUTCOMES OF CONSULTATION)

2.1 The FBC contains outline designs and cost estimates and the various contractual relationships for the new Ellis Guilford School allow for approval of the FBC.

2.2 PfS will review and endorse the FBC. Ongoing discussions have been held with PfS around any potential savings that can be made in relation to the scheme. These savings have been submitted to PfS and all of the assumptions within the FBC have been made on the basis of this new figure. Once the FBC and the new funding model is approved, the City Council can enter into the necessary contractual arrangements and begin construction.

2.3 Part of the contractual documentation between the City Council and the LEP is the Strategic Partnering Agreement (SPA) which sets out the contractual relationship including the process for developing new schemes. As part of this agreement the LEP must submit a Stage 2 Submission for each New Project Request it receives from the City Council. The Stage 2 Submission from the LEP sets out technical detailed project proposals; legals; design principles, costs and construction programming proposals for the scheme.

2.4 The Council has received the Stage 2 Submission for Ellis Guilford School and this is currently being reviewed by the BSF Team and its advisors. A separate report detailing the outcome and recommendations within the evaluation of the report will be taken to the Executive Board in January 2011.

2.5 The BSF Technical Advisors have been closely involved in the build up of the LEP’s construction cost plans. They have confirmed that they are consistent with current market rates and the benchmark costs presented as part of the BSF bid and are therefore value for money.

2.7 Any delay would potentially introduce slippage in the programme and affect completion for September 2012.

3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

3.1 The recommendations embodied in this report were the subject of extensive consideration and consultation during preparation for Wave 2. Therefore no further options are considered appropriate at this time.
4 FINANCIAL IMPLICATIONS (INCLUDING VALUE FOR MONEY)

4.1 Capital

4.1.1 The report recommends approval for submission of the Final Business Case (FBC) for the Ellis Guilford School as part of the Wave 2 BSF programme. The FBC will be submitted to the Partnership for Schools (PfS) to minimise slippage or further potential reductions to the scheme.

A further detailed report will be submitted to Executive Board in January 2011.

4.1.2 The estimated cost of the scheme reported to Executive Board in September 2010 was £13.191m subject to the Council securing the grant funding. Following discussions with cost reductions on the scheme have been identified and the revised costs are now estimated to be £12.656m.

4.1.3 The expenditure of £12.656 is financed as follows:

<table>
<thead>
<tr>
<th>FUNDING</th>
<th>£m</th>
</tr>
</thead>
<tbody>
<tr>
<td>Government capital grant</td>
<td>11.456</td>
</tr>
<tr>
<td>City Council cont (Wave 2)</td>
<td>0.800</td>
</tr>
<tr>
<td>Capital contribution - schools</td>
<td>0.400</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>12.656</strong></td>
</tr>
</tbody>
</table>

The government funding is through a drawdown of government funding via the Funding Allocation Model agreed with Partnerships for Schools (capital grant).

4.1.4 The revisions to this project reflect changes to the delivery of the Wave 2 of the BSF programme. As such the capital programme needs to be updated.

4.1.5 The City Council carries the risk of the development costs if the scheme does not proceed. The abortive fees are estimated to be c.£1.3m. the City Council will need to identify funding for these costs.

4.2 Revenue

4.2.1 An estimated contribution of £0.097m per annum will be required to fund the additional life cycle costs of the new school. This cost can be met from the revenue resources allocated to the Wave 2 programme approved by Executive Board in April 2008 to meet lifecycle requirements.

5 RISK MANAGEMENT ISSUES (INCLUDING LEGAL IMPLICATIONS, CRIME AND DISORDER ACT IMPLICATIONS AND EQUALITY AND DIVERSITY IMPLICATIONS)

5.1 Risks are managed through a formal Risk Register. The key risks, at this stage, are:

1. There is a further reduction in the savings proposals that have been submitted to PfS which results in a fundamental re-design of the school and a re-submission of this report to the Executive Board; and
2. That the Council will have to carry the Stage 1 and 2 submission costs given that the Stage 1 submission has already been approved and if the Local Authority
decided not to proceed any further or if funding was withdrawn by Central Government. The likelihood of this risk crystallising is low, however if the abortive costs were to occur then these would be funded through the Council contribution to the scheme and a reduction in scope of later schemes where Council funding has been allocated.

5.2 Legal implications – External Lawyers, are providing detailed advice to the authority in respect of the BSF programme. They will continue to advise on the detailed development of the relevant contracts, but the standard form documentation for BSF is on a form which represents a favourable balance of risk for the Council. The government’s decision on BSF last July have created uncertainty over the point at which government commitment to financing schemes can be relied upon. This is commented upon at paragraph 5.1 above.

5.3 Equality of educational opportunities and choice are at the heart of the proposals for the school.

6 EQUALITY IMPACT ASSESSMENT

6.1 An Equality Impact Assessment Screening Tool has been completed and is attached as appendix B.

7 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

7.1 None.

8 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT


8.2 Outline Business Case (OBC) September 2006

8.3 Executive Board, 22 April 2008, ‘Nottingham Building Schools for the Future (BSF) programme – Approval of Final Business Case (FBC)’

8.4 Final Business Case (FBC) March 2008

8.5 Executive Board 22 January 2008 ‘Approval of Nottingham Building Schools for the Future (BSF) Preferred Bidder’

8.6 Executive Board 21 September 2010 ‘Approval of Stage 1 Submission for Ellis Guilford School’
Appendix A

FBC Submission Arrangements
April 2010

Pilot

Version 3
1. **Introduction**

The purpose of this document is to set out the PfS requirement for the submission of Final Business Cases (FBCs) for approval.

Current arrangements require the production of a Final Business Case document supported by a number of Appendices. The Guidance provides an outline and the whole process is not dissimilar to the production of an Outline Business Case (OBC).

PfS currently operates two very different styles of submission in Business Case Approvals.

1. OBC submissions are by nature, and justifiably, detailed and complex as it is the first major exposition of the business rationale behind an authority’s project, demonstrating Value for Money, Affordability and Deliverability of the LAs Transformational SfC proposals.
2. Stage 0 submissions have been radically and successfully modified to allow the LAs to reference previously provided information, provide updates where appropriate and to provide a simple commentary against a small number of headings. The whole process is covered in three tables with the focus on change since FBC approval, continued VFM, Affordability and Deliverability.

The current FBC requirements are more akin to OBC than Stage 0. However, as the purpose of the FBC, is to confirm the Outline Business Case outcomes rather than present a new case, then the FBC requirements have more in common with Stage 0 where the purpose is to confirm the Business Case assumptions of the previous FBC and OBC.

It is therefore intended that a form of FBC submission modelled on our new Stage 0 process rather than the format in the current FBC Guidance be introduced.

The LA requirement at FBC would be to:

- Identify changes in the scope, affordability, proposed procurement route or deliverability of the project since OBC. A tabular form of submission would ensure that only relevant information is requested and provided and that provision of the information on a pro-forma is easier for the LA to action than production of a new document;
- Reference previously provided information rather than re-produce it, again using a simple table where responses can be entered;
- Provide a short commentary on a range of specific questions only where a response is necessary, again using a simple table where responses can be entered;
- Clearly identify outstanding issues (derogations, internal approvals, external agreements (HMT/PUK/PfS etc)) in a simple list that gives transparency in the final 6 weeks of the Close process;
- Achieve Close with no outstanding Conditions Precedent on their FBC.

The document describes the evidence required from the LA to support the Final Business Case and allow progress to Close and the issue of a Promissory Note.

Whilst the process is ‘light touch’ it nevertheless requires the LA to be rigorous in their approach to ensuring that the evidence required will be in place at the required time.
2. **Requirements**

The LA is required to:

- Complete the Summary Scope in Table 1 below
- Provide a small amount of information which will, in a well founded project, be easily available, as indicated in Table 2 below; and
- Complete the questionnaire in Table 3 below with the PfS PD providing new evidence only where information has either been updated since OBC/Stage 0 approval or where confirmation of proposed positions at OBC/Stage 0 is now required.

Where the original OBC/Stage 0 or previous FBC contains the evidence to respond to a question then please provide a paragraph number or appendix number from the original document.

Where new evidence is required then please append the necessary documents to your response.

To accompany a change in submission requirements we would need PfS PDs to work with LAs to ensure that the new style FBC submissions were triggered 6-8 weeks before Close, submitted 6 weeks before Close and the issues then addressed with Approvals Team, RODs, RPDs, CMs etc in the weeks up to Close. Throughout this process, PfS may revert to the LA with requests for further information or clarifications in order to prove affordability and deliverability. A complete submission should be in place a full two weeks before projected Close.
3. Information to be submitted

Table 1

<table>
<thead>
<tr>
<th>School</th>
<th>Phase</th>
<th>Planned school completion date</th>
<th>PFI Credits (£)</th>
<th>Design &amp; Build (£)</th>
<th>ICT (£)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Funding Approval Sought (to be approved in the FBC)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ellis Guilford</td>
<td>2</td>
<td>0</td>
<td>£11,456,230</td>
<td>£1.9m (approx)</td>
<td></td>
</tr>
</tbody>
</table>

Indicative Funding for future schools (not approved in this FBC)

<table>
<thead>
<tr>
<th>School</th>
<th>Phase</th>
<th>Planned school completion date</th>
<th>PFI Credits (£)</th>
<th>Design &amp; Build (£)</th>
<th>ICT (£)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Farnborough</td>
<td>3</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nethergate</td>
<td>3</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bluecoat</td>
<td>3</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
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</tbody>
</table>

Table 2

<table>
<thead>
<tr>
<th>Documentation to be provided</th>
</tr>
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</table>

1. Brief description of the project scope;

The scope of the Ellis Guilford scheme remains as described in the Stage 0 submission for both Rosehill and Ellis Guilford. The strategic objectives of the programme remain as set out in the Strategic Business Case (SBC), the Wave 2 Outline Business Case (OBC) and the Final Business Case (FBC) approved by the Council, PfS and the Department for Children, Schools and Families (DCSF) in June 2008.

The design capacity is based on 1350 pupils.

The key priorities which have determined the current design include:

- The removal of temporary buildings;
- The enhancement of external spaces for recreation and enjoyment;
- Providing new dining and social spaces;
- Rationalising departmental adjacencies;
- Providing opportunities for diverse learning styles;
- The enhancement of existing building stock (funding allowing)

2.a For first FBCs a description of the procurement process for each element of the project (D&B, PFI, ICT) demonstrating that it followed EU Guidelines and that competition was appropriately maintained;

n/a

2b For 2nd or subsequent FBCs a description of the evaluation process for each service elements (D&B, PFI, ICT) and confirmation that the NPAP was properly followed;
Ellis Guilford will be a design and build construction project incorporating a new build and upgrade of the Science Block and will be delivered by the LEP procured through the Council’s Building Schools for the Future (BSF) Programme.

The initial option studies and design proposal have been prepared by the Council’s Project Team and formed the basis of the New Project Proposal request given to the LEP. The LEP has subsequently responded to this and delivered a Stage 1 submission on 07 July 2010 and a Stage 2 submission in December 2010.

Evaluation reports and internal approvals have been produced and obtained following the Stage 1 submission and we are currently in the process of evaluating the Stage 2 submission and obtaining the appropriate internal approvals for the Stage 2 submission to progress to Financial Close and agree the submission of the FBC to PfS. The response to question 6 below outlines the timetable for the remaining works in this phase.

3. An approved project budget demonstrating that the procurement and delivery phase are appropriately resourced;

Please see the attached Chief Officer decision (appendix 1), the City Council has combined both the Asset Management Team and the BSF Project Team to cope with extra demands of BSF. Primarily the thrust behind these proposals is to create a structure which provides the capacity to develop schemes that will be delivered through the LEP. These changes were approved and implemented in January 2009. As you will see from the paper the financing for the BSF and Capital and Assets Team is £862,795 plus £96,513 = £959,308.

4. Project Risk Register for the delivery of this Phase;

A Project Risk Register for the Ellis Guilford scheme has been developed.

5. Derogations List applicable to this Phase and comment from Commercial Manager as to how and when these are expected to be resolved;

See exempt appendix 9

6. Programme for the Delivery of this Phase in the context of the whole LA BSF project;

The programme for delivery of the Ellis Guilford project is included below:

**Final Business Case**

- Executive Board Approval of the FBC – 21 December 2010
- Executive Board Approval of the Stage 2 – 18 January 2011
- Strategic Partnering Board (SPB) Approval of the FBC/Stage 2 – January 2011 final date to be confirmed.
- Planning Application Approval – 26 January 2011
<p>| | |</p>
<table>
<thead>
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<th></th>
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<tbody>
<tr>
<td></td>
<td><strong>Site Mobilisation – May 2011</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Site Complete – Phase 1 September 2012</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Phase 2 Overall completion Feb 2013</strong></td>
</tr>
<tr>
<td></td>
<td>The construction programme for Ellis Guilford is shown at Appendix 2.</td>
</tr>
<tr>
<td>7</td>
<td>The approved Funding Allocation Model;</td>
</tr>
<tr>
<td></td>
<td><strong>This will hopefully be approved by PFS as part of the promissory note to be issued following the submission and review of this document.</strong></td>
</tr>
<tr>
<td>8</td>
<td>Section 151 Letter underwriting all LA programme and delivery costs for this phase (See Guidance) and confirming that the remainder of the Wave remains affordable;</td>
</tr>
<tr>
<td></td>
<td><strong>A draft of the Section 151 Letter is attached as appendix 3</strong></td>
</tr>
<tr>
<td>9</td>
<td>School and/or other Stakeholder Commitment Letters relating to ICT, FM, Lifecycle and any Capital Contributions that may be required to deliver this project. Stakeholders to include:</td>
</tr>
<tr>
<td></td>
<td>- Diocesan bodies</td>
</tr>
<tr>
<td></td>
<td>- Foundations &amp; Trusts</td>
</tr>
<tr>
<td></td>
<td>- LSC</td>
</tr>
<tr>
<td></td>
<td>- Any other stakeholders identified in the SBC/OBC/FBC (See Guidance);</td>
</tr>
<tr>
<td></td>
<td><strong>A draft of the Lifecycle Funding Letter which is in the process of being signed by the school and its Governing Body is attached as appendix 4.</strong></td>
</tr>
<tr>
<td>10</td>
<td>Cabinet / Member Commitment for the resourcing, affordability and approval of this proposal;</td>
</tr>
<tr>
<td></td>
<td><strong>This is to be confirmed following the Executive Board on 21st December 2010.</strong></td>
</tr>
<tr>
<td>11</td>
<td>Completed versions of the financial and technical proformas to enable capture of KPI and benchmarking data;</td>
</tr>
<tr>
<td></td>
<td><strong>Exempt appendix 10.</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Both the Authority and the LEP commit themselves to achieving a target saving of between 4 and 5% from the construction costs, equal to circa £535,000.</strong></td>
</tr>
<tr>
<td></td>
<td><strong>This will be achieved through rate efficiencies, setting a legacy equipment quota, reducing the scope and extent of the external works improvements and revisiting both functional and circulation space to reduce the gross area of new build.</strong></td>
</tr>
<tr>
<td>12</td>
<td>Evidence of an Approved Planning Brief, Outline Planning Permission or Full Planning Permission.</td>
</tr>
<tr>
<td></td>
<td><strong>A Planning application submitted and a decision is expected on January 26th 2011. A letter of comfort received from Planning for the Stage 1 submission is enclosed as appendix 5.</strong></td>
</tr>
<tr>
<td>13</td>
<td>Evidence of approval of other statutory proposals: n/a</td>
</tr>
<tr>
<td>14</td>
<td>Responses to questions in Table 3 with additional provided where required: ✓</td>
</tr>
<tr>
<td>15</td>
<td>A letter from the DCS:</td>
</tr>
<tr>
<td></td>
<td>1) confirming the authority’s continued commitment to its educational transformation strategy originally described in the Education Vision /</td>
</tr>
</tbody>
</table>
Strategy for Change;
2) highlighting substantive changes to the authority’s education strategy in response to national policy, local priorities or challenges subsequent to the original submission (i.e. aspects of the LA’s or individual schools’ Strategies for Change which have been refreshed);
3) Updating PfS on the development and delivery of educational KPIs and the change management plan.

Please see letter from the Director of Children’s Services attached as appendix 6

16 Confirmation from PfS of the number of bidders who have expressed their intentions to bid this project, in writing, to PfS. Note that a market must be confirmed before the project will be allowed to OJEU.  n/a

Table 3

<table>
<thead>
<tr>
<th>Table 3 - Key Questions and Further Information Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Are there any changes in the scope of this phase/school from the original OBC/Stage 1 Approval? Please provide details;</td>
</tr>
<tr>
<td>The scope of the Ellis Guilford scheme remains as described in the Stage 0 submission for both Rosehill and Ellis Guilford. The strategic objectives of the programme remain as set out in the Strategic Business Case (SBC), the Wave 2 Outline Business Case (OBC) and the Final Business Case (FBC) approved by the Council, PfS and the Department for Children, Schools and Families (DCSF) in June 2008.</td>
</tr>
<tr>
<td>2 Has the authority set an approved and realistic budget for the delivery of the whole Wave including this phase/school (and including advisory fees) to cover the whole development and delivery period? Please provide details;</td>
</tr>
<tr>
<td>The build element of the Ellis Guilford scheme will be delivered to a total budget of £11,856,230 which will be met entirely from a drawdown from the Funding Allocation Model (FAM) and £400k of Devolved Formula Capital (DFC).</td>
</tr>
<tr>
<td>NCC have been in discussions with PfS around the funding model for the remainder of Wave 2 and have submitted proposals suggesting potential savings for these schemes. Feedback is awaited from PfS as to whether the savings will be acceptable.</td>
</tr>
<tr>
<td>3 Has a contingency been allocated commensurate with the risk profile? Is this reasonable and how is it funded? Does the 151 Letter commit to returning any unspent elements of the BSF funding allocation at the end of the whole Wave procurement?</td>
</tr>
<tr>
<td>The LEP has made a provision for contingency within the costs which is commensurate with the risk profile and funded within the capital funding allocation for the scheme and the 151 Letter included with this FBC commits to returning any unspent elements of the BSF funding allocation at the end of the whole Wave procurement.</td>
</tr>
</tbody>
</table>
4. Has the LA put arrangements in place for the client/delivery phases of this part of the project Are these sufficient? Please provide details;

It is recognised by both the Council and inspiredspaces that for the LEP and the strategic partnership to truly deliver change and succeed, a close working relationship has to be formed between the Council and inspiredspaces within the LEP environment. The role of the BSF Team has therefore continued post-Financial Close and funding has been secured through Schools Forum for the project.

The BSF Team has arrangements with the following external advisors in the delivery of the BSF programme:

- Financial Advisors: Grant Thornton
- Technical Advisors: Faithful+Gould (Part of the Atkins Group)
- Legal Advisors: Watson Burton LLP

Governance arrangements for the BSF programme were approved by the Council’s Executive Board in November 2008. The arrangements include a BSF Operational Project Board, BSF Programme Board as well as the Strategic Partnering Board required under the SPA. The Executive Board report including a structure and the membership and Terms of Reference for the groups is shown at Appendix 7. The new governance arrangements started in February 2009.

5. Has VfM been demonstrated for the whole BSF project (including the application of HMT guidance for PFI elements)? Please provide details

Ellis Guilford is a Non PFI scheme therefore please see response for Q6 below.

6. Have the costs of the conventionally funded elements of the project, including ICT been compared to the OBC estimates? Does this demonstrate that the deal is ‘on market’? Please provide details

Our technical advisors (Faithful+Gould) have held regular dialogue with the LEP and its supply chain during the development of the cost plan and as such have a full understanding of the basis of the submitted costs.

Individual rates and allowances have hence been benchmarked against previously approved and completed schemes and compared with current market rates and published indices.

The LEP has demonstrated within the cost model that current market conditions and price negotiations with their approved supply chain has ensured the best value is achieved.

The VFM position has been reviewed and agreed by our Technical Advisors, Faithful+Gould as being on market.

7. Has the LA demonstrated that the project is affordable in respect of:

- PFI;
- Conventionally funded D&B;– capital build and annual FM and LCC;
- ICT– capital and refresh/ annual managed services;
- Equity investment in the LEP&PFI SPVs.

Please provide details
The Council, in conjunction with advice received from its technical and financial advisors is satisfied that the project is affordable. This is based on a total scheme cost of £11.856m which will be funded from an agreed drawdown from the FAM of £11.456m and a £0.4m contribution that the school has agreed to make through a Governing Body Agreement. Lifecycle, FM and ICT will all be dealt with in the manner agreed with PfS for earlier BSF schemes in Nottingham. To this end a lifecycle reserve will be created which will receive contributions from both the school and the Council as agreed through the Governing Body Agreement. This reserve has been modelled in the same way as preceding BSF schemes and the overall lifecycle commitments that the Council is required to make can be contained within the Council’s overall ongoing revenue commitment to Wave 2 as previously demonstrated in the overall Outline Business Case for Wave 2. The ICT contract was signed when Wave 2 reached financial close and the modelling and provisions of this contract include Ellis Guilford. The provision of an ICT managed service at Ellis Guilford remains affordable within the overall parameters of this contract.

Ellis Guilford is a design and build scheme, so there are no PFI considerations and the City Council already has a Local Education Partnership, so no further equity investment is required.

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>8. Does the overall BSF affordability model correctly represent:</td>
<td>Yes</td>
</tr>
<tr>
<td>• For PFI: the Unitary Payments, School Governing Body contributions and PFI Credits allocated,</td>
<td></td>
</tr>
<tr>
<td>• For D&amp;B schemes and ICT: the payments to the LEP, the capital (either grant or supported borrowing) approvals made available through BSF and School Governing Body contributions;</td>
<td></td>
</tr>
<tr>
<td>• For all investment: other resources available to fund the project set out in the FBC (including TPI)?</td>
<td></td>
</tr>
<tr>
<td>Please provide details</td>
<td></td>
</tr>
<tr>
<td>9. On Capital Contributions:</td>
<td>No</td>
</tr>
<tr>
<td>• Is there any form of land sale capital receipt during the project life? If yes, does the risk assessment include the risk of delay of sale of land by the LA?</td>
<td></td>
</tr>
<tr>
<td>If the contribution is being made to a PFI scheme does the form and timing satisfy the requirements of SOPC4? Have the proceeds of any capital receipts been shared with the BSF programme funding in accordance with BSF Funding guidance?</td>
<td></td>
</tr>
<tr>
<td>• Has the Authority secured other capital sources? Is the affordability of the schemes dependant on it being secured?</td>
<td></td>
</tr>
<tr>
<td>Please provide details</td>
<td></td>
</tr>
<tr>
<td>10. Confirmation that Risk Allocation is appropriate for PFI Projects and has not changed since OBC.</td>
<td>n/a</td>
</tr>
<tr>
<td>11. Confirmation that the contractual documents comply with the latest published versions of the PfS standard documents?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Question</td>
</tr>
<tr>
<td>---</td>
<td>--------------------------------------------------------------------------</td>
</tr>
<tr>
<td>12</td>
<td>Is ICT being procured as part of the LEP, or as a separate contract? If the latter, has the LA demonstrated how ICT will be fully integrated into the overall BSF project? Are these mechanisms robust and functional?</td>
</tr>
<tr>
<td></td>
<td>We confirm that ICT is procured as part of the LEP ICT Managed Service.</td>
</tr>
<tr>
<td>13</td>
<td>Has the LA detailed their Project Management Structure to be used beyond financial close and is it appropriately structured and resourced?</td>
</tr>
<tr>
<td></td>
<td>Please refer to section 4 of Table 3.</td>
</tr>
<tr>
<td>14</td>
<td>Has Section 77 Approval been gained in respect of sites for disposal in relation to this phase?</td>
</tr>
<tr>
<td></td>
<td>Please see Appendix 8 e-mail confirmation dated 06/12/10 from Rob Giles in the PFS Assets Team at Darlington confirming that Section 77 is not required.</td>
</tr>
<tr>
<td>15</td>
<td>Are any other statutory processes outstanding? (e.g.</td>
</tr>
<tr>
<td></td>
<td>- public enquiries,</td>
</tr>
<tr>
<td></td>
<td>- public consultations,</td>
</tr>
<tr>
<td></td>
<td>- CPOs,</td>
</tr>
<tr>
<td></td>
<td>- School closures,</td>
</tr>
<tr>
<td></td>
<td>- amalgamations or change of status,</td>
</tr>
<tr>
<td></td>
<td>- agreement from Sport England concerning school playing fields)</td>
</tr>
<tr>
<td></td>
<td>- Learning and Skills Act 2000</td>
</tr>
<tr>
<td></td>
<td>- Disposal of land below market value</td>
</tr>
<tr>
<td></td>
<td>- Listing</td>
</tr>
<tr>
<td></td>
<td>- Environmental issues</td>
</tr>
<tr>
<td></td>
<td>If so, have all the material issues been resolved? Note that the Phase cannot be approved until these are complete.</td>
</tr>
<tr>
<td>16</td>
<td>Has the change management strategy and plan been updated as a</td>
</tr>
<tr>
<td></td>
<td>result of analysis of the effectiveness and impact of earlier waves?</td>
</tr>
<tr>
<td></td>
<td>Please see letter from the Director of Children’s Services included as appendix 6 for our response to question 15 of table 2.</td>
</tr>
<tr>
<td>17</td>
<td>Are the school strategies for change in this phase/wave properly</td>
</tr>
<tr>
<td></td>
<td>reflected in the design options proposed?</td>
</tr>
<tr>
<td></td>
<td>This scheme is subject to the provisions under Wave 2 and as such school’s SFC’s where never completed; however we can confirm that the design options do meet the vision of the school.</td>
</tr>
<tr>
<td></td>
<td>Members of the BSF Team and the Technical Advisors have reviewed the options on a similar basis to that undertaken for the OBC taking into account changes in overall strategy and context. The key parameters for each of the considered options were that they must:</td>
</tr>
<tr>
<td></td>
<td>- Support the Authority’s education vision;</td>
</tr>
<tr>
<td></td>
<td>- support the schools emerging education vision;</td>
</tr>
<tr>
<td></td>
<td>- where possible address building condition issues;</td>
</tr>
<tr>
<td></td>
<td>- overcome issues of capacity and the need for temporary</td>
</tr>
</tbody>
</table>
accommodation;

- promote good access and security for the site; and
- be feasible within the site constraints.

Level 1 and Level 2 appraisals addressing Programme and School Level issues were undertaken as part of the Wave’s OBC preparation and considered the Strategic Vision and Affordability criteria. A reappraisal of the options, with stakeholder involvement, has been undertaken with the emphasis on maximising value for money criteria. This has resulted in a variation to the works as defined in the Wave’s OBC. This variation is not considered to be major material changes to that original submission and will not affect the overall affordability.

The reappraisal has considered the school specific visions and has taken into account issues related to site area, access constraints, early discussions with the planning authority, desk top site evaluation, phasing and temporary accommodation requirements. The City Council can confirm that this reappraisal meets the requirements of Building Bulletin 98 and/or Building Bulletin 77 (where appropriate) and meets the following requirements:

- that the school fits on the site, takes account of community use, access routes and areas of potential expansion;
- that there is an indicative premises development plan for the whole site including any phasing/temporary accommodation; and
- there is a mix of minor refurbishment and new build.

18 Are the educational KPIs proposed for this phase:

i) a good match with the principal intents of the refreshed education vision and strategy?

The KPI's proposed are a good match with the principal intents of the education vision and strategy.

ii) informed by evaluation of progress towards KPI outcomes in earlier waves/phases?

As Nottingham City has only had schools open since September 2009, it is still too early to evaluate progress towards KPI outcomes; however it is our intention to do this as soon as reasonably practical.

Yes
# Equality Impact Assessment Screening Tool

<table>
<thead>
<tr>
<th>Equality Strand</th>
<th>Does the proposed project/strategy/plan/function etc have a positive or negative (adverse) impact on people from these key equality groups? Please describe</th>
<th>Are there any changes which could be made to the proposals which would minimise any adverse impact identified? Please describe</th>
<th>Have any mitigating circumstances been identified? Please state</th>
<th>Areas for Review/Actions Taken (with timescales and name of responsible officer)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Race</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Gender</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Incl. teenage pregnancies</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Disability</td>
<td>Positive – any alterations will comply with the DDA act.</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Religion/Belief</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Sexual Orientation</td>
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<td>N/A</td>
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<td>N/A</td>
<td>N/A</td>
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</tr>
<tr>
<td>Looked After Children</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>
CHIEF OFFICER DECISION
FRONT SHEET

BSF Team and Capital and
Assets Team Restructure

Date Signed: 22/01/09

Original to File: [ ]

Copies to:

- Portfolio Holder: [ ]
- Finance: [ ]
- HR: [ ]
- Report Author: [ ]
## Appendix 1

| RECORD OF DECISION UNDER DIRECTOR OF CHILDREN’S SERVICES |
| OFFICER ‘A’ DELEGATED POWERS |
| DECISION MADE BY: |
| Officer ......................................................................................................... |
| on behalf of the Director of Children’s Services |
| SUBJECT OF DECISION |
| BSF TEAM AND CAPITAL AND CAPITAL AND ASSETS TEAM RESTRUCTURE |
| RELATIONSHIP TO COUNCIL POLICY |
| BSF is a major Council priority |
**INFORMATION/ADVICE TAKEN INTO ACCOUNT**

This report proposes the restructure of the current BSF and Capital and Assets Team to provide the for the future requirements for the department and to address residual issues arising from the transfer of finance posts to corporate services.

Because of the exclusivity that the Local Education Partnership (LEP) has for all secondary estate capital work above £500k and the increased expectation that significant new funding routes for schools will be routed through the LEP over time this is likely to impact on some of the core work of the Capital and Assets Team that have traditionally managed the client/contractor interface on large school schemes.

It is proposed that with effect from 1 February 2009:

That the post of BSF Project Manager is disestablished.

A new SLMG post – Head of BSF and Assets – be created.

A Commercial Manager and Contract Administrator post be created.

A Education Visioning Manager post be created

Delete the vacant Project Office post (SO2) in the Capital Assets Team

The posts of Project Manager (David Rogerson) and Project Assistant (Stuart Highton) to be transferred to the establishment of the Corporate Resources Department and report directly to the Strategic Finance Manager (Children’s Services).

There is a 66 2/3rds match between the proposed Job Description for the Head of BSF and Assets and the BSF Project Manager post and therefore will be slotted in into the new post of Head of BSF and Assets. A job evaluation will be undertaken that determines that grade of the post.

### LEGAL AND RESOURCE IMPLICATIONS
### BSF IMPLICATIONS
This supports the development of BSF.

### EXIT STRATEGY

### OBSERVATIONS OF CHIEF FINANCE OFFICER
The current base budget for the BSF Team and the Capital and Assets Team (less the transfer of resources to the Corporate Resources Department in respect of (DR and SH) is £862,795.

The estimated cost of the proposals is £959,308.

Therefore there is a gap of £96,513 against the current base budget. A bid has been approved by Schools Forum in January to support additional costs of growth in the Team from the Dedicated School Grant.

Estimates of the likely costs of all new posts have been made. Any under or over estimate, which is not considered likely to be material, will affect the final contribution to be sought from the capitalisation of costs against available capital grant and funding from the Dedicated Schools Grant.

### SPECIFIC VAT ISSUES
None

### GERSHON EFFICIENCY IMPLICATIONS
The establishment of the Local Education Partnership (LEP) to deliver BSF investment will reduce future procurement costs for the Council. The main thrust behind proposals in this report is to create a structure which provides the capacity to develop schemes that, ultimately, will be delivered through the LEP, which should lead to VFM in procurement and delivery of capital schemes.

### OBSERVATIONS OF THE HUMAN RESOURCES BUSINESS PARTNER
HR supports the proposals. There are no risks to existing postholders as a result of these proposals so therefore no redundancy/DDP procedures need to be followed. Also as a result of no changes to posts there is no requirement to follow a sloting in or matching process.

It is recommended that the newly created posts of Commercial Manager and Contract Administrator and Education Visioning Manager be ring fenced in the first instance as an opportunity for those currently within the BSF/Capital and Assets teams. This should be subject to their skills being appropriate for the relevant job descriptions and person specifications.

Should there be no interest from members of either team the appropriate vacancy management processes will need to be followed in order to externally recruit to the new posts.

### ICT NEEDS & BUDGET CODE
Appendix 1

REASONS FOR DECISION

Signed ................................................................. Chief Officer

Dated ................................................................. 22/1/09
DMT

REPORT TO CHILDREN'S SERVICES DEPARTMENTAL MANAGEMENT TEAM

DATE:

REPORT OF GRAHAM FEEK, DIRECTOR, RESOURCES, CHILDREN'S SERVICES

BSF TEAM AND CAPITAL AND CAPITAL AND ASSETS TEAM RESTRUCTURE

1 SUMMARY

1.1 This report proposes the restructure of the current BSF and Capital and

2 RECOMMENDATIONS

2.1 IT IS RECOMMENDED that the Corporate Director agrees to the proposed
remainder based on the information set out in this report. The new team to be
known as the Schools for the Future (SSF) Team.

3 BACKGROUND AND PROPOSALS

3.1 In April 2008, as part of Facing the Future part 2 the post of Head of Asset
Management was disestablished. A new Service Manager post Capital and
Assets was established which managed the day to day operation of the team.
This post reports to the Strategic Finance Manager (SFM) post.

3.2 The SFM post is now contained in the Corporate Resources Structure as are
all financial management posts (from June 08). This therefore requires the
realignment of responsibility for the service within Children's Services and
clarity on any posts which may be deemed corporate posts, because they
pertain to financial management. Such posts would be recommended to
transfer to corporate services under the Council's S151 officer.

3.3 In parallel with this, a review of future requirements to sustain the activity of the
BSF Team has been undertaken. At present the Team consists of 7 posts.
The current workload is unsustainable and evidence from other LAs suggests
that the team is substantially under resourced to deliver and manage schemes
under the BSF, Academies and Primary Capital Programmes.

3.4 Because of the exclusivity that the Local Education Partnership (LEP) has for
all secondary estate capital work above £500k and the increased expectation
that significant new funding routes for schools will be routed through the LEP
over time this is likely to impact on some of the core work of the Capital and
Assets Team that have traditionally managed the client/contractor interface on
large school schemes.

3.5 The work of the Capital and Assets Team fits into 5 distinct areas:
Appendix 1

I. Financial management and financial advice on the capital programme;
II. Project Management of capital schemes;
III. Advice and support to schools and the department in relation to capital related projects and issues;
IV. Determination of sufficiency requirements for schools to meet expected DCSF standards;

4 Proposals

4.1 It is proposed that with effect from 1 February 2009:

With the exception of 2 posts that predominantly relate to financial management responsibilities it is recommended that all posts and responsibilities within Capital and Assets (Appendix 1) move to the BSF Team as part of an a Projects and Assets Team.

That the post of BSF Project Manager is disestablished.

A new SLMG post – Head of BSF and Assets – be created.

A Commercial Manager and Contract Administrator post be created.

A Education Visioning Manager post be created.

Delete the vacant Project Officer post (SO2) in the Capital Assets Team.

The posts of Project Manager (David Rogerson) and Project Assistant (Stuart Haighton) to be transferred to the establishment of the Corporate Resources Department and report directly to the Strategic Finance Manager (Children’s Services).

There is a 66 2/3rds match between the proposed Job Description for the Head of BSF and Assets and the BSF Project Manager post and therefore will be slotted in into the new post of Head of BSF and Assets. A job evaluation will be undertaken that determines that grade of the post.

The current Service Manager post Capital and Assets is vacant. After undertaking a review of the responsibilities of this post, it is proposed to advertise this post.

4 TIMESCALE FOR IMPLEMENTATION OF PROPOSALS

4.1 All proposals to be implemented with effect from 1 February 2009.

5 OTHER OPTIONS CONSIDERED

5.1 Whilst some services within the Capital and Assets Team have synergy with other parts of Children’s Services (Pupil and Place Planning and Support Services) it is believed that economies of scale would be lost if the service was further
Appendix 1

disaggregated. Also the proposed structure affords the greatest potential for professional development.

6 FINANCIAL IMPLICATIONS

The current base budget for the BSF Team and the Capital and Assets Team (less the transfer of resources to the Corporate Resources Department in respect of (DR and SH) is £862,795.

The estimated cost of the proposals is £959,308.

Therefore there is a gap of £96,513 against the current base budget. A bid has been approved by Schools Forum in January to support additional costs of growth in the Team from the Dedicated School Grant.

Estimates of the likely costs of all new posts have been made. Any under or over estimate, which is not considered likely to be material, will affect the final contribution to be sought from the capitalisation of costs against available capital grant and funding from the Dedicated Schools Grant.

7 SPECIFIC VAT ISSUES

None

8 GERSHON EFFICIENCY IMPLICATIONS (value for money)

The establishment of the Local Education Partnership (LEP) to deliver BSF investment will reduce future procurement costs for the Council. The main thrust behind proposals in this report is to create a structure which provides the capacity to develop schemes that, ultimately, will be delivered through the LEP, which should lead to VFM in procurement and delivery of capital schemes.

9 BSF IMPLICATIONS

This report addresses workload issues within the BSF and the proposals address current and expected future needs.

10 LEGAL IMPLICATIONS

None.

11 RISK MANAGEMENT ISSUES

This report addresses a significant risk that present capacity within the BSF Team cannot sustain the delivery of the BSF, Academies and Primary Capital Programmes. The proposals also establish clear management arrangements and support for the current
12 **OBSERVATIONS OF OTHER OFFICERS**

HR supports the proposals. There are no risks to existing postholders as a result of these proposals so therefore no redundancy/DDP procedures need to be followed. Also as a result of no changes to posts there is no requirement to follow a slotting in or matching process.

It is recommended that the newly created posts of Commercial Manager and Contract Administrator and Education Visioning Manager be ring fenced in the first instance as an opportunity for those currently within the BSF/Capital and Assets teams. This should be subject to their skills being appropriate for the relevant job descriptions and person specifications.

Should there be no interest from members of either team the appropriate vacancy management processes will need to be followed in order to externally recruit to the new posts.

13 **OBSERVATIONS OF UNIONS**

Unions have been consulted and have not objected to the proposal.

14 **CRIME AND DISORDER ACT IMPLICATIONS**

It is a statutory requirement that all City Council proposals demonstrate that they have considered implications for crime and disorder, positive or negative, that emanate from the proposal.

15 **EQUALITY AND DIVERSITY IMPLICATIONS**

A completed Equalities Impact Assessment Screening Tool has been completed and is attached.

16 **LIST OF BACKGROUND PAPERS / DOCUMENTS**

None.

17 **PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT**

None

**CONTACT OFFICER**

Contact Officer: Graham Feek
Telephone number: 0115 9150761
Email address: graham.feek@nottinghamcity.gov.uk

23/12/08
### EQUALITY IMPACT ASSESSMENT SCREENING TOOL

<table>
<thead>
<tr>
<th>Equality Strand</th>
<th>Does the proposed project/ strategy/ plan/ function etc have a positive or negative (adverse) impact on people from these key equality groups? Please describe</th>
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<tr>
<td>Race</td>
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<td>N/A</td>
<td></td>
</tr>
<tr>
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<td></td>
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<tr>
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<td>No</td>
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<td></td>
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<td>Community Cohesion</td>
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</tr>
<tr>
<td>Looked After Children</td>
<td>No</td>
<td>No</td>
<td>N/A</td>
<td></td>
</tr>
</tbody>
</table>

Appendix 1
<table>
<thead>
<tr>
<th>Name</th>
<th>Start</th>
<th>Duration</th>
<th>Finish</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phase 1 - New Build Teaching Block &amp; Dining Area</td>
<td>24/08/2011</td>
<td>5w 2011</td>
<td>31/08/2011</td>
</tr>
<tr>
<td>Enabling Works</td>
<td>24/08/2011</td>
<td>4w 2011</td>
<td>28/08/2011</td>
</tr>
<tr>
<td>Site On Site</td>
<td>28/08/2011</td>
<td>5w 2011</td>
<td>22/09/2011</td>
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<td>Prepare Site Compound Area</td>
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<td>7w 2011</td>
<td>06/10/2011</td>
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<td>Fencing to Site Boundaries</td>
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<td>5w 2011</td>
<td>03/11/2011</td>
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<td>Install Site Offices</td>
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<td>30/11/2011</td>
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<td>Site Enhance Modification Works</td>
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<td>4w 2011</td>
<td>22/12/2011</td>
</tr>
<tr>
<td>Decant From Old Temporary Units/ Areas to Be Demolished</td>
<td>22/12/2011</td>
<td>2w 2011</td>
<td>12/01/2012</td>
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<td>Decant</td>
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<td>14/01/2012</td>
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<td>Demolition etc.</td>
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<td>4w 2012</td>
<td>04/02/2012</td>
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<td>Issues Temporary Services etc.</td>
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<td>08/03/2012</td>
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<td>Asbestos Removal (Provisional)</td>
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<td>9w 2012</td>
<td>19/04/2012</td>
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<td>3w 2012</td>
<td>04/05/2012</td>
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<td>Demolition of Existing Small Hall &amp; Admin Area</td>
<td>04/05/2012</td>
<td>3w 2012</td>
<td>25/05/2012</td>
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<td>25/05/2012</td>
<td>14w 2012</td>
<td>18/06/2012</td>
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<td>18/06/2012</td>
<td>3w 2012</td>
<td>01/07/2012</td>
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<td>01/07/2012</td>
<td>96w 2012</td>
<td>31/08/2013</td>
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<td>Structures &amp; Envelope</td>
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<td>6w 2012</td>
<td>15/07/2012</td>
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<td>New Foundations in New- Build Areas</td>
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<td>Structural Steel Frame</td>
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<td>28/02/2013</td>
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<tr>
<td>Finishes &amp; Fix Out to new Build</td>
<td>28/02/2013</td>
<td>4w 2013</td>
<td>07/03/2013</td>
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<tr>
<td>Inspections &amp; Sign off</td>
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<td>1w 2013</td>
<td>09/03/2013</td>
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<td>External Works Around New Build &amp; Tie In to Existing</td>
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Revision Notes:
Appendix 3

Drafting for Ellis Guilford S151 Letter

Dear Tim

In my capacity as Section 151 officer to the local authority, I confirm that I am satisfied that the design and build scheme for Ellis Guilford and its participation in the Wave 2 ICT managed service contract is affordable. This is based on the advice of our financial and technical advisors, which has informed my understanding of funding and expenditure as set out below. On this basis we understand and accept ownership of the assumptions underpinning the affordability and risks of this scheme, including in respect of authority necessary consents.

I can also confirm that the Final Business Case for this scheme has been developed with full transparency and consultation between the Local Education Partnership and the City Council and that both parties are committed to working within the constraints of the funding envelope outlined below.

The Final Business Case for the Ellis Guilford scheme was approved by the City Council’s Executive Board on the 21st December 2010.

Funding for Ellis Guilford

I understand that the total cost of the Ellis Guilford design and build scheme, as set out in the Final Business Case and verified by our technical advisors, is £11.856m. The scheme will be funded through a drawdown of £11.456m from the Funding Allocation Model and a further capital contribution of £0.4m from the school’s devolved formula capital allocation.

The lifecycle costs for the scheme have been modelled and the City Council can confirm that they remain within the original affordability envelope set out for the scheme in the Outline Business Case for Wave 2. The cost for lifecycle are currently estimated to be approximately £3.3m (unindexed) and the provision of this service will be organised by agreement between the local authority and the school as agreed with PFS for all wave 2 schools. The school will deal with hard and soft FM via their own budgets as is the case for all D&B schools in the Nottingham City Wave 2 BSF programme.

The City Council is completely committed to delivering the transformational vision set out in the Wave 2 SBC and OBC and will make every endeavour to bridge any affordability gap, should one occur, through recourse to its existing processes for dealing with such issues.

Local Authority Investments
The Local Authority has already created and invested in a Local Education Partnership through the Wave 2 procurement process and no further investment is required in order to deliver this scheme.

**ICT Funding and Expenditure**

I understand that this scheme will form part of the Wave 2 ICT managed service contract which has already been signed and is in operation and that this will be funded through the funding allocation model (£1,450 ICT capital funding per pupil, less a £60k efficiency saving) and the £100 per pupil per year contribution made by the school. I understand that this is consistent with the ICT managed services contract that was signed at Financial Close for Wave 2 and that this contract remains affordable.

A governing body agreement is in place with the school which commits them to both the ongoing contributions for ICT (£100 per pupil) and the £0.4m capital contribution towards the construction of the school.

Yours sincerely

Carole Mills-Evans  
Deputy Chief Executive and Corporate Director of Resources  
Nottingham City Council
29th Nov 2010

Dear Mr Plummer,

Re: BSF Wave 2 Programme - Lifecycle and FM Funding

The BSF programme has reached the stage where the Final Business Case for your school are being submitted. Part of this proposal includes proposals as to how lifecycle and facilities management (FM) will be funded once the building is complete. From previous discussions you will be aware that the BSF funding for the programme is predicated on the expectation that schools are ready to engage with the FM and lifecycle elements of the programme.

Wave 2 of our BSF programme is made up of a mixture of conventionally funded design and build schools and PFI schools, as a conventionally funded schemes the lifecycle costs are the responsibility of the school and City Council. We are writing to request that you commit to taking part in Nottingham City Council’s lifecycle package and commit to continuing to meet facilities management expenditure from your delegated school’s budget as is currently the case, in addition to your commitment to signing up to the ICT managed service that is also being offered through the Wave 2 programme.

It is proposed that a sinking fund would be created and managed by the Schools for the Future Team and would provide funding to maintain each school’s buildings to an agreed condition. Works would be prioritised through an agreed and jointly developed Asset Management Plan for each school within Wave 2.

The proposals are that this sinking fund would be financed by an ongoing contribution of 85% of each schools’ Devolved Formula Capital allocation topped up by an ongoing annual contribution to be awarded through Schools Forum to be spent on lifecycle costs at the Wave 2 schools.

Schools would be responsible for managing their FM programme through their existing school budgets as is currently the case.

The schools in the programme will continue to be thoroughly involved in discussions about the nature of the FM and lifecycle provision. Clearly we do not expect you to sign up to the FM and lifecycle package until you know the costs and exact nature of the proposals. You will have a full opportunity to discuss the detail and make your full contribution to the outcome.

I would be grateful if you and your Chair of Governors would sign a copy of this letter to indicate your commitment in principle to this approach, and provide a declaration of your readiness to engage with the process, and return it to me as soon as possible. Please keep a copy for your own records.
If you have any comments or queries, please do not hesitate to contact me on 0115 876 3403 or matthew.neal@nottinghamcity.gov.uk.

Yours sincerely,

Matthew Neal
Head of BSF and Assets

Countersigned:
Headteacher: ..........................

Chair of Governors (or delegated representative)..........................


Dear Ms Gruffydd

Ellis Guilford School

I am in receipt of your Stage 1 drawings (Landscape Masterplan; Location of Existing Accommodation, Massing Study) for the above. Meetings have taken place to discuss the scheme, including with my urban design and highways colleagues.

The proposal involves the removal of various existing buildings to the northern corner of the site, retention of the newer buildings closer to Bar Lane and the erection of new, primarily two storey buildings including new dining areas, plus the relocation of hard play areas. The proposal seeks to improve the quality of buildings on the site and to improve movement through the site by providing a ‘town square’ and better circulation routes.

The approach indicated on those drawings is considered to be acceptable in principle, subject to the following key issues that need to be addressed on the site:

- The new buildings shall be of high design quality and incorporate renewable energy and sustainable features (Local Plan Policies BE3 and BE4);

- It would be appropriate to break up the car park at the front of the site with additional planting and to carefully consider the surfacing materials in this area. Consideration should also be given to separation between pedestrian and vehicular use of these areas (BE2 and BE3);

- Sports pitch and playing field provision and quality should be in agreement with Sport England (R5);

- Details of community access would need to be submitted in a planning application (CE2);
- Positioning of the MUGA and floodlighting requirements should not adversely impact upon neighbouring residents (BE3).

I hope that this is helpful to you. If you require any further information or have any queries, please contact me on my direct line number.

Yours faithfully

Phil Shaw
Principal Planning Officer
Direct line ☎️: 0115 915 5415
Dear Tim,

Re: Wave 2: Phase 2 – Ellis Guilford Final Business Case Submission to Partnerships for Schools

I confirm the authority’s continued commitment to the educational vision originally described in the Strategic Business Case (SBC) and more recently reiterated in our Wave 5 Strategy for Change (SfC). This vision encapsulates a commitment to 6 key features of a 21st Century education provision for Nottingham City.

I confirm that there have been no substantive changes to the authority’s education strategy in response to national policy, local priorities or challenges subsequent to the original SBC submission.

In support of updating PfS on the development and delivery of the educational Key Performance Indicators (KPI’s) and change management plan I have also attached the Key Performance Indicators and monitoring arrangements from the authority’s Wave 5 SfC Part 2.

Yours sincerely,

Ian Curryer
Corporate Director, Children and Families
EXECUTIVE BOARD – NOVEMBER 2008

Title of paper: Building Schools for the Future (BSF) Governance Arrangements  
Key Decision: NO

Chief Officer(s): Graham Feek, Director of Resources, Children’s Services  
Wards affected: ALL

Portfolio Holder(s): Councillor David Mellen, Portfolio Holder for Children and Young People  
Date of consultation with Portfolio Holder(s):

Contact Officer(s): Graham Feek, Director of Resources, Children’s Services

Summary of issues raised:

This report includes the proposed governance arrangements for the Nottingham Building Schools for the Future (BSF) programme. The Executive Board is asked to approve the arrangements as set out in the report, including all proposed memberships. The Executive Board is also asked to agree to move to external appointment for the Council’s Local Education Partnership (LEP) Director and approve the Director of Legal and Democratic Services as the Council’s Strategic Partnering Board (SPB) Representative.

Summary of recommendations:

It is recommended that Executive Board:

i) Approve the proposed Governance solution for BSF as set out in the report, including all proposed memberships.

ii) Agree to move to external appointment for the Council’s LEP Director.

iii) Approve the Director of Legal and Democratic Services as the Council’s SPB Representative.

Summary of Implications:

Approval of the recommendations will formalise the Governance arrangements and the LEP and SPB Directors for the BSF programme which is fundamental to ensuring that all the obligations entered into through the various contracts with the LEP are honoured and future schemes are delivered.

Impact on corporate objectives:

The BSF programme will have a positive impact on educational attainment through the transformation of the Council’s secondary school estate, as well as on local regeneration and sustainability.

Benefits to customers/service users:

The BSF programme is fundamental to Nottingham’s commitment to raising educational outcomes and the life chances for this and future generations of Nottingham’s young people. The level of investment that the programme will deliver over its lifetime allows a once in a generational opportunity to shift educational attainment through the provision of 21st Century facilities that maximise the opportunities for effective teaching and learning.
1 KEY DECISION

This report is not the subject of a key decision.

2 RECOMMENDATIONS

2.1 It is recommended that Executive Board:

i) Approve the proposed Governance solution for Building Schools for the Future (BSF) as set out in the report, including all proposed memberships.

ii) Agree to move to external appointment for the Council’s Local Education Partnership (LEP) Director.

iii) Approve the Director of Legal and Democratic Services as the Council’s Strategic Partnering Board (SPB) Representative.

3 REASONS FOR RECOMMENDATIONS

3.1 On Friday 13th June 2008 Nottingham reached Financial Close on its BSF Wave 2 project at which point the LEP was established. The LEP will deliver BSF Wave 2 and a further tranche of schemes in Wave 5 as well as three new Academies and the Primary School Pilot. The LEP can also deliver other non-education schemes if desired.

3.2 The Governance arrangements for BSF must ensure that all the obligations entered into through the various contracts with the LEP are honoured. The Governance also needs to be set within requirements of Children’s Trust Arrangements. This paper makes recommendations on new Governance arrangements that meet these requirements.

4 BACKGROUND

4.1 Appendix 1 sets out the proposed Governance arrangements for BSF now that the LEP is formed. The arrangements allow appropriate corporate, member and partner representation. The Strategic Partnering Agreement (SPA) sets out the requirement for a SPB which, in summary, approves the schemes to be delivered by the LEP and is the vehicle for monitoring the performance of the LEP. This is the key Board required to be established by the Council to meet the requirements of the various BSF contractual documents. Whilst the SPB, under the SPA, approves schemes to be delivered this does not affect the normal approval routes of the Council and Executive Board will approve all proposals that are key decisions before recommendations are made to the SPB by the Council’s SPB Representative.

4.2 In addition to the SPB, the Council needs to ensure that it has arrangements in place that allow appropriate input into the development and delivery of schemes through the LEP.

4.3 In January 2008, the 4Ps undertook a Gateway Review for BSF. Partnerships for Schools made a number of recommendations in relation to Governance which are reflected in the proposed arrangements. The issues which are addressed in the proposed governance structure included:
• Clear shared vision for the benefits realisation of BSF with stakeholders.
• Decision on the strategy for the future expansion of the LEP.
• Systems to manage elevation of high level and strategic risks.

4.4 Proposals in this paper are consistent with the decisions made by Executive Board in October on the arrangements for a Children’s Trust.

5 PROPOSALS

5.1 Appendices 2 to 5 provide more detailed background on each of the Boards described below. In summary, the proposed Boards and their remit and membership are as follows.

5.2 LEP Board – meets monthly

Remit: To provide the commercial and strategic direction to the company and deliver the LEP business plan.

Membership
4 Private Sector Partner members
1 Local Authority
1 Partnerships for Schools (PFS) member (PFS investment arm BSFI)

Appendix 2 sets out the detailed role of the LEP Board.

To date the former Strategic Finance Director has acted as interim Local Authority Director on the LEP. The substantive position needs to be formalised. Legal advice suggests that, to avoid any potential conflict of interest, that the Council should seek an external appointment with the requisite skills and competencies to represent the Council’s interest in the company. It is recommended that the Council advertises for this position as soon as possible. In the meantime the former Strategic Finance Director will continue as the interim Director.

5.3 Strategic Partnering Board (SPB) – meets monthly (or whenever required)

Remit: The main formal interface between the Council and the LEP. Fulfils the requirements set out in the SPA including contract compliance of the LEP, agreeing schemes to be submitted to the LEP for development/implementation, agreement of annual Strategy for Change document.

Appendix 3 sets out the detailed role of the SPB.

Membership
Local Authority Representative (to be determined): Voting
LEP General Manager: Voting other than on Project Approval
Portfolio Holder for Children and Young People (Chair): Non voting

It is intended to invite up to six (non-voting) stakeholders allowed under the Strategic Partnering Agreement, including the Portfolio Holder for Children and Young People who will Chair the meeting. It is recommended that the Director of Legal and Democratic Services acts as the Council’s Local Authority Representative, given his experience, particularly with this style of procurement. This may necessitate a review of his overall workload and responsibilities.
5.4 **BSF Programme Board – meets quarterly**

Remit: Strategic development of educational vision and direction underpinning the BSF, Academies and Primary Capital programmes, maximising the value of the LEP to the Council. Making recommendations to the Executive on proposed Council developments for the LEP to deliver.

Appendix 4 sets out the detailed role of the BSF Programme Board.

_Suggested Membership_
- Portfolio Holder for Children and Young People
- Portfolio Holder for Resources and Skills
- Portfolio Holder for Regeneration
- Corporate Director for Children’s Services (Chair of Operational Project Board)
- Corporate Director for Culture and Communities
- Corporate Director for Environment and Regeneration
- Director of Legal and Democratic Services
- School Governing Body representatives (Primary and Secondary)
- Diocese of Nottingham and Southwell (Church of England)
- Diocese of Nottingham (Roman Catholic)
- Learning Skills Council
- Trade Union representative
- Primary/Secondary/Academy representative

5.5 **BSF Operational Project Board – meets monthly**

Remit: Provide the operational governance framework for the BSF, Academies and Primary Capital programmes. Monitor progress on schemes, to agree recommendations to Programme Board in relation to future schemes, to advise on the operational day to day issues arising in relation to schemes and the operation of the LEP, including performance issues.

Appendix 5 sets out the detailed role of the BSF Operational Project Board.

_Suggested Membership_
- Corporate Director for Children’s Services (Chair)
- BSF Programme Director
- Director, Resources, Children’s Services
- Director, Regeneration
- Director, Schools
- Director, Legal and Democratic Services
- Director, Project and Programmes Finance

6 **TIMESCALE FOR IMPLEMENTATION OF PROPOSALS**

6.1 Establishment of all Boards from December 2008.

7 **OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS**

7.1 Consideration was given to having a single programme board rather than separate programme and project boards. However, it was considered that this would have not allowed sufficient capacity to consider the strategic issues in relation the programme, which would adversely affect the value of the programme to the Council and its partners.
8 **FINANCIAL IMPLICATIONS**

8.1 The operating costs of the LEP and the cost of the Council's shareholding have previously been agreed by Executive Board. The recommended arrangements still require all schemes to be delivered by the LEP, which will be agreed by the SPB, to go through the Council’s normal decision making route before the Local Authority Director on the SPB agrees recommendations made to the SPB.

8.2 There will be an indirect cost of the proposal insofar as various Members and Officers will attend various Board meetings. If the LEP is used to develop non-education schemes consideration will need to be given to any impact on the resources required to manage such developments.

8.3 The remuneration for the LEP Local Authority Director of £5k per annum has been provided for within the PFI Financial Model and as such there will be no financial implications for the Council to fund the post.

9 **VALUE FOR MONEY**

9.1 The establishment of the LEP for BSF also provides a vehicle for more general procurement by the Council, which could lead to savings on future procurements. The suggested arrangements in this paper should enable the Council to identify all appropriate opportunities to maximise the value of the LEP in terms of delivery of future schemes and holding the LEP to account for its performance.

10 **LEGAL IMPLICATIONS**

10.1 External legal advice has been obtained in relation to these proposals and they are considered robust and appropriate governance arrangements for BSF procurement.

11 **RISK MANAGEMENT ISSUES**

11.1 All schemes in the programme are managed within a controlled project management environment which includes active management of risk.

11.2 The proposed arrangements will also ensure that future schemes remitted to the LEP to develop further or implement are affordable and meet agreed Council priorities. This will minimise the risk of spend on abortive schemes in the future.

12 **CRIME AND DISORDER ACT IMPLICATIONS**

12.1 None.

13 **EQUALITY AND DIVERSITY IMPLICATIONS**

13.1 The BSF and Academies programmes add further diversity and equality for the offer of school places to City residents.

14 **LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION**

14.1 Strategic Partnering Agreement (SPA)
15 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

15.1 Executive Board, 21st October 2008, “Children’s Trust Arrangements”

15.2 Executive Board, 22nd April 2008, “Nottingham Building Schools for the Future (BSF) Programme – Approval of Final Business Case”

15.3 Executive Board, 22nd January 2008, “Nottingham Building Schools for the Future (BSF) Programme – Preferred Bidder”

CHIEF OFFICER: Graham Feek, Director of Resources, Children’s Services

CONTACT OFFICER: Graham Feek, Director of Resources, Children’s Services
Telephone: 0115 915 0761
E-mail: graham.feek@nottinghamcity.gov.uk
Proposed BSF Governance Arrangements

Decisions Relating to BSF Contractual Requirements

- Local Education Partnership (LEP)
- Strategic Partnering Board (SPB)

Council Decision Making

- Executive Board
- Portfolio Holder Decisions
- Chief Officer Decisions

BSF Governance within Children’s Trust

- Children’s Partnership Board
- BSF Programme Board
- BSF Operational Project Board

Various working groups, project teams
The Role of the LEP Board

The LEP is a public/private company comprising the City Council; Building Schools for the Future Investments (BSFI the investment arm of Partnership for Schools) and our chosen private sector partner (PSP) Inspired Spaces. Its primary responsibility is to ensure that “BSF money is used efficiently and effectively to improve local authorities’ secondary school estates”.

As a private sector-led organisation, the LEP is required to nominate directors and to issue share capital in the company. The PSP (private sector partner) will hold 80%, the Council 10% and BSFI 10%. This is reflected in the board structure which will have four PSP members, one LA and one PFS member. It should be noted that the Council is given protection when it comes to the LEP Board voting on important consent matters.

The LEP Company Board

The main responsibilities of the Board are:

- to provide commercial and strategic direction to the company, and to assist in developing the LEP Business Plan;

- to monitor the performance of operational executive management arrangements, and ensure that the company remains focused and committed to meeting its strategic objectives and targets as set out in the Business Plan;

- to protect the investment and the commercial interests of the public sector in the joint venture and in any special purpose vehicles set up by the LEP; and

- to ensure that the LEP and its subsidiaries have sufficient capital and revenue to meet its commitments.

In meeting these responsibilities, the directors will be expected to:

- facilitate interactions and develop long-term relationships between the LEP company and its supply chain, the local stakeholders and partners including, as appropriate, local authority officers and elected members, the Learning and Skills Council, the local Diocesan authorities, school governors, and head-teachers, Sport England and other organisations with an interest in local education;

- provide local authority input into the company to support business development, including but not limited to the development of proposals for new projects, through an in-depth understanding of the local education economy and of each authority’s corporate vision and strategy for education.
• add value by contributing ideas and objective criticism at the Board level to supply chain proposals in respect of:
  o educational impact of the proposals;
  o fit with the authorities’ expectations and strategy;
  o fit with school aspirations; and
  o national BSF programme expectations in terms of continuous improvement and efficiencies;

• assist in developing a positive approach to dispute avoidance, mitigation and resolution, avoiding blame and emphasising constructive engagement with clients and stakeholders;

• effectively represent the local authority shareholders on the board – relying on knowledge of and empathy with the local stakeholders;

• effectively communicate the company’s affairs to the local authority shareholder;

• develop the company’s understanding of local authority governance requirements – including established accounting practices and approval mechanisms;

• arranging for shareholder consent matters to be properly but efficiently addressed with each local public sector shareholder; and

• contribute to the long-term success of the project by helping to develop common goals; and identifying where the local public sector shareholders can directly contribute to company’s success.
The Role of the Strategic Partnering Board

1. Introduction

Amongst the suite of Standard Building Schools for the Future (BSF) Documentation is the Strategic Partnering Agreement (SPA) which is signed by both the Preferred Bidder and the City Council. One of the obligations of the SPA is that a Strategic Partnering Board (SPB) must be formed.

The SPB is a key component of the BSF infrastructure and provides the framework for the strategic direction of the Local Education Partnership (LEP) to be set, including the production of the annual updating of the Strategy for Change (SfC) and the prioritisation of new schemes, and leads in the performance management and monitoring of the LEP. The SPB will play a key strategic role to ensure schemes take into account the desired outcomes and are affordable.

The SPB will approve the SfC and approve schemes to be developed and constructed by the LEP. It is important to note that whilst the SPB Independent Representative votes at the SPB to approve New Projects; New Projects must go through the Council’s formal approval process culminating in approval at Executive Board and thereafter formally approved at the SPB.

The SPB will act as the interface for communication and decision making between the City Council, other local stakeholders and the LEP, acting as a forum for engagement with the LEP as a single body.

2. Role and Purpose of the Strategic Partnering Board

There is a contractual relationship between the LEP and the SPB which is set out in the SPA. The principle points of this agreement are:

- **The purpose of the Strategic Partnering Agreement is to establish a long term partnership between the LEP and City Council**

- **The Strategic Partnering Board exists to undertake the roles and responsibilities of the Council and LEP under the Strategic Partnering Agreement**

**Key Principles in the SPA**

There are nine key principles outlined in the SPA:

1. Develop a close working relationship between the LEP and the Local Authority at all levels.
2. Focus on achieving the best value for money operational performance within agreed timescales.

3. Set in place business and cultural processes to enable the Local Authority and the LEP to establish and agree challenging time and performance objectives and to meet or better them.

4. Recognise each other’s needs, constraints, limitations, capabilities, roles and responsibilities to achieve mutually beneficial outcomes.

5. Identify, by regular monitoring, weaknesses and strengths in the relationship between and amongst the Local Authority and the LEP and to work together to overcome the weaknesses and to build on the strengths.

6. Commit to the early recognition and resolution of differences, conflicts and disputes between the Local Authority, other relevant public and private sector bodies and the LEP in a "no surprises" environment.

7. Appoint within each of the Local Authority and the LEP, co-ordinators at senior level who will support, defend and promote the long term strategic partnering between them and its principles of operation.

8. Develop openness and trust in a transparent information and data sharing environment.

9. In accordance with the Sex Discrimination Act 1995, the Disability Discrimination Act 1995, the Human Rights Act 1998 and the Race Relations Amendment Act 2001 positively to promote equal opportunities by combating discrimination on the grounds of race, ethnicity, religion, nationality, gender, disability or sexuality and promoting good relations between all sections of the community in ‘everything we do’ including:

- delivering high quality Services and Education Services for end users; and
- working with the local community and partners in the public, private or voluntary sectors.

The SPA commits the parties to work collaboratively to these principles and the SPB is the guardian vehicle of these commitments, via an agreement/ undertaking to adopt mutual objectives at the outset of the SPA and to keep these under review.

The principal purposes of the SPA are:

1. to establish a long term partnering relationship between the LEP and the Local Authority and for the LEP to provide or procure the provision of appropriate accommodation and related services to the Local Authority for the purposes of the Local Authority providing Education Services;
2. to foster the provision of high quality Education Services by the development and provision of high quality schools accommodation and services to the education community in the most cost effective manner; and

3. to deliver in partnership other Advertised Facilities (i.e. any other, non-education, projects the Council wishes the LEP to undertake).

The Role of the SPB

As set out in the SPA, the role of the SPB in relation to the LEP shall be to:

1. review financial and operating (including performance) issues in relation to the LEP through the annual review process and other procedures;

2. give guidance on and approve which New Projects should be progressed, by whom and on what basis;

3. act as the primary mechanism for managing the LEP’s performance in such format and at such frequencies as the SPB may reasonably require from time to time; and

4. serve as a forum for the open exchange of ideas so as to enable the Local Authority, other local stakeholders and the LEP to discuss the Local Authority's forthcoming accommodation and service delivery requirements to ensure an integrated co-ordinated approach to fulfilling such requirements and to develop and update the SfC.

Meetings of the SPB

The mechanics of the SPB as set out in the SPA are:

1. SPB meetings will take place at such places and times as the parties shall decide. Agendas will be circulated 10 working days in advance.

2. Quorum is at least two people including the Local Authority and LEP Representatives.

3. The decision of the Local Authority Representative on the SPB in relation to any matter requiring the agreement or approval of the SPB shall be final.

4. The Local Authority shall arrange for a person to take minutes of all SPB meetings and circulate them within 3 working days after the relevant meeting.

5. Each of the parties shall use all its reasonable endeavours to ensure the regular attendance of their representative at all meetings of the SPB.
3. The Composition of the SPB

The SPA states that the SPB shall be established by the parties comprising:

- a Representative nominated by the Local Authority;
- a Representative agreed by the LEP Board;
- a maximum of six representatives of stakeholders within the local secondary education community and any other co-opted persons as the Local Authority may nominate e.g. Nottingham City PCT or similar (having first consulted with the LEP). In relation to each Stakeholder Representative:
  - he/she shall not have a vote at any meetings of the SPB; and
  - the Local Authority shall use reasonable endeavours to make any such appointee aware of the importance of confidentiality in relation to the matters and information considered by the SPB.

4. Duties and Responsibilities of the Representatives

The main duties and responsibilities of the Representatives are:

- To identify the requirement for additional or replacement facilities and to gain appropriate financial, management and Board approvals necessary promote the identified requirement.
- To submit any identified requirements to the SPB for inclusion within the overall plan for works to be undertaken by the LEP.
- To decide on the approval or rejection at the appropriate stage (including appropriate ‘legal minutes’ at Board) of submissions for the identified schemes from the LEP.
- To commission the works required from the LEP including formal approval.
- Submission of business cases to the DCSF at appropriate timing within the agreed timescales to process to ensure necessary approvals are available when required.
- Prepare the Strategy for Change to reflect requirements.
- To keep adequate records to ensure the operation of the ‘payment mechanism’ and to ensure the correct deductions for non-availability are made.
- To provide adequate management to the buildings.
- To ensure that the terms of the interface agreements regarding the provision of soft services within the buildings are met.
- Work with the BSF Team to monitor and report on the performance of the LEP.
5. **Structure of the SPB in Nottingham**

To accord with the requirements of the SPA, the Nottingham SPB will adopt the following composition and operation of the SPB in Nottingham.

The SPB needs to be established by the parties and include:

- A Representative from the City Council (voting)
- A Representative from the LEP (voting but non-voting on New Project issues)
- Secretarial support (non-voting)

The SPB is to hold meetings as frequently as members wish, with attendance comprising representatives of the City Council and LEP plus a maximum of six representatives of stakeholders within the local secondary education community. A quorum shall be the Local Authority Representative and the LEP Representative.

Each Representative is to have one designated alternate and the person representing an absent voting representative as an alternate will have voting powers.
The Role of the BSF Programme Board

1. Role and Purpose of the BSF Programme Board

It is suggested that the role of the BSF Programme Board is:

- The strategic development of educational vision and direction underpinning the BSF, Academies and Primary Capital programmes, maximising the value of the Local Education Partnership (LEP) to the Council.
- To set the wider corporate objectives for the programme specifically in relation to the working with the LEP.
- To recommend approval of the Strategy for Change (SfC) documentation to Executive Board and the submission of the approved SfC to the DCSF.
- To control the overall resource allocation for the programme including resources required for programme development, procurement and delivery.
- As appropriate make recommendations to the Executive Board on proposed Council developments for the LEP to deliver. Recommend the most efficient and financially attractive procurement model to be used, specifically whether the LEP or an alternative should be used.
- To recommend to the Executive Board the final scope and phasing of the BSF programme.
- To recommendation to Executive Board the approval of all Business Cases with regard to BSF and submission of the Business Cases to the Department of Children, Schools and Families (DCSF).
- To receive reports and recommendations from the BSF Operational Project Board, including in relation to the approval of future schemes and New Project Proposals and New Project Final Approval Submissions.
- To give strategic direction to the BSF Operational Board.
- To provide reports and recommendations to the Executive Board, Portfolio Holders or Chief Officers, as appropriate, including in relation to the approval of future schemes and New Project Proposals and New Project Final Approval Submissions.
- To receive reports on the performance of the LEP.
- To give strategic direction on maximising the communication and marketing opportunities of the BSF, Academies and Primary Capital programmes, and any other developments as appropriate.
2. Meetings of the BSF Programme Board

It is suggested that the mechanics of the BSF Programme Board are:

1. Meetings will take place quarterly and on an *ad hoc* basis as required to link in with the Council’s internal approvals process.
2. Quorum is at least four people including the Chair and one Corporate Director.
3. Minutes shall be taken and circulated within 5 working days after the relevant meeting.
4. Each of the parties shall use all its reasonable endeavours to ensure the regular attendance of their representative at all meetings.

3. The Composition of the BSF Programme Board

It is suggested that the membership of the BSF Programme Board is:

- Portfolio Holder for Children and Young People
- Portfolio Holder for Resources and Skills
- Portfolio Holder for Regeneration
- Corporate Director for Children’s Services (Chair of BSF Operational Project Board)
- Corporate Director for Culture and Communities
- Corporate Director for Environment and Regeneration
- Director of Legal and Democratic Services
- School Governing Body representatives (Primary and Secondary)
- Diocese of Nottingham and Southwell (Church of England)
- Diocese of Nottingham (Roman Catholic)
- Learning and Skills Council
- Trade Union representative

It is suggested that the following people attend by invitation:

- Director of Resources, Children’s Services
- BSF Programme Director
- BSF Project Manager
- BSF Project Procurement Officer (for minutes)
The Role of the BSF Operational Project Board

1. Role and Purpose of the BSF Operational Project Board

It is suggested that the role of the BSF Operational Project Board is to:

- Provide a governance framework for the BSF Team’s work on the BSF, Academies and Primary Capital programmes and any other project specifically required by the BSF Programme Board.
- Oversee the development of the projects within the programmes and monitor progress of schemes.
- Advise on the operational issues arising in relation to schemes and the operation of the LEP, including performance issues.
- Discuss, review and make recommendations to the BSF Programme Board on new schemes which the Council may wish to develop through the LEP.
- Monitor and manage the programme risks and risks associated with the individual projects.
- Provide reports and recommendations to the BSF Programme Board, including in relation to approval of future schemes and New Project Proposals, Business Cases and New Project Final Approval Submissions.
- Manage and advise on the Council’s internal approvals processes for the BSF, Academies and Primary Capital programmes.
- Manage the New Project Approval process for the Primary Capital programme on behalf of the Executive Board and recommend approval to the Strategic Partnerring Board, and for any other projects if required and authorised by the Executive Board.
- Receive strategic direction from the BSF Programme Board.
- Receive reports and recommendations from the various working groups and project teams.
- Establish the project objectives for each phase.
- Ensure that individual projects are adequately resourced in terms of funding and capacity.

Managing programme development including:

- Managing feasibility studies and options appraisals.
- Developing and refining the Education Vision (with support from working parties as required).
- Developing and refining the programme scope.
- Developing and updating the Strategy for Change.
• Managing development of Business Cases for individual projects or phases of any programme as required by the BSF Programme Board.
• Organising Gateway Reviews and implementing recommendations.

General programme management including:
• Managing programme risk.
• Developing and implementing controls for cost, time and quality.
• Providing regular progress reports to the BSF Programme Board.
• Procuring and managing advisers.
• Providing an interface with Stakeholders.
• Liaising with Partnership for Schools and the Department for Children, Schools and Families (DCSF).
• Receiving and commenting on resource plans for the programme and projects.
• Managing overall programme management costs including in house resources, advisers and others.
• Ensuring that project teams have adequate resource and are discharging their functions.

2. Meetings of the BSF Operational Project Board

It is suggested that the mechanics of the BSF Operational Project Board are:

1. Meetings will take place monthly to link in with the Council’s internal approvals process.
2. Quorum is at least four people including the Chair, Director and the BSF Programme Director and/or Project Manager.
3. Minutes shall be taken and circulated within 5 working days after the relevant meeting.
4. Each of the parties shall use all its reasonable endeavours to ensure the regular attendance of their representative at all meetings.

3. The Composition of the BSF Operational Project Board

It is suggested that the membership of the BSF Operational Project Board is:

• Corporate Director for Children’s Services (Chair)
• BSF Programme Director
• Director of Resources, Children’s Services
• Director of Schools, Children’s Services
• Director of Regeneration
• Director of Legal and Democratic Services
• Director of Project and Programme Finance

It is suggested that the following people attend by invitation:

• BSF Project Manager
• BSF Project Procurement Officer (for minutes)
From: Rob Giles [Rob.Giles@partnershipsforschools.org.uk]
Sent: 06 December 2010 11:27
To: Robert Adkin
Subject: RE: Nottingham City BSF Wave 2 Phase 2 Ellis Guilford School Section 77 Clarification for our FBC submission to PfS [Scanned]

Robert

I can confirm that Section 77 requirements are only required when there is a disposal or change use of a school’s playing field land, therefore no Section 77 consent is necessary in this instance.

Regards
Rob Giles
Team Leader
Schools Assets

Partnerships For Schools
Tel: 01325 391031
www.partnershipsforschools.org.uk

From: Robert Adkin [mailto:Robert.Adkin@nottinghamcity.gov.uk]
Sent: 06 December 2010 11:02
To: Rob Giles
Subject: Nottingham City BSF Wave 2 Phase 2 Ellis Guilford School Section 77 Clarification for our FBC submission to PfS [Scanned]

Rob,

As a requirement of our FBC which we are about to submit to PfS I need to provide confirmation that Section 77 approval is not required for the above scheme. I confirm that we are not proposing to alter the schools capacity as a result of the schools reconfiguration and that the schools existing Team Game area will not be reduced and we are not proposing to dispose or sell off any of the schools playing field space.

Please can you provide me with confirmation that I am correct in my assumption that in these circumstances Section 77 approval is not required?

Regards
Robert Adkin
Project Support Officer - Schools for the Future Team
Major Programmes - Development
Nottingham City Council
4th Floor, Loxley House
Station Street
Nottingham
NG2 3NG
Direct Line: (0115) 87 63407
Mobile: 07943 833 456
Email: robert.adkin@nottinghamcity.gov.uk
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