

# Nottingham City Council Delegated Decision



**Nottingham**  
**City Council**

Reference Number:

4540

Author:

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Department:

People

Contact:

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Subject:

Additional funding for Mellers Primary for the construction of a Deaf provision and Fernwood Primary to create a specialist provision

Total Value:

£225,000 (Type: Capital)

Decision Being Taken:

1) Approval of additional funding for two separate projects which are already underway, and which will allow works to progress as proposed. For the construction of the specialist Deaf Provision at Mellers Primary School, £190,000 additional funding is sought. For the construction of the specialist provision at Fernwood Primary School, £35,000 additional funding is sought.

2) Approval to fund this from the Disability Access Grant (DAG), which is a fund provided to support schools and other providers to improve accessibility for children with special educational needs and disabilities (SEND).

**Reasons for the Decision(s)**

**1) Mellers Primary Deaf Provision:** the funding approved so far has been a combination of Education Section 106 funding of £298,397, DAG funding of £60,000 and Basic Need Grant of £41,603. Total funding previously approved was £400,000.

Planning approval has been obtained, building design details and pricing are being finalised. It is anticipated that the initial funding totalling £400,000 is short of the required amount by approximately £190,000, due to the following reasons:

1. From the budget costs provided 18 months ago there has been a substantial increase, with an inflation increase of over 6% in construction costs.
2. Budget costs were based on a stand-alone single storey building in the grounds of the school. Following work by the architects, discussions with planning and views of the school based on need, an extension to the existing two storey school building was found to be the most suitable. This is also to meet planning regulations and the requirements of Sport England, which the stand-alone building could not meet. The revised solution is more fit for purpose, and has the least impact on green space.
3. The new build needs to replace the existing external fire escape staircase, with an internal combined access and fire escape staircase, which has added to the construction costs.
4. Due to the confines and layout of the new extension, more circulation space needs to be included to provide access to the rooms, which has added to the construction costs.
5. The building being extended is a substantial two storey structure, which needs to be matched as closely as possible to obtain planning approval. However, the substantial nature of the build means that construction costs are higher.
6. The fitting out of the new classrooms is to match the existing classrooms to ensure the Deaf children feel inclusive in the school. This has added to the cost.
7. The new classrooms need to ensure that acoustic insulation meets the standards for teaching of the Deaf children, which again adds to the construction costs.
8. Inclusion of £15,000 as a contingency for the works as they go forward.  
Approval of this additional funding will allow works to progress as proposed.

**2) Creating a specialist provision at Fernwood Primary for children with Autism Spectrum Disorder (ASD):** the funding approved so far has been a combination of Education Section 106 funding of £214,352, DAG funding of £30,000 and Basic Need Grant of £202,648. It is anticipated that the initial funding totalling £447,000 is short of the required amount by approximately £35,000.

This is due to increased costs, which are a combination of the ecology costs incurred to follow the legal process to relocate a badger sett, the type of foundation required for the building and the significant increase in material costs that the construction industry is facing.

This funding was approved at Capital Board on 14th Feb 2022.

**Other Options Considered:**

If the additional funding is not approved for both projects, they will not be able to progress as proposed.

**Background Papers:**

None.

<b>Published Works:</b>	<b>DDM 4073 (Mellers Primary)DDM 3954 (Fernwood Primary)</b>
<b>Affected Wards:</b>	<b>Lenton and Wollaton East, Wollaton West</b>
<b>Colleague / Councillor Interests:</b>	<b>None.</b>
<b>Consultations:</b>	<b>Required consultations already completed prior to approval of original funding.</b>
<b>Crime and Disorder Implications:</b>	<b>None arising from the decisions to be taken.</b>
<b>Equality:</b>	<b>EIA not required. Reasons: EIAs already completed for both projects, as per previous decisions.</b>
<b>Regard for NHS Constitution:</b>	<b>Local authorities have a statutory duty to have regard to the NHS Constitution when exercising their public health functions under the NHS Act 2006. In making this decision relating to public health functions, we have properly considered the NHS Constitution where applicable and have taken into account how it can be applied in order to commission services to improve the health of the local community.</b>
<b>Decision Type:</b>	<b>Portfolio Holder</b>
<b>Subject to Call In:</b>	<b>Yes</b>
<b>Call In Expiry date:</b>	<b>08/03/2022</b>
<b>Advice Sought:</b>	<b>Legal, Finance, Procurement</b>

**Legal Advice:**

**From an educational law perspective, the approval with respect to the prescribed alteration works has already been received and captured in DD3954.**

**This decision is with respect to additional funding that is required to complete those works previously approved, for the reasons detailed within the report, as well as some additional works further identified. No additional process with respect to the alteration is therefore deemed necessary at this time.**

**From a contractual perspective, if the funding is approved, a variation to the contract with the chosen supplier under the SCAPE framework for the additional works and costs will be required.**

**Advice provided by Dionne Claire Screatton (Solicitor) on 01/02/2022.**

**CAPITAL FINANCE ADVICE:**

The funding within this decision has been secured and is available for allocation to Mellers and Fernwood Primary as detailed in the body of this report. As this decision is wholly funded by third party grant it is exempt from the amended scheme of delegation. However, as this decision increases the General Fund Capital Programme it requires endorsement by the Capital Board prior to the relevant capital programme being amended.

The project manager is required to ensure that the relevant grant conditions are satisfied to reduce the risk of grant clawback.

Advice provided by Tom Straw (Senior Accountant - Capital Programmes) on 02/02/2022.

**REVENUE FINANCE ADVICE**

At present there is an underspend of £0.444m on the Disability Access budget. This is made up of a cumulative underspend from the financial year 2019/20 of £0.044m plus the annual allocations of £0.200m each financial year for disability access for the financial years 2020/21 and 2021/22.

Delegated authority was previously assigned to the Corporate Director for People (Childrens and Adults) on DDM 3669 to approve future projects that were prioritised by the Disability Access Group and were in the funding envelope of £0.377m for 2019/20. No approval to date has been sought to spend the 2020/21 and 2021/22 disability access allocations (£0.200m in each financial year). The two separate allocations of £0.200m were included in the Schools Budget 2020/21 and 2021/22 reports taken to Schools Forum on 21 January 2020 and 25 January 2021.

A DD is currently being written to seek approval to spend the 2020/21 and 2022/21 allocations but due to the urgency of the works outlined in this report, this report is seeking approval to fund the works at Mellers Primary £0.190m and Fernwood Primary £0.035m only. A separate report will be brought for approval to spend the remaining balance of £0.219m. See Table 1 in Appendix A which provides a breakdown of the proposed disability access income and expenditure for the financial years 2019/20 to 2021/22.

The commitments of £0.035m for specialist deaf provision at Mellers Primary and £0.190m for the specialist provision at Fernwood Primary have both been included in the programme of works managed by the Major Programmes Team with the £0.444m funding envelope.

Any uncommitted funding at the end of the financial year 2021/22 will be returned to the Statutory School Reserve at the year end and then reallocated in the financial year 2022/23. Any overspends on individual school projects will be the responsibility of the school concerned.

Advice provided by Julia Elizabeth Holmes (Finance Analyst) on 07/02/2022.

Advice documents: Table 1 Appendix A.xlsx

**Procurement Advice:**

**There are no procurement concerns with the decision being sought. This approval relates solely to changes in the funding for the scheme, which will proceed using the previously approved procurement route to appoint contractors to carry out the works.**

**Advice provided by Jonathan Whitmarsh (Lead Procurement Officer) on 26/01/2022.**

**Signatures**

<b>Eunice Campbell-Clark (Portfolio Holder Leisure, Culture and Schools)</b>
<b>SIGNED and Dated: 28/02/2022</b>
<b>Catherine Underwood (Corporate Director for People)</b>
<b>SIGNED and Dated: 21/02/2022</b>