

## Record of operational decision

<b>Decision title:</b>	To approve the expenditure of up to £44,921 for the adaptation and improvements works at Withington Primary School and to approve delegated authority to Service Director to take Contract award operational decisions.
<b>Date of decision:</b>	19.07.23
<b>Decision maker:</b>	Corporate Director, Children and Young People
<b>Authority for delegated decision:</b>	<p>Title of report: Local authority school buildings maintenance works 2023 - 2026 and accessibility improvement works 2023 – 2024.</p> <p>The Corporate Director, Childrens and Young People be authorised to take all operational decisions relating to the award of contracts for the above programmes of work.</p> <p><a href="https://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?ID=9341">https://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?ID=9341</a></p> <p>Sub Delegation to Service Director to take all operational decisions relating to the award of contracts for the 2023-2024 Accessibility Improvement Works programme.</p>
<b>Ward:</b>	Hagley
<b>Consultation:</b>	New Cabinet Members, Cllr Powell (Children and Young People) and Cllr Bramer (Community Services and Assets) have been informed on the capital programme and the February 2023 Cabinet Report has been shared.
<b>Decision made:</b>	<p>Award a contract to SC Joseph Ltd for the adaptation and improvement works at Withington Primary School, Hereford. Following a successful tender on the Council’s procurement portal.</p> <p>Approve the expenditure of up to £42,781 for the ceiling and roofing works, which includes a contingency of up to £3,889.36.</p> <p>Approve the expenditure of up to £2,140 for professional fees.</p> <p>Responsibility for monitoring the programme to be carried out by the Capital Senior Project Manager within the spend budget.</p>
<b>Reasons for decision:</b>	<p>The adaptation and improvement works at Withington Primary School, Hereford will include mitigation of potential health and safety risks and will benefit all children with special educational needs or disabilities who attend the school in the future including looked after children and care leavers.</p> <p>SC Joseph Ltd were the successful bidder following a successful tender via the Council’s procurement portal.</p>
<b>Equality Considerations</b>	Under section 149 of the Equality Act 2010, the ‘general duty’ on public authorities is set out as follows:

	<p>A public authority must, in the exercise of its functions, have due regard to the need to –</p> <ul style="list-style-type: none"> <li>(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;</li> <li>(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;</li> <li>(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.</li> </ul> <p>The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying ‘due regard’ in our decision making in the design of policies and in the delivery of services. Our providers will be made aware of their contractual requirements in regards to equality legislation. Any building works carried out within schools will be compliant with the Equality Act 2010 and support improved accessibility.</p> <p>The proposed capital maintenance schemes have given due consideration to equality issues particularly in relation to disability. The council maintains an accessibility strategy.</p>
<p><b>Highlight any associated risks/finance/legal/equality considerations:</b></p>	<p>By not carrying out the works children at the school would have unsuitable facilities or no facilities to meet their needs and the health and safety risks for the children and staff at the school would continue or be intensified.</p> <p>There is a risk that once on site, further works are identified once the works start that was not previously apparent.</p> <p>A contingency has been allowed to cover unforeseen elements once the works commence. Should this contingency be insufficient then a further officer decision will be required.</p>
<p><b>Details of any alternative options considered and rejected:</b></p>	<p>Do nothing. This is not recommended as the risk of the adaptation and improvement works not being completed means that the council would fail in its statutory duty to place children with special educational needs and / or disabilities in schools.</p> <p>Children required to attend different schools. This is not recommended. There is a statutory process which requires the council to arrange the admission of a child with a disability or an education health and care plan to the parent / carers preferred school, unless it can be shown that to do so would prejudice other children or it would be unreasonable to do so.</p> <p>Not to appoint. This is not recommended. SC Joseph Ltd have been selected through a competitive tendering process.</p>
<p><b>Details of any declarations of interest made:</b></p>	<p>None.</p>