

## Record of operational decision

<b>Decision title:</b>	Decision to award a contract and approve the expenditure of up to £303,262 for the Accessibility, Windows and Doors works at Withington Primary School, Herefordshire.
<b>Date of decision:</b>	09/04/2024
<b>Decision maker:</b>	Service Director, Education, Skills and Learning, Children and Young People
<b>Authority for delegated decision:</b>	<p>The authority for the specified officer to take this decision as set out in the cabinet report, Local Authority School Buildings Maintenance Works and Accessibility Improvement Works, approved February 2023.</p> <p>The Corporate Director, Children 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 2023-2026 School Capital Maintenance programme.</p> <p><a href="https://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?ID=9474">https://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?ID=9474</a></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 S C Joseph Ltd for the Accessibility, Windows and Doors works at Withington Primary School Herefordshire, following a successful tender on the Council's procurement portal.</p> <p>Approve the expenditure of up to £269,565.71 for the works, which includes a contingency of up to £24,506</p> <p>Approve the expenditure of up to £33,696 for internal and external 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 Accessibility, Windows and Doors works at Withington Primary School are included in the Accessibility Programme and Schools Capital Maintenance Programme.</p> <p>S C Joseph Ltd were the successful bidder following a tender via the Council's procurement portal.</p> <p>To deliver beneficial improvements in the condition of the Council's Educational building stock, improving the educational experience for</p>

	<p>pupils within the buildings. To reduce ongoing building maintenance costs by addressing known defects with high maintenance cost potential and preventing further deterioration.</p> <p>To 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>To ensure all Council buildings are fit for purpose and maintained to the standards as set out in the condition survey to address suitability, sustainability and affordability.</p>
<p><b>Equality Considerations</b></p>	<p>Under section 149 of the Equality Act 2010, the ‘general duty’ on public authorities is set out as follows: 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.</p> <p>The proposed capital maintenance schemes have given due consideration to equality issues particularly in relation to disability.</p>
<p><b>Highlight any associated risks/finance/legal/equality considerations:</b></p>	<p>By not carrying out the Accessibility, Windows and Doors works the school is at risk of incurring further maintenance requirements, potentially costing the Council further money. 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 Accessibility, Windows and Doors works start that was not previously apparent.</p> <p>A contingency has been allowed to cover unforeseen elements once the Accessibility, Windows and Doors 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 Accessibility, Windows and Doors works not being completed means that the health and safety risk associated with the continued existence of the building remains. The risk of the Accessibility 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.</p>

	<p>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 as S C Joseph Ltd have been selected through a competitive tendering process.</p>
<b>Details of any declarations of interest made:</b>	None.

Signed..... Date: 09/04/2024  
Liz Farr