

BRIDGEND COUNTY BOROUGH COUNCIL

JOINT REPORT TO CABINET

20 NOVEMBER 2018

REPORT OF THE CORPORATE DIRECTOR – EDUCATION AND FAMILY SUPPORT AND THE INTERIM HEAD OF FINANCE AND SECTION 151 OFFICER

SCHOOL MODERNISATION PROGRAMME – BAND B

1. Purpose of report

1.1 The purpose of this report is to:

- update Cabinet with regards to the outcome of Welsh Government’s review of the Mutual Investment Model (MIM) Band B funding mechanism; and
- seek Cabinet approval to pursue Option 3 for the financial delivery of Band B of the School Modernisation Programme, prior to submission to Council.

2. Connection to corporate improvement objectives/other corporate priorities

2.1 This report relates to the following Corporate Improvement Plan priorities:

- Supporting a successful economy
- Smarter use of resources

2.2 On 3 March 2015, Cabinet approval was received for the Council to adopt revised principles as a framework for school organisation in Bridgend. Five key principles were set out to inform the organisation and modernisation of our schools. These are:

- commitment to high standards and excellence in provision;
- equality of opportunity, so that all pupils can access quality learning opportunities, regardless of which school they attend;
- inclusive schools, which cater for the learning needs of all their pupils;
- community-focused schools, where the school actively engages with its local community; and
- value for money.

2.3 The Policy and Planning Framework sets out 17 areas where these principles should be applied in practice.

2.4 The principles which are particularly relevant in the context of Band B are:

- the size of primary schools (to ensure that “all Bridgend’s primary schools are large enough to make the full range of necessary provision”); and

- value for money, efficiency and effectiveness (“narrowing the gap between the most and the least expensive provision currently”).

3. Background

- 3.1 In September 2006, the Council approved a vision for the county borough’s schools in which they would be fit for purpose in the 21st century and achieve the best use of resources. It was recognised that we need to modernise our schools and get a closer match between our aspiration for schools, the quality of their accommodation and the projected number of pupils.
- 3.2 Since then, school modernisation has been established as one of the Council’s main strategic programmes. The programme has been planned and implemented in accordance with the agreed policy and planning framework and has been matched to capital resources identified within the capital programme.
- 3.3 In November 2010, Cabinet was informed of the work which had been undertaken in determining the strategic priorities for school modernisation to enable the aims of the programme to be met.
- 3.4 The School Modernisation Programme was established to deliver on several objectives including:
- developing first-class learning environments;
 - locating the right number of schools, of a viable size, in the best places to serve their communities;
 - making schools an integral part of the life and learning of their communities;
 - reducing surplus places and achieving best value for money; and
 - make schools more efficient and sustainable.
- 3.5 In November 2010, Cabinet approved the recommended schemes included in each of the four bands (A-D) which were subsequently detailed in Bridgend’s 21st Century Schools Strategic Outline Programme (SOP). The SOP was submitted to Welsh Government in 2011 and ministerial ‘approval in principle’ was received, subject to the completion of the Welsh Government business case process.
- 3.6 Band A schemes, which are funded on a 50/50 basis with Welsh Government, are due for completion in 2018-2019 and are at various stages. The special educational needs (SEN) provision at Bryncethin Campus, Coety Primary School, two additional teaching spaces at Heronsbridge Special School, Betws Primary School, Brynmenyn Primary School and Pencoed Primary School schemes have been completed. Work is nearing completion on the remaining scheme within Band A, Ysgol Gynradd Gymraeg Calon Y Cymoedd.
- 3.7 In 2014, a Schools Task Group was established to ensure the Council planned for a high-quality education system. What was evident was that the work of the individual workstreams established under the Schools Task Group could not be undertaken in isolation, as there were dependencies relating to each workstream and that there needed to be a coherent strategy for Bridgend.
- 3.8 Cabinet approval was sought in September 2015 to build on the work of the Schools Task Group and approval was given for officers to undertake a strategic review into

the development and rationalisation of the curriculum and estate provision of primary, secondary and post-16 education.

- 3.9 In May 2016, a Strategic Review Overarching Board was established, and four operational boards were identified, one of which was specifically related to consideration of Band B investment priorities. It was considered that Band B priorities identified within the 2010 SOP may no longer be of primary importance and the issues facing the Council and schools need to be reviewed to establish a strategic approach for investment, establishing a priority list of schemes for delivery within the Band B timescale (ie 2019-2024).
- 3.10 The school modernisation workstream considered relevant data to assist in prioritising the future investment in schools, including suitability, condition, maintenance backlog, population growth, projections of pupil population, housing developments identified within the Local Development Plan (LDP) and pupil places.
- 3.11 In 2017, Welsh Government requested that local authorities submit a new SOP, updated to reflect revised priorities. The revision was submitted on 31 July 2017, with the proviso that no political support and financial commitment had been received.
- 3.12 In October 2017, Cabinet was presented with a report detailing the outcome of the work of the school modernisation workstream and the revised SOP submission and gave approval to discontinue the original Band B schemes identified in the November 2010 Cabinet report. Cabinet considered the proposed Band B schemes, and determined to approve the following, based on the increasing demand for places, the requirement to promote the Welsh language and building condition:
- Bridgend North East (2 form entry (FE)) - capital grant
 - Bridgend South East (2.5FE) - capital grant
 - Bridgend Special School (270 places) – Mutual Investment Model
 - Bridgend West – Welsh-medium (2FE) - capital grant
 - Bridgend West – English-medium (2FE) - capital grant

Cabinet also gave approval to undertake options appraisal work during the Band B period in order to prepare for Band C.

- 3.13 In addition, in order to promote the Welsh language and support their Cymraeg 2050 commitment, Welsh Government made available £30m capital grant across Wales which Councils were asked to bid against. Officers identified the need for the creation of Welsh-medium child care facilities which would deliver Welsh language opportunities to areas of the county borough where there is currently insufficient provision (ie Ogmere and Garw Valleys, Bridgend and Porthcawl). Welsh Government approval in principle has now been received for Bridgend's £2.6m bid.
- 3.14 On 6 December 2017, Welsh Government's Department for Education gave 'approval in principle' for Bridgend's second wave of investment, which at this stage has an estimated programme envelope cost of £68.2m. Further costs, which are yet to be determined, may be required and these would be associated with additional infrastructure capacity.

- 3.15 At its meeting on 31 January 2018, Council approved in principle the financial commitment required for Band B of the School Modernisation Programme. The approval would be subject to sufficient resources being identified and allocated to meet the match funding commitment. The overall programme was estimated to be in the region of £68.2m, of which approximately £43.2m was anticipated to be capital funded (circa £23m funded by Bridgend County Borough Council (BCBC)), the balance proposed to be funded through the Welsh Government Mutual Investment Model (MIM).
- 3.16 Welsh Government had advised local authorities that MIM, a new approach to investment in public infrastructure in Wales, whereby private partners will build and maintain schools, in return for a fee, will cover the cost of construction, maintenance and financing the project.
- 3.17 The Welsh Government intervention rate is 75%, which will be paid to the local authority in the form of a grant. The remaining 25% is to be met from the local authority revenue budgets over a 25-year contract period. The local authority is also required to meet 50% of the up-front capital costs for furniture, equipment and IT. At the end of a specified period of time, the asset will be transferred to the local authority. Welsh Government had advised that it will present packages of schemes to the market as design and build projects made up of a number of schemes within a geographical area (including across local authority areas) and be of sufficient monetary size overall in order to attract large companies (eg £100m).

4. Current situation

- 4.1 Since the approval of the SOP, Welsh Government has reviewed the schemes that have been proposed for MIM. This review assessed:
- the feasibility of delivering the individual schools as MIM projects;
 - the practicalities associated with grouping the schools together by region and capital value; and
 - the optimal procurement route.
- 4.2 The purpose of this review was to ensure the goal of generating market interest so that once projects are ready to go out to tender, Welsh Government is confident that there will be a sufficient number of interested contractors to run a successful competitive procurement to deliver the best outcomes for the new schools.
- 4.3 Since completing the review, Welsh Government has provided information that sets out changes to the way in which MIM schemes will be delivered across Wales. These are fundamental differences to their original procurement strategy.
- 4.4 It has been determined that MIM education projects will be most efficiently procured via a single Private Sector Delivery Partner (PSDP). The PSDP will become the majority shareholder in a Welsh Education Partnership (WEP), with local authorities and further education institutions (together the participants) and Welsh Government holding the remaining shares.
- 4.5 The WEP will also be capable of delivering schemes via capital, where the PSDP would be the delivery partner, as well as a MIM route but in order to avoid any conflict with the Regional Frameworks, the WEPs will be precluded from delivering

any capital schemes that are funded under the capital element of Band B of the 21st Century Schools Programme during the currency of the newly procured construction frameworks.

- 4.5 The Official Journal of the European Union (OJEU) notice will be drafted widely to anticipate possible future schemes and include both education and community facilities. Strategic Partnering Agreements (SPA) will be established and will allow individual local authorities and further education institutes to bring either MIM or capital schemes to the WEP in the future. It will not cost local authorities and further education institutes anything to be party to the SPA or a shareholder in the WEP.
- 4.6 Welsh Government's review has also resulted in identifying the following new builds as ideal facilities for MIM delivery:
- secondary schools larger than 800 places;
 - primary schools larger than 420 places;
 - all-through schools; and
 - further education colleges.
- 4.7 Welsh Government has stated that it is not value for money to include small or very complex schemes through a MIM. Consequently, Bridgend Special School is now deemed unsuitable for delivery under this funding model. This is purely a Welsh Government decision which based on the recent review.
- 4.8 In light of their decision, the funding approach to Bridgend County Borough Council's Band B schemes need to be re-considered and a decision taken on the way forward.
- 4.9 Projects progressed via the MIM are subject to a number of differences compared to schemes undertaken via the capital grant route, including the procurement process and the intervention rates. A direct comparison of each route is provided in Table 1 of this report.

5. Effect upon policy framework and procedure rules

- 5.1 There is no effect upon the policy framework or procedure rules.

6. Equality Impact Assessment

- 6.1 Although an Equality Impact Assessment (EIA) has been carried out for the overall programme, it has been considered timely to review and refresh the EIA. An initial screening has therefore been undertaken for Band B. Once schemes have been sufficiently developed, they will be subject to a separate EIA, as the detail will vary between projects. Equality reports on all proposals will be referred to as part of the individual Cabinet reports on each individual scheme.

7. Wellbeing and Future Generations Act (2015)

The Well-being of Future Generations (Wales) Act 2015 Assessment provides a comprehensive summary of the outcomes expected from the implementation of the service.

Long-term	Supports the statutory duty to provide sufficient pupil places and promote the Welsh language.
Prevention	Councils have a statutory duty to ensure there are a sufficient supply of school places, and these schemes will safeguards the Council's position in terms of any potential legal challenge in this regard.
Integration	Providing sufficient places ensures that the curriculum can be delivered and meets social, environmental and cultural objectives.
Collaboration	The local authority works effectively with schools, Estyn and with the Central South Consortium (CSC), health, community councils and many internal and external partners to ensure that the building meets the short-term and future needs of the users and the community which it will serve.
Involvement	This area of work involves the engagement of all potential stakeholders including Cabinet, members, governors, staff, pupils, community, internal and external partners which will include third sector organisations.

8. Financial implications

- 8.1 Capital match funding requested was around £23m to meet the four primary school schemes identified at that time to be funded from capital grant. It was proposed that this be met from general capital funding in the first instance (subject to local government settlements from Welsh Government), with the balance to be met from section 106 (s106) funding, receipts from the sale of school and other sites, earmarked reserves and unsupported borrowing. The figures cannot be firmed up at this point in time, but unsupported borrowing will not be drawn upon until such time as general capital funding, s106 funding and available capital receipts and earmarked capital reserves have been exhausted, as this will require a recurrent revenue budget to meet the borrowing costs. Additional costs have been included in terms of provision for highways works, which are to be met in full by the Council. Based on current funding availability in terms of general capital funding and capital receipts, it is estimated that the Council will need to borrow around £15m to meet the full match funding requirement, which will cost around £730k per annum over a 30-year borrowing period.
- 8.2 The report recognised that there was another scheme within the Band B Programme, the Bridgend Special School scheme, which was going to be progressed via the MIM and would require revenue match funding from the authority of around £750k per annum over a 25-year period, which is not currently built into the Medium-Term Financial Strategy (MTFS). However, since Welsh Government has notified the Council that the special school is not now a suitable scheme for funding via the MIM route, due to the complexity and uniqueness of scheme design and build, officers have considered alternative funding combinations of MIM and capital grant, and costed the financial implications of each one. It is useful to outline the differences between the two funding options before a decision is made. This is set out in detail in the following table.

Table 1 Comparison of MIM and capital grant schemes

MIM Funded	Capital Grant
Funding	
WG Intervention Rate 75%	WG Intervention Rate 50%
BCBC recurrent contribution must be funded from revenue.	BCBC contribution can be funded from capital receipts, borrowing (revenue implications) or revenue contribution to capital.
Furniture and equipment funded on 50:50 basis from capital.	Furniture and equipment funded on 50:50 basis from capital.
BCBC responsible for 100% of any “abnormals” or additional design features	BCBC responsible for 100% of any “abnormals” or additional design features.
Design	
The private sector need to take design risk and to respond to an output specification therefore we cannot present a fully designed scheme to the strategic partner.	The Council can design the school in whichever manner it wishes, using whichever architects it wishes, either stand alone or through a design and build.
The approach to design is a standardised one in terms of standard room sizes. We will be able to choose the number and type of spaces you need to deliver a school provided that we adhere to the maximum size and funding criteria.	
We can request a particular architect but the strategic partner does not have to use them.	
Contract	
BCBC tied into a contract for 25 years - business needs change over time so there is the risk that the contract may become unsuitable for these changing needs during the contract life.	Contract period ends when building complete.
Scheme would be delivered via strategic partner procurement. Welsh Government would run a process to procure the private sector delivery partners and local authorities would enter into a project agreement with the ‘Special Purpose Vehicle’.	Scheme either designed by the Major Projects Team in Corporate Landlord and a construction contractor appointed via the South and Mid Wales Collaborative Construction Framework (SEWSCAP), or procured as a ‘design and build’ scheme via the same framework.
A long-term contract encourages the contractor and the Council to consider costs over the whole life of the contract, rather than considering the construction and operational periods separately This can lead to efficiencies through synergies between design and construction and its later operation and maintenance. The contractor takes the risk of getting the design and construction wrong	The Council bears the risk of getting the design wrong, which could create additional costs further down the road. The Council will also bear additional lifecycle costs following construction which are not built into the original cost.
The contract includes provision of Hard Facilities Management services including building maintenance, including all systems	These costs will all be the responsibility of the Council/governing body.

MIM Funded	Capital Grant
(eg mechanical and electrical and statutory testing, in addition to energy and utilities supply and management service including energy and water efficiency)	
Variations may be needed as the public sector body's business needs change. Management of these may require renegotiation of contract terms and prices	Any variations to the build once constructed will also come at a cost.
Payment	
The unitary payment will include charges for the contractor's acceptance of risks, such as construction and service delivery risks, which may not materialise. This is a hidden overhead.	Any on-going charges required for borrowing to meet capital grant match funding will only include interest charges.
The unitary payment will not start until the building is operational, so the contractor has incentives to encourage timely delivery of quality service.	BCBC will start paying for the building as soon as the works commence – design through to construction.
The contract provides greater incentives to manage risks over the life of the contract than under traditional procurement. A reduced level or quality of service would lead to compensation paid to the public sector body.	Once the building is handed over, the Council does not have the same opportunities for compensation for poor performance of the facility.
<p>The unitary charge is payable over the life of the contract (25 years).</p> <p>There is no opportunity to repay this early.</p> <p>This creates a revenue budget pressure on the Council which is committed for a 25-year period.</p>	<p>If the capital contribution is funded from capital, there is no ongoing pressure on the revenue budget.</p> <p>If it is funded from borrowing, there will be an on-going revenue pressure, but the Council has more flexibility to repay any loans early, borrow at reduced rates, as the opportunity arises.</p>
Impact on capital and revenue programme	
<p>The MIM does not impact upon the capital programme in any great way, other than 50% funding required for furniture and equipment. This could be met from either capital funding or revenue contributions.</p> <p>In contrast, the MIM places a fixed commitment on the revenue budget for a period of 25 years.</p>	If funded via capital grant, the Council can choose to meet its match funding in the capital programme from capital receipts / S106 / revenue contributions or borrowing, so there is much more flexibility in both capital and revenue. If Council wants to fund other capital then there is always the option to borrow or use earmarked reserves to fund.

- 8.3 Officers have spoken to Welsh Government officials about potential options available following the removal of special school builds from the MIM procurement route. Welsh Government has indicated that capital funding would be available as an alternative to fund these schemes, but that authorities should consider other schemes, currently to be funded from capital grant, which could alternatively be funded from MIM.

8.4 Officers have considered the following funding options:

Option	Consideration	Capital Grant	MIM
Option 1	Original funding scenario	4 primary schools	Special school
Option 2	All funded from capital grant	4 primary schools plus special school	No MIM schemes
Option 3	Swap 2 primary schools with 1 special school	2 primary schools plus special school	2 primary schools
Option 4	Swap 4 primary schools with 1 special school	Special school	4 primary schools

8.5 Option 1 is the original funding scenario which is no longer available to the Council, but is included for comparative purposes.

8.6 Based upon the current funding availability identified in paragraph 8.2 the following table summarises the full revenue and capital implications of each of the funding options.

	Option 1 £	Option 2 £	Option 3 £	Option 4 £
Capital:				
Welsh Government grant	20,427,995	32,427,995	21,648,468	12,000,000
Total BCBC capital contribution	26,122,005	38,872,005	27,937,774	18,133,110
Total capital cost	46,550,000	71,300,000	49,586,242	30,133,110
Revenue:				
BCBC revenue for borrowing	733,000	1,347,000	821,000	349,000
BCBC revenue for MIM	650,000	0	523,088	1,015,566
Annual revenue funding required	1,383,000	1,347,000	1,344,088	1,364,566

It is important to note these costs are estimates based on information available at the current time, and MIM information received from Welsh Government, and will change in line with inflationary and interest rates rises

8.7 Option 2, where all schemes are funded by capital grant, draws down the greatest amount of Welsh Government match funding, but also requires the greatest amount of Council capital contribution. The annual revenue implications of borrowing for this option is only slightly higher than the annual revenue implications of mixed capital/MIM options.

8.8 The annual revenue implications of all options could reduce if additional capital funding were secured from s106 contributions, additional capital receipts, capital earmarked reserves. Revenue commitments for MIM schemes, however, cannot

be reduced and are fixed over the life of the contract, so there would be less flexibility with Option 4 and, to a lesser extent, Option 3, compared to Option 2. Option 4 would also present less flexibility in terms of future adaptations to buildings which are located within the areas of growth ie north east and south east of Bridgend.

8.9 Therefore further analysis of Option 2 and Option 3 has been undertaken. The following table sets out the direct advantages and disadvantages between both options.

	Option 2	Option 3
	All capital grant – no MIM, four primary and one special capital grant	Two primary MIMs, two primary and one special capital grant
Advantages	<ul style="list-style-type: none"> • Greater flexibility in terms of funding sources and repayment • Total flexibility relating to configuration and use of buildings • Can be completed within our own timeframes • Full control over design 	<ul style="list-style-type: none"> • Two buildings which are fully maintained for the 25-year term • Higher intervention rate (75%) for the two MIM builds • Lesser ongoing facilities management commitment (marginal)
Disadvantages	<ul style="list-style-type: none"> • Reliant on individual school to maintain the building • Commitment on Council budgets for any capital works during the lifecycle of the building • Lower intervention rate (50%) for the builds 	<ul style="list-style-type: none"> • Still requires capital contribution for furniture and equipment (which is still only funded at 50%) • Fixed revenue commitment over the 25-year period (ie no opportunity for early repayment) • Less control over design of school

8.10 It is important to note that both options currently require borrowing to meet the capital commitment.

Option 2

Annual revenue cost for Option 2 = £1.347m (based on borrowing over 30 years)

Plus additional annual revenue funding commitment for buildings maintenance (which we estimate around £250k per annum for the five new schools)

Option 3

Annual revenue cost for Option 3 = £1.344m (borrowing over 30 years, MIM over 25)

Plus additional annual revenue funding commitment for buildings maintenance (which we estimate around £150k per annum for the three non-MIM schools)

	Annual revenue cost	Buildings maintenance	Total cost over 30 year period
Option 2	£1.347m	£250k	£47.910m
Option 3	£1.344m	£150k	£42.707m

Therefore, the difference over a 30-year period is estimated at £5.203m with Option 3 being less expensive.

- 8.11 Whichever option is pursued will create significant pressures on the Council's capital and revenue budgets. The Council currently has very few uncommitted capital receipts, with any potential new receipts not likely to be significant enough to meet the capital funding required for these schemes, resulting in a need to borrow. In addition, the council is facing revenue budget cuts of around £36m over the next four years, so any additional revenue pressures from either borrowing, or following the MIM route, will only add to the level of savings required to be made.

9. Recommendations

Cabinet is recommended to:

- note the outcome of Welsh Government's review of the Mutual Investment Model (MIM) Band B funding mechanism;
- discontinue with the original approach to funding Band B of the School Modernisation Programme;
- give approval to pursue Option 3 for the financial delivery of Band B, subject to sufficient resources being identified and allocated to meet the match-funding commitment; and
- give approval for a report to be submitted to Council to amend the capital programme to reflect the above.

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Background documents

Council Report (13 September 2006): “LEARNING COMMUNITIES – SCHOOLS OF THE FUTURE – STRATEGY, PRINCIPLES, POLICY AND PLANNING FRAMEWORK”

Cabinet Report (2 November 2010): “THE SCHOOL MODERNISATION PROGRAMME OVERVIEW AND BRIDGEND’S 21ST CENTURY SCHOOLS’ STRATEGIC OUTLINE PROGRAMME SUBMISSION TO WELSH ASSEMBLY “

Cabinet Report (1 September 2015): “STRATEGIC REVIEW INTO THE DEVELOPMENT AND RATIONALISATION OF THE CURRICULUM AND ESTATE PROVISION OF PRIMARY, SECONDARY AND POST-16 EDUCATION”

Cabinet Report (3 October 2017): “SCHOOL MODERNISATION PROGRAMME – BAND B (2019-2024)”

Cabinet Report (30 January 2018): “SCHOOL MODERNISATION PROGRAMME – BAND B”

Council Report (31 January 2018): “SCHOOL MODERNISATION PROGRAMME – BAND B”