



AGENDA

OVERVIEW AND SCRUTINY EDUCATION BUSINESS PANEL

Date: TUESDAY, 22 JUNE 2021 at 7.00 pm

Remote via Microsoft Teams, and also in Council Chamber, Civic Suite, Lewisham Town Hall, London SE6 4RU

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MEMBERS

Councillor Paul Maslin	Chair	Labour Co-op
Councillor Octavia Holland	Vice Chair	L
Councillor Peter Bernards	Chair of Housing Select Committee	L
Councillor Juliet Campbell	Chair of Safer Stronger Communities Select Committee	L
Councillor Patrick Codd	Chair of Public Accounts Select Committee	L
Councillor Louise Krupski	Chair of Sustainable Development Select Committee	Labour Co-op
Councillor Joan Millbank	Labour Group Representative	L
Councillor John Muldoon	Chair of Healthier Communities Select Committee	Labour Co-op
Councillor Luke Sorba	Chair of Children and Young People Select Committee	L
Councillor Susan Wise	Labour Group Representative	Labour Co-op

Members are summoned to attend this meeting

Kim Wright
Chief Executive
Lewisham Town Hall
Catford
London SE6 4RU

Date: Monday, 14 June 2021



INVESTOR IN PEOPLE

The public are welcome to attend our committee meetings, however occasionally committees may have to consider some business in private. Copies of reports can be made available in additional formats on request.

Non-elected Voting Members

Lilian Brooks	Primary School Parent Governor Representative
Monsignor N Rothon	Roman Catholic Archdiocese of Southwark Commission for Schools and Colleges
Oluwafela Ajayi	PGR- Special Schools
Clive Caseley	PGR (Secondary Schools)



Lewisham



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Overview and Scrutiny Education Business Panel

Minutes

Date: 22 June 2021

Key decision: No

Class: Part 1

Ward(s) affected: All

Contributors: Chief Executive / Head of Business and Committee

Outline and recommendations

Members are asked to consider minutes of that part of the meeting of the Overview and Scrutiny Education Business Panel meetings of 16 March 2021, which were opened to the press and public

1. Recommendation

It is recommended that the minutes of those parts of the meetings of the Overview and Scrutiny (Education) Business Panel which were open to the press and public held on 16 March 2021, be confirmed and signed.

Kim Wright
Chief Executive,
Lewisham Town Hall,
Catford SE6 4RU

14 June 2021

MINUTES OF THE OVERVIEW AND SCRUTINY EDUCATION BUSINESS PANEL

Tuesday, 16 March 2021 at 7.12 pm

PRESENT: Councillors Bill Brown, Peter Bernards, Juliet Campbell, Patrick Codd, Joan Millbank, John Muldoon, Kim Powell and Luke Sorba.

Oluwafela Ajayi - PGR- Special Schools

Monsignor N Rothern - Roman Catholic Archdiocese of Southwark Commission for Schools and Colleges

Clive Casely - PGR (Secondary Schools)

Apologies Councillor Curran.

IN ATTENDANCE Councillors Barnham, Bell, Kelleher, and Jacq Paschoud

ALSO PRESENT:

Patricia Barber - Chair of Governors for St Mary Magdalen's Catholic Primary School.

Daniel Coleman - representing the arch diocese of Southwark

Presenting Officers –Executive Director for Children and Young People and Director of Education.

The meeting commenced at 7.12pm and adjourned at 7.13pm in order to consider business of the Overview and Scrutiny Business Panel.

The meeting resumed at 7.14pm.

1 Minutes

RESOLVED that the minutes of the open meeting held on 16 February 2021 be confirmed as an accurate record.

2 Declarations of Interests

None was declared.

3 Decision Made by the Mayor on 10 March 2021 - open session

Governing Body Proposal regarding the future of St Mary Magdalen's Catholic Primary School

3.1 The Chair informed Panel Members that Councillor Sorba, had asked for this report to be submitted to this Panel for consideration.

3.2 Councillor Sorba said that it was rare for members to receive a consultation report when the anticipated result was the closure of a school. It was because of the

critical nature of the decision the Council would be facing at the end of the consultation, and the level of public interest, that he had requested that it be considered by this panel. He said that residents had asked him whether the Council could have done any more to prevent the crisis at the school and the history that had led to the current situation.

- 3.3 Councillor Campbell also expressed her concern at the possible closure of one of Lewisham's schools and said that any consultation must be very thorough to ensure that members receive all the information required. She asked who would be consulted and how this would be managed.
- 3.4 The Director of Education said that in April 2018, St Mary Magdalen's was judged by Ofsted to be good and categorised as a green school. The support from school improvement had, therefore, been minimal. There had been a good relationship between Lewisham and senior leadership and there were no concerns about the school.
- 3.5 In the summer of 2018, some of the statutory assessment results were dis-applied by the Department of Education and the Standard Testing Agency, following allegations that children were being over supported. There was an investigation into these allegations and the results were made null and void. A difficult period for the school then followed and parents' confidence in the school waned. The Council then worked closely with the diocese to support the school and resolve some of the issues. In 2019 the diocese acted swiftly to put in appropriate new leadership and management.
- 3.6 The Director of Education said that number of children attending faith schools had fallen across London. A local authority would not want to have to consider the closure of a school but the diocese had approached Lewisham for support.
- 3.7 Mr Coleman said that his involvement with the school went back to the dis-application of the sats results and he carried out the investigation on behalf of the diocese. Following the resignation of the Head Teacher and Chair of governors at the time, he attended the school in June/July 2018 and he considered there to be serious issues including:
- The building was damp and the floor was ruined
 - There was a gas leak in the kitchen
 - Serious financial irregularities
 - Accounts that Mr Coleman was not aware of
 - Issues regarding the payment of staff
 - Unusual negotiation of some of the contracts
 - There were issues regarding some of the arrangements with the regard to the amount of time the Head Teacher spent in the school.
- 3.8 Mr Coleman said that there were reduced numbers of children in schools across all sectors in London; Catholic schools had the added pressure that baptismal roles had fallen over a number of years. There were 147 children on the role which was significant because it feeds into the budget deficit

- 3.9 Ms Barber said she was asked to support the school in 2019. The situation was so bad that a new leadership team had to be recruited. Staff also had to be recruited because previous staff members had resigned. The school was in total disarray in all areas and the school was in a financial deficit position.
- Accounts were found that no one knew anything about and were not registered anywhere.
 - Substantial amount of money in banks that were not known about.
 - Contracts signed for equipment not recorded in the accounts.
- 3.10 Open house meetings were arranged with parents because engagement was low. Ms Barber said that this was a positive move and since then, children had received a good education. However, numbers were still falling and less than 50% of children attending the school were baptised Catholics. Places in alternative schools would have to be found for these children, but as the reports showed, there were spaces in other schools in the borough including Catholic and other faith schools. Some children were already taking up these places
- 3.11 Ms Barber said that there would be a public consultation open for 6 weeks starting on 19 April. Responses would be analysed and reported back to Mayor and Cabinet. Members would then consider whether there was agreement with the move to the closure of the school. The consultation would be for anyone and would be advertised on the website for the diocese, school website, and local schools would also be invited.
- 3.12 Councillor Sorba said that he was surprised that the irregularities in the school had not been identified by anyone in the accountability system. Ms Barber said that she had asked the same question of the governing board and they assured her that what they were told was not based on fact, and they had not evidence based what they were told. She said that she understood that staff employed at the time were no longer in this authority but she said that it would appear that due diligence had not been done by those visiting the school on an annual basis.
- 3.13 Ms Barber said that when she first visited the school, the state of the kitchen was unbelievable. The main school hall was refurbished with the help of the diocese because it was in a disgusting state. She reassured members, that the children were now receiving a quality education but as a representative of the governing body, she could not reassure anyone that this was a viable option going forward. The school was in debt and this would increase if the school did not close.
- 3.14 Following members' questions, the Executive Director for Children and Young People said that the school was judged good by Ofsted. Local resources were very limited in terms of school improvement. His understanding was that at the time the school was not welcoming visits from the local authority. The school had received a good Ofsted rating which would have made it more difficult for the local authority to probe and to ask questions.
- 3.15 The Executive Director for Children and Young People said that with regard to lessons learned, there was now a different approach to school improvement in Lewisham and a much more robust process of bringing together a range of different evidence in schools including financial information, HR issues, staffing

movements, as well as achievements and outcomes for children. Procedures had changed considerably over the last 3 years.

- 3.16 The Executive Director for Children and Young People clarified that there would be a public consultation as Ms Barber described, but would be managed by the school rather than the local authority because it was an aided school. There would be a further period of representation and after this second period, if it was the view to continue with the proposal to closure, a report would then be submitted to Mayor and Cabinet.
- 3.17 Mr Coleman clarified that the number of children attending the school did stabilise under new management but there were no signs that those numbers had turned around and improved, and an increase in numbers was the only way that the school would be able get out of the current financial deficit. He said that there were ample spaces in local schools for children attending St Mary Magdalen School. Parents could choose the education they want for their child, including Catholic schools and non-faith schools. He said that there were 22 children due to leave school at the end of year 6 in this academic year. There were only 12 potential pupils coming into reception in September 2021. Mr Coleman said that he did not want to have to consider the closure of a school but with the financial deficit position the school was in, and the drop in numbers of children attending the school, he did not believe that there could be another outcome.
- 3.18 In response to questions from Councillors Codd and Kelleher, Ms Barber wanted to reassure members that consideration was given to reducing the school from a group two size school to a size one, but unfortunately it was not feasible and would not have provided the level of education that she believes children in Lewisham should have.
- 3.19 Ms Barber acknowledged that the capacity figures in the council report did not match the report of the governing body. This was because the reports were written at different times. A definitive list agreed by the school and Lewisham, would be included in the consultation documents.
- 3.20 Ms Barber explained that the demographics in the area had changed over many years. Most of the local family homes had been divided into flats. In addition, the local area was an aging parish with very few children coming through requiring school places
- 3.21 Ms Barber said that the school building belongs to the diocese. When investment was made in the building, there had been no intention to close the school and it was considered that the children deserved a decent environment in which to learn. She considered that as a governing body, they would not be doing due diligence if they allowed finances to fall deeper into debt.
- 3.22 Following several questions from Mr Ajayi and Councillor Kelleher the Executive Director for Children and Young People advised that:
- Lewisham have a different school improvement framework from 3 years ago. Although he could not guarantee that there were not similar issues of mismanagement in other Lewisham schools, there was no evidence to

suggest that this was the case. There are much clearer mechanisms for keeping a check on schools.

- There were no concerns about the current leadership at St Mary Magdalen School, or the quality of teaching. None of the concerns associated with the school in the past exist currently and scrutiny of the school continues.
- Consideration was not just given to an Ofsted report. Financial information is also considered and other sources of data, and officers ensure that there is a good balance of support and challenge for each school.

3.23 The Chair clarified that although officers would not know about all issues within schools, the situation with regard to St Mary Magdalen School could not occur again in a Lewisham school because there were robust procedures in place that would prevent this level of mismanagement.

3.24 In a response to a comment from Councillor Millbank about the power of school governing bodies, Mr Coleman said that when he attended a meeting of the governing body, most members assumed that the school had been graded as outstanding by Ofsted. When he told them that this was not true, they had not seen the report but had taken the advice from the Chair of governors who told them they had an outstanding rating. This was how the school operated; the Chair would give the governing body information and it would be received as correct without any evidence. It took a while to convince the board that the rating was not correct and that they had been ranked 'good' by Ofsted.

3.25 In response to a question from Councillor Bernards with regard to the number of first choice places offered, Ms Barber said that for the academic year 2021/22 there were 7 first choice applications to the school, 30 places were available and the school was one form entry.

3.26 Councillor Sorba asked what would happen to staff if the school closes. Ms Barber said, at this stage it could not be assumed that the school would close. However, consideration to close was being considered. There would be support for staff and parents with an open process. Staff would not be directed to a position just as parents would not be directed to a school. However, if the school were advised by the diocese or local authority that a position was available, it would be drawn to the attention of staff members, otherwise a redundancy process would commence.

3.27 Mr Copeman said that there was a dedicated staff member who would be ready to take the lead on behalf of the diocese. Their offices and contacts would be made available for staff to help them find employment within other Catholic schools. This support could not be offered until a decision was made about the future of the school but the diocese would work hard to obtain the best result for a many staff as possible.

3.28 The Chair thanked Ms Barber and Mr Coleman for their contribution to the meeting. He said that members would wait until the conclusion of the consultation process but it had been made clear in the meeting that no one wanted to be in the position whereby the closure of a school was being considered. There were no referrals or comments for Mayor and Cabinet.

RESOLVED that the report be noted.

The meeting ended at 8.03pm.

Chair

Agenda Item 2



Overview and Scrutiny Education Business Panel

Declarations of Interest

Date: 22 June 2021

Key decision: No

Class: Part 1

Ward(s) affected: All

Contributors: Chief Executive

Outline and recommendations

Members are asked to declare any personal interest they have in any item on the agenda.

1. Summary

1.1. Members must declare any personal interest they have in any item on the agenda. There are three types of personal interest referred to in the Council's Member Code of Conduct:

- (1) Disclosable pecuniary interests
- (2) Other registerable interests
- (3) Non-registerable interests.

1.2. Further information on these is provided in the body of this report.

2. Recommendation

2.1. Members are asked to declare any personal interest they have in any item on the agenda.

3. Disclosable pecuniary interests

3.1 These are defined by regulation as:

- (a) Employment, trade, profession or vocation of a relevant person* for profit or gain
- (b) Sponsorship –payment or provision of any other financial benefit (other than by the Council) within the 12 months prior to giving notice for inclusion in the register in respect of expenses incurred by you in carrying out duties as a member or towards your election expenses (including payment or financial benefit from a Trade Union).
- (c) Undischarged contracts between a relevant person* (or a firm in which they are a partner or a body corporate in which they are a director, or in the securities of which they have a beneficial interest) and the Council for goods, services or works.
- (d) Beneficial interests in land in the borough.
- (e) Licence to occupy land in the borough for one month or more.
- (f) Corporate tenancies – any tenancy, where to the member’s knowledge, the Council is landlord and the tenant is a firm in which the relevant person* is a partner, a body corporate in which they are a director, or in the securities of which they have a beneficial interest.
- (g) Beneficial interest in securities of a body where:
 - (a) that body to the member’s knowledge has a place of business or land in the borough; and
 - (b) either:
 - (i) the total nominal value of the securities exceeds £25,000 or 1/100 of the total issued share capital of that body; or
 - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person* has a beneficial interest exceeds 1/100 of the total issued share capital of that class.

*A relevant person is the member, their spouse or civil partner, or a person with whom they live as spouse or civil partner.

4. Other registerable interests

4.1 The Lewisham Member Code of Conduct requires members also to register the following interests:

- (a) Membership or position of control or management in a body to which you were appointed or nominated by the Council
- (b) Any body exercising functions of a public nature or directed to charitable purposes, or whose principal purposes include the influence of public opinion or policy, including any political party
- (c) Any person from whom you have received a gift or hospitality with an estimated value of at least £25.

5. Non registerable interests

- 5.1. Occasions may arise when a matter under consideration would or would be likely to affect the wellbeing of a member, their family, friend or close associate more than it would affect the wellbeing of those in the local area generally, but which is not required to be registered in the Register of Members' Interests (for example a matter concerning the closure of a school at which a Member's child attends).

6. Declaration and impact of interest on members' participation

- 6.1. Where a member has any registerable interest in a matter and they are present at a meeting at which that matter is to be discussed, they must declare the nature of the interest at the earliest opportunity and in any event before the matter is considered. The declaration will be recorded in the minutes of the meeting. If the matter is a disclosable pecuniary interest the member must take not part in consideration of the matter and withdraw from the room before it is considered. They must not seek improperly to influence the decision in any way. **Failure to declare such an interest which has not already been entered in the Register of Members' Interests, or participation where such an interest exists, is liable to prosecution and on conviction carries a fine of up to £5000**
- 6.2. Where a member has a registerable interest which falls short of a disclosable pecuniary interest they must still declare the nature of the interest to the meeting at the earliest opportunity and in any event before the matter is considered, but they may stay in the room, participate in consideration of the matter and vote on it unless paragraph 6.3 below applies.
- 6.3. Where a member has a registerable interest which falls short of a disclosable pecuniary interest, the member must consider whether a reasonable member of the public in possession of the facts would think that their interest is so significant that it would be likely to impair the member's judgement of the public interest. If so, the member must withdraw and take no part in consideration of the matter nor seek to influence the outcome improperly.
- 6.4. If a non-registerable interest arises which affects the wellbeing of a member, their, family, friend or close associate more than it would affect those in the local area generally, then the provisions relating to the declarations of interest and withdrawal apply as if it were a registerable interest.
- 6.5. Decisions relating to declarations of interests are for the member's personal judgement, though in cases of doubt they may wish to seek the advice of the Monitoring Officer.

7. Sensitive information

- 7.1. There are special provisions relating to sensitive interests. These are interests the disclosure of which would be likely to expose the member to risk of violence or intimidation where the Monitoring Officer has agreed that such interest need not be registered. Members with such an interest are referred to the Code and advised to seek advice from the Monitoring Officer in advance.

8. Exempt categories

- 8.1. There are exemptions to these provisions allowing members to participate in decisions notwithstanding interests that would otherwise prevent them doing so. These include:-
- (a) Housing – holding a tenancy or lease with the Council unless the matter relates to your particular tenancy or lease; (subject to arrears exception)
 - (b) School meals, school transport and travelling expenses; if you are a parent or

guardian of a child in full time education, or a school governor unless the matter relates particularly to the school your child attends or of which you are a governor

- (c) Statutory sick pay; if you are in receipt
- (d) Allowances, payment or indemnity for members
- (e) Ceremonial honours for members
- (f) Setting Council Tax or precept (subject to arrears exception).

Agenda Item 3



Overview and Scrutiny Education Business Panel

Decisions made by Mayor and Cabinet

Date: 22 June 2021

Key decision: Yes

Class: Part 1

Ward(s) affected: All

Contributors: Chief Executive / Head of Business and Committee

Outline and recommendations

Members are asked to consider decisions taken at a meeting of the Mayor and Cabinet held on 9 June 2021 in open session

1. Recommendation

To consider decision taken by the Mayor and Cabinet on 9 June 2021, which will come in to force on 23 June 2021, unless called in by the Overview & Scrutiny Education Business Panel on 22 June 2021.

2. Background

2.1 The Mayor and Cabinet considered the following decision on 9 June 2021:

i. School Meals Contract Award

2.2 The notice of the decision in respect of this report is attached below.

2.3 Under the provisions of Standing Orders Part IV E 14, Members may call in an executive decision within 7 days. If this report is not called in, the decision will come into force on 23 June 2021.



NOTICE OF DECISIONS MADE BY THE MAYOR & CABINET

The Mayor & Cabinet made the following decision on June 9 2021. All recommendations shown were agreed by a 6-0 vote of voting members in physical attendance.

The decision will become effective on June 23 2021 unless called in by the Overview & Scrutiny Education Business Panel on June 22 2021.

1. School Meals Contract Award

Having considered an open officer report, and presentations by the Cabinet Member for Childrens Services and School Performance, Councillor Chris Barnham, and from a member of the public, the Mayor & Cabinet agreed that:

- (1) the award of a centralised school catering contract be approved for a period of 4 years with an option to extend for up to an additional period of 2 years subject to a sufficient number of schools signing up to the contract via Governing Body Agreements with the contract having a maximum value of £20 Million over the 6 year period; and
- (2) the approval of the final terms of the contract be delegated to the Executive Director for Children and Young People on the advice of the Director of Law & Corporate Governance.

Kim Wright
Chief Executive,
Lewisham Town Hall,
Catford SE6 4RU

June 11 2021



Delegated Authority Report

Making of Instruments of Government.

Date: 11 May 2021

Key decision: Yes

Class: Part 1.

Ward(s) affected: Evelyn, Brockley

Contributors: Head of Schools Services, Director of Law, Governance and Human Resources

Outline and recommendations

The governing body of Grinling Gibbons and Lucas Vale Federation have resolved to change the name of their federation to Phoenix Federation and have asked the Local Authority to make a variation to note the change of name to their current Instrument of Government.

The purpose of this report is to seek agreement to vary the Instrument of Government for the governing body of Grinling Gibbons and Lucas Vale Federation.

The Executive Director of Children and Young People is recommended to approve that the Instrument of Government for the governing body listed below be made by Local Authority order dated 11 May 2021 as set out in Appendix 1.

- The governing body of Phoenix Federation

Timeline of engagement and decision-making

The Instrument of Government for the governing body of Grinling Gibbons and Lucas Vale Federation was last made on 13 July 2016 by Mayor and Cabinet.

1. Summary

- 1.1. The governing body of Grinling Gibbons and Lucas Vale Federation have resolved to amend their Instrument of Government and have asked the Local Authority to make a variation to their Instrument of Government.

2. Recommendations

- 2.1. The Executive Director of Children and Young People is recommended to approve that the Instrument of Government for the governing body listed below be made by Local Authority order dated 11 May 2021 as set out in Appendix 1.
 - The governing body of Pheonix Federation

3. Policy Context

- 3.1. Each maintained school has to have an Instrument of Government. The Local Authority must satisfy itself that the Instrument of Government for each maintained school conforms to the legislation. The Local Authority must also agree its content
- 3.2. The report is consistent with the third priority identified in the 2018-2022 Corporate Strategy listed below.

“Giving children and young people the best start in life - Every child has access to an outstanding and inspiring education and is given the support they need to keep them safe, well and able to achieve their full potential”

4. Background

- 4.1. At the governing body meeting on 28 April 2021 the governing body of Grinling Gibbons and Lucas Vale federation resolved unanimously to change their name to Pheonix Federation and thus amend the Instrument of Government previously agreed in July 2016.
- 4.2. The previous name did not have any resonance with the local community and wasn't even a word. The renaming to Phoenix Federation is a key part of their strategy to strengthen the way the existing hard Federation operates and provide a new energy and vision. This is also reinforced by a strong set of new values, which were also widely consulted on, and which will drive their policies, procedures and behaviours.

Governors are satisfied that the senior leadership team have consulted widely and have received a very positive response to this. They have since received a very warm response from the community and, most importantly, the children love it.

- 4.3. The governing body or local authority can review and vary the instrument of government at any time after it is made.
- 4.4. The governing body must be constituted in accordance with regulations made by virtue of section 24 of the Education Act 2002 namely, The School Governance (Federations) (England) Regulations 2012, as amended by The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2016 and 2017 respectively (The Federation Regulations).
- 4.5. The Regulations set out the arrangements for establishing statutory federations of governing bodies in maintained schools in England, the constitution of the federated governing body of those maintained schools, the procedures for a school to leave the federation and the procedures to dissolve the federation. They apply to federations which are established on or after 1 September 2012
- 4.6. The governing body of every federation must be constituted in accordance with the Federation Regulations. The total membership of the governing body of a federation must be no fewer than seven governors
- 4.7. The governing body of a federation must include the following:-
 - (a) two parent governors;
 - (b) the Headteacher of each federated school unless any such Headteacher resigns the office of governor in accordance with regulation 19 of the Constitution Regulations 2012; (N.B. *In the case of Pheonix Federation this will be the Executive Headteacher as the individual schools do not have a headteacher*)
 - (c) one staff governor, and
 - (d) one local authority governor
- 4.8. The governing body may in addition appoint such number of co-opted governors as they consider necessary provided the requirement in paragraph 4.9 are met in respect of governing bodies of maintained schools.
- 4.9. The total number of co-opted governors who are also eligible to be elected or appointed as staff governors (when counted with the staff governor and the headteacher/s) must not exceed one third of the total membership of the governing body.
- 4.10. Appendix 1 details the Instrument of Government the Local Authority is proposing to make by order.

5. Financial implications

- 5.1. There are no financial implications arising from this report

6. Legal implications

- 6.1. Section 24 of the Education Act 2002 requires all maintained federated schools to have an Instrument of Government which determines the constitution of the governing body and other matters relating to the school.
- 6.2. The federation must have an Instrument of Government detailing the name of the school, the type of school and the membership of the Governing Body. The category of

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governor and the number in each category is specified in the The School Governance (Federations) (England) Regulations 2012, as amended by The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2014 and 2016 respectively.

- 6.3. The Instrument of Government proposed for the governing body of Pheonix Federation conforms to The School Governance (Federations) (England) Regulations 2012 as amended.

7. Equalities implications

- 7.1. The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the duty). It covers the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation
- 7.2. In summary, the Council must, in the exercise of its functions, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - advance equality of opportunity between people who share a protected characteristic and those who do not.
 - foster good relations between people who share a protected characteristic and those who do not.
- 7.3. It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed at 7.2 above.
- 7.4. The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for the decision maker bearing in mind the issues of relevance and proportionality. The decision maker must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances
- 7.5. The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled "Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice". The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-codes-practice>

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance>

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7.6. The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

- [The essential guide to the public sector equality duty](#)
- [Meeting the equality duty in policy and decision-making](#)
- [Engagement and the equality duty: A guide for public authorities](#)
- [Objectives and the equality duty. A guide for public authorities](#)
- [Equality Information and the Equality Duty: A Guide for Public Authorities](#)

7.7. The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:

<https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance#h1>

8. Climate change and environmental implications

8.1. There are no climate change or environmental implications arising from this report]

9. Crime and disorder implications

9.1. There are no crime and disorder implications arising from this report

10. Health and wellbeing implications

10.1. There are no health and wellbeing implications arising from this report

11. Appendices

- Appendix 1 Instrument of Government for the governing body of Pheonix Federation

12. Background papers

12.1.

Short Title of Document	Date	File Location
The School Governance (Federations) (England) Regulations 2012	2012	https://www.legislation.gov.uk/uk/si/2012/1035/regulation/21/made
The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2016	2016	https://www.legislation.gov.uk/uk/si/2016/204/contents/made
The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2017	2017	https://www.legislation.gov.uk/uk/si/2017/487/made

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13. Glossary

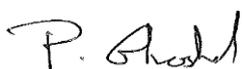
13.1.

Term	Definition
Instrument of Government	An Instrument of Government is the legal document for Local Authority schools that records the constitution of the governing body and the term of office for each category of governor as well as the name of the school.

14. Report author and contact

14.1. Suhaib Saeed, Head of School Services suhaib.saeed@lewisham.gov.uk

Signed under Delegated Authority



14th June 2021

.....

.....

Pinaki Ghoshal

Date

Executive Director for Children and Young People

Appendix 1

INSTRUMENT OF GOVERNMENT FOR FEDERATED GOVERNING BODIES

1. The name of the federation is: **Phoenix Federation**
2. The names and categories of the schools in the federation are:

Name	Category
1. Grinling Gibbons Primary School	Community
2. Lucas Vale Primary School	Community

3. The name of the governing body is: '**The Governing Body of Phoenix Federation**'.
4. The governing body shall consist of the following.

Category of governor (state where the term of office is less than four years)	No. of governors in each category
Parent governors	2
Executive Headteacher	1
Staff governor	1
LA governor	1
Co-opted governors	6

5. Total number of governors: **11**
6. This instrument comes into effect on **2 June 2021**
7. This instrument was made by order of Lewisham Local Authority on **11 May 2021**
8. The variation to the Instrument of Government comes into effect on **2 June 2021**
9. A copy of the instrument must be supplied to every member of the governing body (and the headteacher if not a governor).



Delegated Authority Report

Making of Instruments of Government.

Date: 11 May 2021

Key decision: Yes

Class: Part 1. Crofton Park, Lewisham Central

Contributors: Head of Schools Services, Director of Law, Governance and Human Resources

Outline and recommendations

The governing board of The Leathersellers' Federation of Schools have resolved to embed the executive headteachers role into their Instrument of Government and have asked the Local Authority to make a variation to note the change to their current Instrument of Government.

The purpose of this report is to seek agreement to vary the Instrument of Government for the governing board of The Leathersellers' Federation of Schools.

The Executive Director of Children and Young People is recommended to approve that the Instrument of Government for the governing board listed below be made by Local Authority order dated 11 May 2021 as set out in Appendix 1.

- The governing board of The Leathersellers' Federation of Schools

Timeline of engagement and decision-making

The Instrument of Government for the governing board of The Leathersellers' Federation of Schools was last made on 7 September 2016 by Mayor and Cabinet.

1. Summary

- 1.1. The governing board of The Leathersellers' Federation of Schools have resolved to amend their Instrument of Government and have asked the Local Authority to make a variation to their Instrument of Government.

2. Recommendations

- 2.1. The Executive Director of Children and Young People is recommended to approve that the Instrument of Government for the governing board listed below be made by Local Authority order dated 11 May 2021 as set out in Appendix 1.
 - The governing board of The Leathersellers' Federation of Schools

3. Policy Context

- 3.1. Each maintained school has to have an Instrument of Government. The Local Authority must satisfy itself that the Instrument of Government for each maintained school conforms to the legislation. The Local Authority must also agree its content
- 3.2. The report is consistent with the third priority identified in the 2018-2022 Corporate Strategy listed below.

“Giving children and young people the best start in life - Every child has access to an outstanding and inspiring education and is given the support they need to keep them safe, well and able to achieve their full potential”

4. Background

- 4.1. The governing board of The Leathersellers' Federation of Schools have agreed to embed the role of the Executive Headteacher in the Instrument of Government for the reasons below.
- 4.2. The School Governance (Federations) (England) Regulations 2012 provide that “the governing body of a federation must include ... the head teacher of each federated school unless any such head teacher resigns the office of governor” (Part 4, 21. (3) (b)).
- 4.3. No specific provision is made in the regulations for the role of an Executive Headteacher.

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- 4.4. Given that headteachers are entitled to be governors, it has been the practice of the governing board to appoint the Executive Headteacher as a co-opted governor.
- 4.5. Accepting the rationale for the Executive Headteacher to be a governor, there are weaknesses in using the co-opted mechanism:
- a) it means the appointment as governor is not an entitlement of the office, but rather is subject to a vote of governors (at initial appointment and every four years thereafter)
 - b) there is no requirement on an office holder to resign their governorship when they leave office
- 4.6. Although in the normal course of events neither of these weaknesses presents a problem, it is not difficult to conceive circumstances in which they might. It would be better to formalise the governorship as an ex-officio role.
- 4.7. The 2012 Regulations provide for an ex-officio foundation governor. “ex officio foundation governor” means a person who is a foundation governor by virtue of an office held by the person” (Part 3, 17. (1) (b))
- 4.8. “An ex officio foundation governor is, upon ceasing to hold the office from which the governorship derives, disqualified from continuing to hold office as such a governor.” (Part 3, 17. (2))
- 4.9. The governing board have proposed to revise their Instrument of Government in order to formalise their current practice by reducing the number of co-opted governors by one (from eight to seven) and creating an ex-officio foundation governor for the executive headteacher of the federation (in the event the executive headteacher declined the governorship, the Leathersellers’ Company would be able to appoint an substitute governor).
- 4.10. Other relevant restrictions on the governing board’s membership are:
- They must have at least two foundation governors (Part 4, 22. (7)).
 - No more than one third of governors may be employees of the federation (Part 4, 21. (5), amended by The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2014 3. (8))
- 4.11. The governing body or local authority can review and vary the instrument of government at any time after it is made.
- 4.12. The governing body must be constituted in accordance with regulations made by virtue of section 24 of the Education Act 2002 namely, The School Governance (Federations) (England) Regulations 2012, as amended by The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2014, 2016 and 2017 respectively (The Federation Regulations).
- 4.13. The Regulations set out the arrangements for establishing statutory federations of governing bodies in maintained schools in England, the constitution of the federated governing body of those maintained schools, the procedures for a school to leave the federation and the procedures to dissolve the federation. They apply to federations which are established on or after 1 September 2012
- 4.14. The governing body of every federation must be constituted in accordance with the Federation Regulations. The total membership of the governing body of a federation must be no fewer than seven governors.

- 4.15. The governing body of a federation must include the following:-
- (a) two parent governors;
 - (b) the Headteacher of each federated school unless any such Headteacher resigns the office of governor in accordance with regulation 19 of the Constitution Regulations 2012;
 - (c) one staff governor, and
 - (d) one local authority governor
- 4.16. The governing body may in addition appoint such number of co-opted governors as they consider necessary provided the requirement in paragraph 4.17 are met in respect of governing bodies of maintained schools.
- 4.17. The total number of co-opted governors who are also eligible to be elected or appointed as staff governors (when counted with the staff governor and the headteacher/s) must not exceed one third of the total membership of the governing body.
- 4.18. In addition, federations comprising foundation and voluntary schools are required to have foundation or partnership governors. In the case of the The Leathersellers' Federation of Schools, the governing body of a federation comprising more than one category of school including at least one foundation, foundation special or voluntary aided school must also include at least two foundation governors (or partnership governors as appropriate in respect of any school without a foundation).
- 4.19. Appendix 1 details the Instrument of Government the Local Authority is proposing to make by order.

5. Financial implications

- 5.1. There are no financial implications arising from this report

6. Legal implications

- 6.1. Section 24 of the Education Act 2002 requires all maintained federated schools to have an Instrument of Government which determines the constitution of the governing body and other matters relating to the school.
- 6.2. The federation must have an Instrument of Government detailing the name of the school, the type of school and the membership of the Governing Body. The category of governor and the number in each category is specified in the The School Governance (Federations) (England) Regulations 2012, as amended by The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2014 and 2016 respectively.
- 6.3. The Instrument of Government proposed for the governing board of The Leathersellers' Federation of Schools conforms to The School Governance (Federations) (England) Regulations 2012 as amended.

7. Equalities implications

- 7.1. The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the duty). It covers the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation
- 7.2. In summary, the Council must, in the exercise of its functions, have due regard to the need to:

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- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - advance equality of opportunity between people who share a protected characteristic and those who do not.
 - foster good relations between people who share a protected characteristic and those who do not.
- 7.3. It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed at 7.2 above.
- 7.4. The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for the decision maker bearing in mind the issues of relevance and proportionality. The decision maker must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances
- 7.5. The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at
- <https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-codes-practice>
- <https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance>
- 7.6. The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
- [The essential guide to the public sector equality duty](#)
 - [Meeting the equality duty in policy and decision-making](#)
 - [Engagement and the equality duty: A guide for public authorities](#)
 - [Objectives and the equality duty. A guide for public authorities](#)
 - [Equality Information and the Equality Duty: A Guide for Public Authorities](#)
- 7.7. The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:
- <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality->

[duty-guidance#h1](#)

8. Climate change and environmental implications

8.1. There are no climate change or environmental implications arising from this report]

9. Crime and disorder implications

9.1. There are no crime and disorder implications arising from this report

10. Health and wellbeing implications

10.1. There are no health and wellbeing implications arising from this report

11. Appendices

- Appendix 1 Instrument of Government for the governing board of The Leathersellers' Federation of Schools

12. Background papers

12.1.

Short Title of Document	Date	File Location
The School Governance (Federations) (England) Regulations 2012	2012	https://www.legislation.gov.uk/uksi/2012/1035/regulation/21/made
The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2014	2014	https://www.legislation.gov.uk/uksi/2014/1257/contents/made
The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2016	2016	https://www.legislation.gov.uk/uksi/2016/204/contents/made
The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2017	2017	https://www.legislation.gov.uk/uksi/2017/487/made

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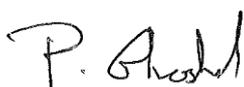
13.1.

Term	Definition
Instrument of Government	An Instrument of Government is the legal document for Local Authority schools that records the constitution of the governing body and the term of office for each category of governor as well as the name of the school.

14. Report author and contact

14.1. Suhaib Saeed, Head of School Services suhaib.saeed@lewisham.gov.uk

Signed under Delegated Authority



14th June 2021

.....
Pinaki Ghoshal

.....
Date

Executive Director for Children and Young People

Appendix 1

INSTRUMENT OF GOVERNMENT FOR FEDERATED GOVERNING BODIES

1. The name of the federation is: **The Leathersellers' Federation of Schools**
2. The names and categories of the schools in the federation are:

Name	
1. Prendergast Ladywell School	Foundation
2. Prendergast School	Voluntary Aided
3. Prendergast Vale School	Foundation

3. The name of the Governing Board is: "The Governing Board of The Leathersellers' Federation of Schools"
4. The Governing Board shall consist of the following:

Category of Governor (state where the term of office is less than four years)	No. of Governors in each category	Name of School (for Headteacher and Foundation Governors)	No. of Governors for each School
Parent Governors	2		
Headteacher Governors	3	Prendergast Ladywell School	1
		Prendergast School	1
		Prendergast Vale School	1
The Executive Headteacher of The Leathersellers' Federation of Schools (foundation governor ex officio) (or such other person appointed to act in the place of the ex officio foundation governor under 7 b)	1		
Foundation Governors	6		
Staff Governor	1		
LA Governor	1		
Co-opted Governors	7		

5. Total number of governors: **21**
6. The Leathersellers' Company is entitled to appoint the Foundation Governors
7.
 - a. The holder of the following office shall be a foundation governor ex officio (by virtue of their office): The Executive Headteacher of the Leathersellers' Federation of Schools
 - b. The Leathersellers' Company shall be entitled to appoint a foundation governor to act in the place of the ex officio foundation governor named above, (a), in the event that:
 - i. They are unable or unwilling to act as a foundation governor

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ii. They have been removed from office under regulation 21(1) of the School Governance (Constitution) (England) Regulations 2012

8. Prendergast School is supported by a trust.
9. This Instrument comes into effect on **2 June 2021**
10. This Instrument was made by order of Lewisham Local Authority on **11 May 2021**
11. The variation to the Instrument of Government comes into effect on **2 June 2021**
12. A copy of the instrument must be supplied to every member and associate member of the Governing Board (and the headteacher if not a governor) and any trustees



Executive Director for Children and Young People

Report title: Approval for Contract Award - Contract 1 for the School Minor Works Programme 2021

Date: 09 June 2021

Key decision: Yes

Class: Part 1

Ward(s) affected: Grove Park, Catford South, Brockley and Rushey Green

Contributors: Group Finance Manager, SGM Capital Programme Delivery

Outline and recommendations

The purpose of this report is to seek approval from the Executive Director for Children & Young People to award a 29 week contract following an open tender exercise for Contract 1 of the School Minor Works Programme 2021, in line with the approvals obtained at Mayor & Cabinet in January 2021 (report attached as Appendix A).

This report recommends that Stonegrove Ltd are awarded the contract for a total of £845,659.

Timeline of engagement and decision-making

Approval to Procure Report – January 2021

Tenders Issued – March 2021

Tenders Returned – April 2021

Tender Evaluation – May 2021

Contract Award Report Issued – June 2021

Contract Award Decision – June 2021

1. Summary

- 1.1. The purpose of this report is to seek approval from the Executive Director for Children & Young People to award a contract following an open tender exercise for Contract 1 of the School Minor Works Programme 2021, in line with the approvals obtained at Mayor & Cabinet in January 2021 (report attached as Appendix A). Following completion of an open procurement process officers recommend that Stonegrove Ltd are awarded a 29 week contract to deliver School Minor Works.

2. Recommendations

It is recommended that the Executive Director for Children and Young People:

- 2.1. Authorise officers to enter into Contract 1 of the School Minor Works Programme 2021 for the value of £845,659 with Stonegrove Ltd. This contract is for mechanical and electrical works at Coopers Lane Primary School, Myatt Garden Primary School, Sandhurst Primary School and Holbeach Primary School.

3. Policy Context

- 3.1. The Local Authority has a duty to ensure the provision of sufficient places for pupils of statutory age and, within financial constraints, accommodation that is both suitable and in good condition.
- 3.2. The proposal within this report is consistent with the Corporate Strategy 2018-2022, in particular the Corporate Priority of *'Giving children and young people the best start in life: Every child has access to an outstanding and inspiring education and is given the support they need to keep them safe, well and able to achieve their full potential'*.
- 3.3. As owner of the school buildings and the employer, the Council has a statutory duty under the Health & Safety at Work Act 1974 and associated approved codes of practice, to ensure that schools are fit for purpose and used by pupils and staff. Whilst schools are responsible for day to day maintenance of their buildings, any significant expenditure on capital schemes has to be funded by the Council.

4. Background

- 4.1. This programme is funded by the Education and Skills Funding Agency (ESFA) through the School Conditions Allocation (SCA). The SCA supports essential capital works in community schools to prevent disruption to their day-to-day running, and to

ensure they are safe for the pupils, staff and visitors. Larger Multi-Academy Trusts (MATs) and Voluntary Aided (VA) school bodies receive direct funding to invest in priorities across the schools for which they are responsible. Smaller or stand-alone academy trusts, sixth form colleges and VA school bodies are able to bid to the Condition Improvement Fund (CIF).

- 4.2. In recent years, decisions on how the Council invests its SCA have been based on building condition surveys completed by Carter Jonas in 2017. The surveys covered 40 community schools which were selected on the advice of officers in the Estates Management team. Their decisions were based on the age, and their knowledge, of buildings, and mechanical and electrical systems in the school estate
- 4.3. The Mayor & Cabinet report for the School Minor Works Programme 2021 (SMWP 21) dated 13 January 2021 (Appendix A) provides further details on how this year's programme of works was developed.
- 4.4. This report relates to mechanical and electrical works at 4 schools (Coopers Lane Primary School, Holbeach Primary School, Myatt Garden Primary School and Sandhurst Primary School).

5. Procurement Process

- 5.1. A single stage open tender exercise was run for Contract 1 of the SMWP 21. The opportunities were advertised on Contracts Finder and published on the London Tenders Portal, in line with the Council's Procurement guidance. In order to ensure the contractors tendering for the contracts were capable of delivering the works within a school setting, a minimum quality score was set for tenderers' response to Section 6 of the Suitability Questionnaire.
- 5.2. This section requests examples of technical ability/experience working on similar projects in occupied primary schools (or similar) within the past 3 years and where sub-contractors are to be used, demonstrate how they have previously maintained healthy supply chains with sub-contractor(s).
- 5.3. Tenderers had to achieve a minimum score of 7 (described as '*Good - Proposal meets the required standard in all major material respects*') for Method Statements MS1-a and MS2. If a tenderer failed to achieve the minimum score, their tender was eliminated from the evaluation process and not assessed any further. Any tenderer that achieved the minimum score was fully evaluated.
- 5.4. Moderation sessions were led by the Procurement Officer. The evaluation panel consisted of three people, two Council officers (A Project Manager and Project Officer) and one external person from Pinnacle ESP, who will be acting as Contract Administrator when the contracts are awarded (see Appendix B for further details).
- 5.5. After the tender period closed, the submissions were shared with the evaluation panel members who were instructed to separately evaluate all complete tenders. Each member's scores were shared with the Council's Procurement team ahead of a virtual meeting (known as a consensus meeting) which was held to discuss and agree consensus scores for each tender. The consensus meetings were moderated by a member of the Council's Procurement team.
- 5.6. The full tender submissions were evaluated based on the following criteria:
 - Financial detail including price 50%
 - Project Management 15%
 - Technical Ability 15%
 - Health and Safety 10%
 - Social Value 10%

The evaluation was made up of 50% price and 50% quality, incorporating 10% for social value.

6. Tender Evaluation

6.1. The tables below set out details on the key dates and number of tenders received for this contract.

6.1.1. Contract 1

Activity	Date/Quantity
Tender Published	24/03/2021
Tender Return Deadline	28/04/2021 (initially 21/04/2021 extended by 7 working days due to school access issues)
Evaluation/Consensus Meeting	13/05/2021
Expression of Interest	83
Tenders Received	13 in total: 1. 21 Degrees Heating Ltd 2. Arc Group London Ltd 3. Ark MEP Plc 4. BSW Heating Ltd 5. Environtech M & E Services Ltd 6. Graham Asset Management Ltd 7. Invicta Building Services Ltd 8. LMAC Construction Ltd 9. Re-Gen (M&E Services) Ltd 10. Stonegrove Ltd 11. T Brown Group 12. Thermoserv Ltd 13. United Mechanical Services Ltd

6.2. Section 6 of the Suitability Questionnaire of each tender response was evaluated first. Any tenderer that failed to achieve the minimum score of 7 for 6.1 and 6.2 (see 6.7 for description of each standard) was eliminated from the tendering process and not evaluated any further. This score was not weighted. It was assessed on a pass or fail basis and did not contribute to tenderers' final overall quality score.

6.3. The tables below detail the outcome of this evaluation with comments.

Tenderer	Comments	Pass/Fail
21 Degrees Heating Ltd	Demonstrated experience relevant to this project and explained supply chain management.	Pass
Arc Group London Ltd	Demonstrated experience relevant to this project and explained supply chain management.	Pass
Ark MEP Plc	Demonstrated experience relevant to this project and explained supply chain management.	Pass

BSW Heating Ltd	Demonstrated experience relevant to this project and explained supply chain management.	Pass
Environtech M & E Services Ltd	Failed to submit a Suitability Questionnaire response.	Fail
Graham Asset Management Ltd	Demonstrated experience relevant to this project and explained supply chain management.	Pass
Invicta Building Services Ltd	Demonstrated experience relevant to this project and explained supply chain management.	Pass
LMAC Construction Ltd	Demonstrated experience relevant to this project and explained supply chain management.	Pass
Re-Gen (M&E Services) Ltd	Demonstrated experience relevant to this project and explained supply chain management.	Pass
Stonegrove Ltd	Demonstrated experience relevant to this project and explained supply chain management.	Pass
T Brown Group	Demonstrated experience relevant to this project and explained supply chain management.	Pass
Thermoserv Ltd	Demonstrated experience relevant to this project and explained supply chain management.	Pass
United Mechanical Services Ltd	Failed to submit a response to Section 6 of the Suitability Questionnaire.	Fail

6.4. Tenders that passed the Suitability Questionnaire were then evaluated on a 50/50 basis for price and quality.

6.5. The price of each tender was evaluated using the Lowest Price Option, see the formula below:

6.6. Price score = price weighting (50) x (lowest price/tendered price)The quality of the tenders was assessed based on the following method statements and weightings

Main Criteria (& Weighting)	Sub-criteria Weighting	Sub-criteria	Evidence	Method Statement
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Project Management (15%)	10%	<p>Please advise how you will manage the project through each phase (from pre-start to post-completion) to ensure:</p> <ul style="list-style-type: none"> - It is delivered on time, - Costs are controlled, - The quality of works undertaken are delivered to the highest standard possible. 	✓	MS 1 (a) *
	5%	<p>Please provide a programme in the form of a Gantt chart using Microsoft Project, or similar software, taking into account asbestos removal if required.</p>		MS 1 (b)
Technical Ability (15%)		<p>Please provide a 300 word statement about each staff member who will be working on this project that highlights their relevant experience, qualifications and competencies.</p> <p>Please also include:</p> <ul style="list-style-type: none"> - A structure chart (highlighting the main point of contact for the Council) - Details of your complaint escalation procedure. 	✓	MS 2 *
Health & Safety (10%)	(8%)	<p>a) Please describe your Health & Safety procedures and how you would ensure that all staff and customers would remain safe during both the design and construction phases.</p> <p><i>Please ensure that your response considers your responsibilities under the Construction (Design and Management) Regulations (CDM).</i></p>	✓	MS3 (a)
	(2%)	<p>b) Please outline separately any considerations to working practices relating to COVID-19.</p>		MS3 (b)

<p>Social Value (10%)</p>		<p>Social Value is the additional economic, social and environmental benefits that can be created when the Council procures an external service or contractor to deliver works.</p> <p>The Social Value Monitoring Tool (see the <i>'Appendix 1 Social Value Monitoring'</i> document) sets out the Council's key performance indicators for measuring how well a contract performs against its 4 social value objectives, see below:</p> <ol style="list-style-type: none"> 1. Employment, Skills & Economy 2. Creating a greener Lewisham 3. Training Lewisham's future 4. Making Lewisham healthier <p>Using the KPIs in the Social Value Monitoring Tool, please state which KPIs (and how many of each) you will deliver as part of your social value contribution, and how this will be achieved.</p>	<p>✓</p>	<p>MS 4</p>
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6.6.1. Criteria marked with an asterisk (*) in the table above, required a minimum quality score of 7 (see 6.7 for description of standards) to be considered valid. Criteria not marked with an asterisk (*) were required to achieve a minimum quality score of 5. Any Tender which failed to attain these minimum scores would be deemed invalid.

6.7. The scoring was awarded on a scale of 0 –10. 0 being Non-existent and 10 being perfect. The table below provides a description of each score:

Score	Level	Standard
0	Non-existent	Proposal absent
1	Inadequate	Proposal contains significant shortcomings and/or is inconsistent or in conflict with other proposals
2	Very poor	Proposal contains many shortcomings and/or is inconsistent or in conflict with other proposals
3	Poor	Proposal falls well short of achieving expected standard in a number of identifiable respects
4	Weak	Proposal falls just short of achieving expected standard in a number of identifiable respects
	Barely	Proposal just meets the required standards in nearly all

5	adequate	major aspects, but is lacking or inconsistent in others
6	Adequate	Proposal meets the required standards in nearly all major aspects, but is lacking or inconsistent in others
7	Good	Proposal meets the required standard in all major material respects
8	Very good	Proposal meets the required standard in all major material respects and in a few of the minor requirements
9	Excellent	Proposal meets the required standards in all major material respects and nearly all of the minor requirements
10	Perfect	Proposal meets the required standards in all major material respects and all of the minor requirements

6.8. The tables that follow summarise the final quality, price scores and overall scores for each tender.

6.8.1. Method Statement Evaluation (Quality)

Tenderer	Quality Score	Rank	Comments
LMAC Construction Ltd	41.50	1	Submitted a very good tender which scored 9 for MS 1a and 2 because the proposals met the required standards in all major material respects and nearly all of the minor requirements. MS 1b and 4 scored 8 because the proposals met the required standard in all major material respects and in a few of the minor requirements. MS 3a and 3b scored 7 because proposals met the required standard in all major material respects, but did not go any further.
Graham Asset Management Ltd	41.00	2	Submitted a very good tender which scored 9 for MS 1a and 2 because the proposals met the required standards in all major material respects and nearly all of the minor requirements. MS 4 scored 8 because the proposal met the required standard in all major material respects and in a few of the minor requirements. MS 1b 3a and 3b scored 7 because proposals met the required standard in all major material respects, but did not go any further.
Stonegrove Ltd	39.50	3	Submitted a very good tender which scored 9 for MS 4 because the proposal met the required standards in all major material respects and nearly all of the minor requirements. MS 2, 3a and 3b scored 8 because the proposals met the required standard in all major

			material respects and in a few of the minor requirements. MS 1a and 1b scored 7 because proposals met the required standard in all major material respects, but did not go any further
BSW Heating	37.30	4	Submitted a good tender which scored 8 for MS 2 and 3a because the proposals met the required standard in all major material respects and in a few of the minor requirements. MS 1a, 1b, 3b and 4 scored 7 because proposals met the required standard in all major material respects, but did not go any further
21 Degrees Heating Ltd	Invalid tender	N/A	Tenderer failed to submit a response for MS 1b and so received a score of 0. As a result tender was deemed invalid and was not evaluated any further.
Arc Group London Ltd	Invalid tender	N/A	Tenderer failed to submit a response for MS 1b and so received a score of 0. As a result tender was deemed invalid.
Ark MEP Plc	Invalid tender	N/A	Tenderer failed to achieve the minimum required score of 7 for MS 1a. Tenderer only scored 6 because was proposal lacked detail on costs would be controlled and how the project will be delivered on time. As a result tender was deemed invalid.
Invicta Building Services Ltd	Invalid tender	N/A	Tenderer failed to achieve the minimum required score of 7 for MS 2. Tenderer only scored 6 because was proposal did not provide complaints escalation procedure, which was specifically requested, and did demonstrate specific relevant experience. As a result tender was deemed invalid.
Re-Gen (M&E Services) Ltd	Invalid tender	N/A	Tenderer failed to achieve the minimum required score of 7 for MS 1a. Tenderer only scored 6 because was proposal lacked detail on how quality would be ensured and costs would be controlled. As a result tender was deemed invalid.
T Brown Group	Invalid tender	N/A	Tenderer failed to achieve the minimum required score of 7 for MS 1a. Tenderer only scored 6 because was proposal lacked detail on costs would be controlled. As a result tender was deemed invalid.
Thermoserv Ltd	Invalid tender	N/A	Tenderer failed to achieve the minimum required score of 7 for MS 1a. Tenderer only scored 5 because was proposal barely responded to the specific points raised in the method statement. As a result tender was deemed invalid.

6.8.2. Form of Tender Evaluation (Price)

Tenderer	Price	Score	Rank
Stonegrove Ltd	£845,659.00	50.00	1
LMAC Construction Ltd	£1,115,880.49	37.89	2
Graham Asset Management Ltd	£1,338,062.70	31.60	3
BSW Heating	£1,580,187.01	26.76	4
21 Degrees Heating Ltd	N/A	N/A	N/A
Arc Group London Ltd	N/A	N/A	N/A
Ark MEP Plc	N/A	N/A	N/A
Invicta Building Services Ltd	N/A	N/A	N/A
Re-Gen (M&E Services) Ltd	N/A	N/A	N/A
T Brown Group	N/A	N/A	N/A

6.8.3. Overall scores

Tenderer	Quality Score	Price Score	Total Score	Overall Rank
Stonegrove Ltd	39.50	50	89.50	1
LMAC Construction Ltd	41.50	37.89	79.39	2
Graham Asset Management Ltd	41.00	31.60	72.60	3
BSW Heating	37.30	26.76	64.06	4
21 Degrees Heating Ltd	N/A	N/A	N/A	N/A
Arc Group London Ltd	N/A	N/A	N/A	N/A
Ark MEP Plc	N/A	N/A	N/A	N/A
Invicta Building Services Ltd	N/A	N/A	N/A	N/A
Re-Gen (M&E Services) Ltd	N/A	N/A	N/A	N/A
T Brown Group	N/A	N/A	N/A	N/A

6.9. Overall, the tenders were of a good standard however the quality requirements were set high, therefore more than half of the bidders did not achieve the scores required and were therefore rejected.

6.10. The tenders were evaluated by the following three officers within the Regeneration and Place division at Lewisham Council, who each signed a Declaration of Interest form declaring no interest in submissions.

- Lemuel Dickie-Johnson -Senior Programme Manager
- Akweley Badger –Project Officer, Capital Programme Delivery
- Alex Smart –Pinnacle LLP

6.11. The evaluation panel agreed that Stonegrove Ltd were the overall winning bidder with an acceptable price and good quality score.

6.12. According to a credit rating check run by the Council's Procurement team on 28th April 2021, using a company called Credit Safe, Stonegrove scored 75 out of 100 which is considered very low risk.

7. Financial implications

7.1. This report recommends that the Executive Director for Children & Young People approves the award of a contract to Stonegrove Ltd for mechanical and electrical works at a cost of £845,659. This contract will be funded from the approved capital programme budget for the 2021/22 Schools Minor Works programme.

8. Legal implications

- 8.1. The processes involved in selecting the most economically advantageous tenders for the value of the works contract (Category B contracts) have complied with the Council's Contract Procedural Rules. The value of the contract is below the relevant procurement threshold for works contracts. Therefore the procurement did not need to be fully compliant with the Public Procurement (Amendment etc.) (EU Exit) Regulations 2020.
- 8.2. It is for the Executive Director for Children and Young People to decide whether to award the contract to the successful tenderer recommended in this report
- 8.3. This decision is a Key Decision as it has a value of more than £200,000.

9. Equalities implications

- 9.1. The planned maintenance works as proposed will benefit all pupils, staff attending and working in the schools. No individual will be disadvantaged by the works.

10. Climate change and environmental implications

- 10.1. The School Minor Works Programme will improve the energy efficiency of school buildings by upgrading boiler systems to more eco-friendly models, improving insulation and installing LED lighting, which is consistent with the Council's Energy Policy, which was agreed at Mayor & Cabinet July 2014, and more recently the Council's commitment to the borough being carbon neutral by 2030 and development of a Climate Change Action Plan.
- 10.2. An air source heat pump will be installed at Myatt Garden Primary School, as an alternative form of heating to gas boilers. This will significantly reduce the carbon footprint of the school.
- 10.3. Stonegrove's approach to social value, which included reducing the impact of the proposed works on the environment, was assessed as part of the Method Statement evaluation. Stonegrove Ltd received an excellent score of 9 for its response.

11. Crime and disorder implications

- 11.1. There are no such implications arising from this report.

12. Health and wellbeing implications

- 12.1. The School Minor Works Programme will help to improve the health and wellbeing of staff and children by creating a safer environment and better functioning facilities within school buildings.

13. Social Value implications

- 13.1. The School Minor Capital Works Programme will deliver social value to the London Borough of Lewisham by working with colleagues in the Local Labour Business Scheme, Climate Resilience and Procurement teams to set targets in line with the Council's strategic aims and objectives for each of the contracts tendered.
- 13.2. Social Value was assessed as part of the tender evaluation. Stonegrove Ltd received an excellent score of 9 for its response. Stonegrove outlined a number of measures they would undertake and related them back to the social value KPI's which covered all 4 required areas. Measures included offering work experience, employment and apprenticeships to 6 local people, encouraging green vehicle policies for staff and contractors and modern slavery policies.
- 13.3. Local Labour Business Scheme (LLBS) team to monitor and facilitate delivery, the

project manager will ensure delivery in partnership with LLBS.

14. Background papers

14.1. The following background documents were referenced in this document.

- Appendix A: Mayor & Cabinet Report for School Minor Capital Works Programme 2021 – Approval to Tender Works
- Appendix B: Tender Evaluation Matrix for Contracts 1
- Appendix C: Credit Score Reports

15. Glossary

15.1. Description of terms below.

Term	Definition
SCA	School Condition Allocation – a grant funded by Education and Skills Funding Agency (ESFA)
SMWP	School Minor Works Programme

16. Report author and contact

16.1. Lemuel Dickie-Johnson, Lemuel.Dickie-Johnson@lewisham.gov.uk, 07990 796219

17. Comments for and on behalf of the Executive Director of Children and Young People

17.1. Peter Allery, Peter.Allery@lewisham.gov.uk

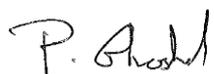
18. Comments for and on behalf of the Director of Law, Governance and HR

18.1. Sohagi Patel, Sohagi.Patel@lewisham.gov.uk

19. Approval

19.1. Approve / Do not approve the recommendation in this report

Signed: Pinaki Ghoshal



Date: 14th June 2021

Executive Director for Children and Young People



Executive Director for Children and Young People

Report title: Approval for Contract Award – Contracts 2, 3 & 4 for the School Minor Works Programme 2021

Date: 18 June 2021

Ward(s) affected: Various

Contributors: Peter Allery, Group Finance Manager and Kplom Lotsu, SGM Capital Programmes

Outline and recommendations

The purpose of this report is to seek approval from the Executive Director for Children & Young People to award three contracts following an open tender exercise relating to the School Minor Works Programme 2021, in line with the approvals obtained at Mayor & Cabinet in January 2021 (report attached as Appendix A).

This report recommends that:

- Breyer Group PLC are awarded Contract 2 of the School Minor Works Programme for 2021-22, and a total of £543,582
- Mitie Property Services (UK) Ltd are awarded Contract 3 of the School Minor Works Programme for 2021-22, and a total of £445,956
- Mitie Property Services (UK) Ltd are awarded Contract 4 of the School Minor Works Programme for 2021-22, and a total of £228,113

Timeline of engagement and decision-making

Approval to Procure Report – January 2021

Tenders Issued – May 2021

Tenders Returned – May/June 2021

Tender Evaluation – June 2021

Contract Award Report Issued – June 2021

Contract Award Decision – June 2021

1. Summary

- 1.1. The purpose of this report is to seek approval from the Executive Director for Children & Young People to award three contracts following an open tender exercise relating to the School Minor Works Programme 2021, in line with the approvals obtained at Mayor & Cabinet in January 2021 (report attached as Appendix A). Following completion of an open procurement process officers recommend that Breyer Group PLC and Mitie Property Services (UK) Ltd. are awarded contracts for 2021-22 to deliver School Minor Works infrastructure improvement projects.

2. Recommendations

- 2.1. Award the following contracts to enable the delivery of the School Minor Works Programme 2021:
 - 2.1.1. Contract 2 for the value of £543,581.76 to Breyer Group PLC. This contract is for building fabric works which consists of roof replacement works at Brindishe Green Primary School and Forster Park Primary School.
 - 2.1.2. Contract 3 for the value of £445,956 to Mitie Property Services (UK) Ltd. This contract is for building fabric works at Drumbeat School and Fairlawn Park Primary School.
 - 2.1.3. Contract 4 for the value of £228,113 to Mitie Property Services (UK) Ltd. This contract is for building fabric works at John Ball Primary School and Rushey Green Primary School.

3. Policy Context

- 3.1. The Local Authority has a duty to ensure the provision of sufficient places for pupils of statutory age and, within financial constraints, accommodation that is both suitable and in good condition.
- 3.2. The proposal within this report is consistent with the Corporate Strategy 2018-2022, in particular the Corporate Priority of *'Giving children and young people the best start in life: Every child has access to an outstanding and inspiring education and is given the support they need to keep them safe, well and able to achieve their full potential'*.
- 3.3. As owner of the school buildings and the employer, the Council has a statutory duty under the Health & Safety at Work Act 1974 and associated approved codes of practice, to ensure that schools are fit for purpose and used by pupils and staff. Whilst

schools are responsible for day to day maintenance of their buildings, any significant expenditure on capital schemes has to be funded by the Council.

4. Background

- 4.1. This programme is funded by the Education and Skills Funding Agency (ESFA) through the School Conditions Allocation (SCA). The SCA supports essential capital works in community schools to prevent disruption to their day-to-day running, and to ensure they are safe for the pupils, staff and visitors. Larger Multi-Academy Trusts (MATs) and Voluntary Aided (VA) school bodies receive direct funding to invest in priorities across the schools for which they are responsible. Smaller or stand-alone academy trusts, sixth form colleges and VA school bodies are able to bid to the Condition Improvement Fund (CIF).
- 4.2. In recent years, decisions on how the Council invests its SCA have been based on building condition surveys completed by Carter Jonas in 2017. The surveys covered 40 community schools which were selected on the advice of officers in the Estates Management team. Their decisions were based on the age, and their knowledge, of buildings, and mechanical and electrical systems in the school estate
- 4.3. The Mayor & Cabinet report for the School Minor Works Programme 2021 (SMWP 21) dated 13 January 2021 (Appendix A) provides further details on how this year's programme of works was developed.
- 4.4. This report relates to building fabric works at 6 schools (Brindishe Green Primary School, Forster Park Primary School, Drumbeat School, Fairlawn Park Primary School, John Ball Primary School and Rushey Green Primary School)

5. Procurement Process

- 5.1. A single stage open tender exercise was run for each contract under the SMWP 21 (4 in total). Contracts 2-3 were run together prior to Contract 4, due to time constraints. The opportunities were advertised on Contracts Finder and published on the London Tenders Portal. In order to ensure the contractors tendering for the contracts were capable of delivering the works within a school setting, a minimum quality score was set for tenderers' response to Section 6 of the sub-OJEU Suitability Questionnaire.
- 5.2. This section requests examples of technical ability/experience working on similar projects in occupied primary schools (or similar) within the past 3 years and where sub-contractors are to be used, demonstrate how they have previously maintained healthy supply chains with sub-contractor(s).
- 5.3. Tenderers had to achieve a minimum score of 7 (described as '*Good - Proposal meets the required standard in all major material respects*') for this section. If a tenderer failed to achieve the minimum score, their tender was eliminated from the evaluation process and not assessed any further. Any tenderer that achieved the minimum score was fully evaluated.
- 5.4. Moderation sessions were led by the Procurement Officer. The evaluation panel consisted of three people, two Council officers (A Project Manager and Project Officer) and one external person from Pinnacle ESP, who will be acting as Contract Administrator when the contracts are awarded (see Appendix B for further details).
- 5.5. After the tender period closed, the submissions were shared with the evaluation panel members who were instructed to separately evaluate all complete tenders. Each member's scores were shared with the Council's Procurement team ahead of a virtual meeting (known as a consensus meeting) which was held to discuss and agree consensus scores for each tender. The consensus meetings were moderated by a member of the Council's Procurement team.

5.6. The full tender submissions were evaluated based on the following criteria:

- Financial detail including price 50%
- Project Management 15%
- Technical Ability 15%
- Health and Safety 10%
- Social Value 10%

The evaluation was made up of 50% price and 50% quality.

6. Tender Evaluation

6.1. The tables below set out details on the timetables and number of tenders received for each contract.

6.1.1. Contract 2

Activity	Date/Quantity
Tender Published	26/04/2021
Tender Return Deadline	24/05/2021
Evaluation/Consensus Meeting	08/06/2021
Expression of Interest	15
Tenders Received	9 in total: 1. Acclaim Contracts Limited 2. AMMCASS Ltd 3. Breyer Group Limited 4. Hambro Roofing 5. Inspire Contract Services Ltd 6. M&J Group (Construction & Roofing) Ltd 7. Mitie Property Services (UK) Ltd 8. Mulalley and Company Limited 9. Re-Gen (UK) Construction Ltd

6.1.2. Contract 3

Activity	Date/Quantity
Tender Published	26/04/2021
Tender Return Deadline	24/05/2021
Evaluation/Consensus Meeting	08/06/2021
Expression of Interest	8
Tenders Received	4 in total: 1. AMMCASS Ltd 2. Mitie Property Services (UK) Ltd 3. Mulalley and Company Limited 4. Re-Gen (UK) Construction Ltd

6.1.3. Contract 4

Activity	Date/Quantity
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Tender Published	29/04/2021
Tender Return Deadline	26/05/2021
Evaluation/Consensus Meeting	09/06/2021
Expression of Interest	5
Tenders Received	4 in total: 1. AMMCASS Ltd 2. Mitie Property Services (UK) Ltd 3. Mulalley and Company Limited 4. Re-Gen (UK) Construction Ltd

6.2. Section 6 of the Suitability Questionnaire of each tender response was evaluated first. Any tenderer that failed to achieve the minimum score of 7 (see 6.7 for description of each standard) was eliminated from the tendering process and not evaluated any further. This score was not weighted. It was assessed on a pass or fail basis and did not contribute to tenderers' final overall quality score.

6.3. The tables below detail the outcome of this evaluation with comments.

6.3.1. Contract 2

Tenderer	Comments	Pass/Fail
Acclaim Contracts Limited	Response demonstrated experience of working within occupied setting.	Pass
AMMCASS Ltd	Demonstrated experience of working in different types of occupied settings.	Pass
Breyer Group Limited	Provided examples of working within occupied settings and ability to apply lessons learnt to new projects.	Pass
Hambro Roofing	Did not demonstrate sufficient experience of working within occupied primary schools.	Fail
Inspire Contract Services Ltd	Detailed response which clearly demonstrated experience of working within occupied buildings. Also included how lessons learned is applied to current and future projects.	Pass
M&J Group (Construction & Roofing) Ltd	Response demonstrated experience of working within occupied buildings, examples provided were of a high standard.	Pass
Mitie Property Services (UK) Ltd	Demonstrated experience relevant to this project and adhere to prompt payment policy.	Pass

Mulalley and Company Limited	Response demonstrated experience of working within occupied buildings including how difficulties previously encountered were used to improve. Provided details of supply chain management.	Pass
Re-Gen (UK) Construction Ltd	Response demonstrated detailed experience of working within occupied school buildings.	Pass

6.3.2. Contract 3

Tenderer	Comments	Pass/Fail
AMMCASS Ltd	Demonstrated experience relevant to this project.	Pass
Mitie Property Services (UK) Ltd	Demonstrated experience relevant to this project.	Pass
Mulalley and Company Limited	Demonstrated experience relevant to this project, explained supply chain management and adhere to prompt payment policy.	Pass
Re-Gen (UK) Construction Ltd	Response provided good examples of experience relevant to this project.	Pass

6.3.3. Contract 4

Tenderer	Comments	Pass/Fail
AMMCASS Ltd	Demonstrated experience relevant to this project.	Pass
Mitie Property Services (UK) Ltd	Demonstrated experience relevant to this project.	Pass
Mulalley and Company Limited	Demonstrated experience relevant to this project, explained supply chain management and adhere to prompt payment policy.	Pass

Re-Gen (UK) Construction Ltd	Response provided good examples of experience relevant to this project.	Pass
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- 6.4. Tenders that passed the Suitability Questionnaire assessment were then evaluated on a 50/50 basis for price and quality.
- 6.5. The price of each tender was evaluated using the Lowest Price Option, see the formula below:
Price score = price weighting (50) x (lowest price/tendered price)
- 6.6. The quality of the tenders was assessed based on the following method statements and weightings

Main Criteria (& Weighting)	Sub-criteria Weighting	Sub-criteria	Evidence	Method Statement
Project Management (15%)	10%	Please advise how you will manage the project through each phase (from pre-start to post-completion) to ensure: <ul style="list-style-type: none"> - It is delivered on time, - Costs are controlled, - The quality of works undertaken are delivered to the highest standard possible. 	✓	MS 1 (a) *
	5%	Please provide a programme in the form of a Gantt chart using Microsoft Project, or similar software, taking into account asbestos removal if required.		MS 1 (b)
Technical Ability (15%)		Please provide a 300 word statement about each staff member who will be working on this project that highlights their relevant experience, qualifications and competencies. Please also include: <ul style="list-style-type: none"> - A structure chart (highlighting the main point of contact for the Council) - Details of your complaint escalation procedure. 	✓	MS 2 *
Health & Safety (10%)	(8%)	a) Please describe your Health & Safety procedures and how you would ensure that all staff and customers would remain safe during both the design and construction phases. <i>Please ensure that your response considers your responsibilities under the Construction (Design and Management) Regulations (CDM).</i>	✓	MS3 (a)

	(2%)	b) Please outline separately any considerations to working practices relating to COVID-19.		MS3 (b)
Social Value (10%)		<p>Social Value is the additional economic, social and environmental benefits that can be created when the Council procures an external service or contractor to deliver works.</p> <p>The Social Value Monitoring Tool (see the '<i>Appendix 1 Social Value Monitoring</i>' document) sets out the Council's key performance indicators for measuring how well a contract performs against its 4 social value objectives, see below:</p> <ol style="list-style-type: none"> 1. Employment, Skills & Economy 2. Creating a greener Lewisham 3. Training Lewisham's future 4. Making Lewisham healthier <p>Using the KPIs in the Social Value Monitoring Tool, please state which KPIs (and how many of each) you will deliver as part of your social value contribution, and how this will be achieved.</p>	✓	MS 4

6.6.1. Criteria marked with an asterisk (*) in the table above, required a minimum quality score of 7 (see 6.7 for description of standards) to be considered valid. Criteria not marked with an asterisk (*) were required to achieve a minimum quality score of 5. Any Tender which failed to attain these minimum scores would be deemed invalid.

6.7. The scoring was awarded on a scale of 0 –10. 0 being Non-existent and 10 being perfect. The table below provides a description of each score:

Score	Level	Standard
0	Non-existent	Proposal absent
1	Inadequate	Proposal contains significant shortcomings and/or is inconsistent or in conflict with other proposals
2	Very poor	Proposal contains many shortcomings and/or is inconsistent or in conflict with other proposals
3	Poor	Proposal falls well short of achieving expected standard in a number of identifiable respects
	Weak	Proposal falls just short of achieving expected standard in

4		a number of identifiable respects
5	Barely adequate	Proposal just meets the required standards in nearly all major aspects, but is lacking or inconsistent in others
6	Adequate	Proposal meets the required standards in nearly all major aspects, but is lacking or inconsistent in others
7	Good	Proposal meets the required standard in all major material respects
8	Very good	Proposal meets the required standard in all major material respects and in a few of the minor requirements
9	Excellent	Proposal meets the required standards in all major material respects and nearly all of the minor requirements
10	Perfect	Proposal meets the required standards in all major material respects and all of the minor requirements

6.8. The tables that follow summarise the final quality, price scores and overall scores for contracts 2 - 4 of the tender

6.9. Contract 2

6.9.1. Method Statement Evaluation (Quality)

Tenderer	Quality Score	Rank	Comments
Breyer Group Limited	40.80	1	Submitted a very good tender which scored 8 for MS 1a, 1b, MS 2, and MS 3a because the proposals met the required standards in all major material respects and in a few of the minor requirements. MS4 the social value question scored 9 because the proposal meets the required standards in all major material respects and nearly all of the minor requirements by committing to achieving a large number of targets which referred back to the KPI's within the social value monitoring document.
Mulalley and Company Limited	40.00	2	Overall all the responses were very good with methods statements MS1- 4 all scoring 8 because the proposals meet the required standard in all major material respects and in a few of the minor requirements. In particular MS 2 scored highly due to the response breaking down the elements into the detail required when planning a project.
Mitie Property Services (UK) Ltd	39.00	3	Tenderer submitted a very good response which scored 8 for MS 1a, MS1b, MS2 and MS4. The proposals met the required standard in all major material respects and in a few of the minor requirements. The response to

			MS1a provided a good overview and understanding of the whole project.
Inspire Contract Services Ltd	34.50	4	Tenderer submitted a good response. MS1a, MS 2, MS 3a and MS3b achieved the minimum score of 7 which demonstrated the proposals meet the required standard in all major material respects. MS 1b achieved a score of 8. The response was able to demonstrate the skills required for accurately planning the project.
AMMCASS Ltd	34.00	5	Tenderer submitted a good response. MS 1a, MS 1b, MS 2, and MS 3a &3b all scored 7. The response demonstrated experience on similar projects and an understanding of the Employer's Requirements. In particular the health and safety response covered all required elements.
M&J Group (Construction & Roofing) Ltd	34.00	5	Tenderer achieved the minimum of scores for MS 1a, MS 3a and 3b. These responses demonstrated experience on similar projects and an understanding of the project requirements. MS 1b and MS2 scored an 8 which demonstrates the tenderer possesses very good skills and experience to plan and execute the project.
Re-Gen (UK) Construction Ltd	33.80	7	Tenderer achieved the minimum scores for MS 1a, MS 3a and MS 3b and MS 4. The responses demonstrated an understanding of the project requirements and experience on similar projects. MS1b achieved a score of 8 due to the ability of the tenderer to demonstrate their ability to accurately plan the delivery of the project.
Acclaim Contracts Limited	33.00	8	Tenderer achieved the minimum score for all Method Statements. The responses demonstrated an understanding of the project requirements, in particular issues related to construction works conducted on occupied sites.

6.9.2. Form of Tender (Price)

Tenderer	Price	Score	Rank
Inspire Contract Services Ltd	£528,189.00	26.93	1
Breyer Group Limited	£543,581.76	26.17	2
Re-Gen (UK) Construction Ltd	£552,705.29	25.73	3
Acclaim Contracts Limited	£554,104.00	25.67	3
Mulalley and Company Limited	£597,903.19	23.79	5
Mitie Property Services (UK) Ltd	£658,946.00	21.59	6
M&J Group (Construction & Roofing) Ltd	£663,495.90	21.44	7
AMMCASS Ltd	£878,776.55	16.19	8

6.9.3. Overall Scores

Tenderer	Price Score	Quality Score	Total Score	Overall Rank
Breyer Group Limited	26.93	40.80	66.97	1
Mulalley and Company Limited	23.79	40.00	63.79	2
Inspire Contract Services Ltd	26.93	34.50	61.43	3
Mitie Property Services (UK) Ltd	21.59	39.00	60.59	4
Re-Gen (UK) Construction Ltd	25.73	33.80	59.53	5
Acclaim Contracts Limited	25.67	33.00	58.67	6
M&J Group (Construction & Roofing) Ltd	21.44	34.00	55.44	7
AMMCASS Ltd	16.19	34.00	50.19	8

6.10. Contract 3

6.10.1. Method Statement Evaluation

Tenderer	Quality Score	Rank	Comments
Mulalley and Company Limited	40.00	1	Submitted a very good response, scoring 8 for MS 1- MS4. The responses demonstrated knowledge gained from previous experience thorough the use of highly skilled project team members. MS1a showed a clear understanding of the project requirements.
Mitie Property Services (UK) Ltd	39.00	2	Submitted a good response, scoring 7 for MS 3a & 3b. These responses demonstrated an understanding of Health and Safety issues affecting the project. MS 1a, 1b, MS 2 and MS4 all scored 8, which demonstrates the tenderer possesses the skills necessary to deliver the project management skills and expertise to deliver the project.
AMMCASS Ltd	33.80	3	Tenderer achieved the minimum scores for all method statements. The responses provided information which demonstrated relevant project experience however the examples provided were not specific to this project. The responses to MS 3b and MS 4 would have benefited from including site specific examples.
Re-Gen (UK) Construction Ltd	N/A	N/A	Tenderer failed to achieve the minimum score of 7 for MS 2. The response was adequate, and met the required standards in nearly all major aspects, but was lacking or inconsistent in others such as providing project specific information regarding the responsibilities of project team members.

6.10.2. Form of Tender Evaluation (Price)

Tenderer	Price	Score	Rank
Mitie Property Services (UK) Ltd	£445,955.62	50.00	1
AMMCASS Ltd	£460,388.62	48.43	2
Mulalley and Company Limited	£489,271.91	45.57	3
Re-Gen (UK) Construction Ltd	£485,628.67	N/A	N/A

6.10.3. Overall Scores

Tenderer	Price Score	Quality Score	Total Score	Overall Rank
Mitie Property Services (UK) Ltd	50.00	39.00	89.00	1
Mulalley and Company Limited	45.57	40.00	85.57	2
AMMCASS Ltd	48.43	33.80	82.23	3
Re-Gen (UK) Construction Ltd	N/A	N/A	N/A	N/A

6.11. Contract 4

6.11.1. Method Statement Evaluation (Quality)

Tenderer	Quality Score	Rank	Comments
Mulalley and Company Limited	39.00	1	Submitted a very good response, scoring 8 for MS 1a, 1b, MS 2, MS 3a and 3b. The responses demonstrated knowledge gained from previous experience thorough the use of highly skilled project team members The response to MS 3a showed an understanding of relevant health and safety issues.
Mitie Property Services (UK) Ltd	37.60	2	Tenderer submitted a very good response, scoring 7 for MS2 and MS3a and 3b. These responses demonstrated an understanding of Health and Safety issues affecting the project. MS 1a and MS 1b demonstrated an understanding of the project process and requirements for schools based projects.
AMMCASS Ltd	33.80	3	Submitted a good response overall. MS 1a, MS 1b, MS 2 and MS 3a all scored 7. The responses provided information which demonstrated relevant project experience however the examples provided should have contained more project specific examples. The response to MS 3a demonstrated an understanding of site specific Health and Safety issues.
Re-Gen (UK) Construction Ltd	33.30	4	Submitted a good response, scoring 7 for MS 1a, 2 and 3a. The proposals met the required standard in all major material respects and demonstrated experience of the project management process gained on similar projects. The proposals also demonstrated an understanding of the Employer's Requirement.

6.11.2. Form of Tender Evaluation (Price)

Tenderer	Price	Score	Rank
Re-Gen (UK) Construction Ltd	£217,173.40	50.00	1
Mitie Property Services (UK) Ltd	£228,113.12	47.60	2
AMMCASS Ltd	£300,774.16	36.10	3
Mulalley and Company Limited	£316,282.54	34.33	4

6.11.3. Overall Scores

Tenderer	Price Score	Quality Score	Total Score	Overall Rank
Mitie Property Services (UK) Ltd	47.60	37.50	85.10	1
Re-Gen (UK) Construction Ltd	50.00	33.30	83.30	2
Mulalley and Company Limited	34.33	39.00	73.33	3
AMMCASS Ltd	36.10	33.80	69.90	4

6.12. The tenders were evaluated by the following three officers within the Regeneration and Place division at Lewisham Council, who each signed a Declaration of Interest form declaring no interest in submissions.

- Russell Edwards - Project Manager, Capital Programme Delivery
- Akweley Badger – Project Officer, Capital Programme Delivery
- Larry Kelly – Pinnacle ESP

6.13. The evaluation panel agreed the winning tender for each contract with an acceptable price and good quality score is as follows:

- Contract 2 – Breyer Group Limited
- Contract 3 – Mitie Property Services (UK) Ltd
- Contract 4 – Mitie Property Services (UK) Ltd

6.14. All the above contractors passed a credit check conducted by the Council's Procurement team (see Appendix C) and have recommended contract limits above the tender values submitted.

7. Financial implications

7.1. This report recommends that the Executive Director for Children & Young People approves the award of three contracts:

- Contract 2 for the value of £543,581.76 to Breyer Group Limited.
- Contract 3 for the value of £445,955.62 to Mitie Property Services (UK) Ltd.
- Contract 4 for the value of £228,113.12 to Mitie Property Services (UK) Ltd.

7.2. These contracts, of total value £ 1,217,650.50, can be funded from the approved capital programme budget for the 2021/22 Schools Minor Works programme.

8. Legal implications

8.1. The Council's Constitution contains requirements about how to procure and manage contracts. These are in the Contract Procedure Rules (Constitution Part IV). Some of the requirements in those Rules are based on the Public Contracts Regulations 2015 as amended by the Public Procurement (Amendment) (EU Exit) Regulations ("the Regulations") with which the Council must comply. Given the value of the contract the Regulations apply.

8.2. The value of the works contract means that this is a Category B contract for the purposes of the Council's Contract Procedure Rules and one which is to be awarded by the Executive Director.

8.3. This contract has been externally and openly advertised as required by the Regulations and the Council's Constitution. If the proposal to award the contract is approved, award notices must be published in the prescribed form.

8.4. The report explains the evaluation approach and process applied to the bid and the

reasons for recommending the successful bid for approval. The Invitation to Tender set out that tenderers had to reach specified scores. The process followed, including exclusion of tenderers who did not reach the minimum score, was in compliance with the advertised and required procedures.

- 8.5. This decision is a Key Decision under Article 16.2 (c) (xxiii) of the Constitution as it has a value of more than £200,000. It is therefore required to be contained in the current Key Decision Plan.
- 8.6. Since this contract is below the value at which the procurement regulations apply, the provisions of the Public Services (Social Value) Act 2012 do not apply. However, the Council has adopted a Social Value policy which must be considered and applied; and the Council's Sustainable Procurement Code of Practice will be applied to the contract. The matters to be considered must only be those relevant to the services to be procured and it must be proportionate in all the circumstances to take those matters into account. The report sets out the social value issues which arise, and any future decision by the Executive Director will also need to take those matters into consideration.
- 8.7. The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 8.8. In summary, the Council must, in the exercise of its functions, have due regard to the need to:
 - Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - foster good relations between people who share a protected characteristic and those who do not.
- 8.9. The duty continues to be a "have regard duty", and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations. The decision maker must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances.
- 8.10. The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled "Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice". The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:
<http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>
- 8.11. The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
 1. The essential guide to the public sector equality duty

2. Meeting the equality duty in policy and decision-making
 3. Engagement and the equality duty
 4. Equality objectives and the equality duty
 5. Equality information and the equality duty
- 8.12. The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:

<http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

9. Equalities implications

- 9.1. The planned maintenance works as proposed will benefit all pupils, staff attending and working in the schools. No individual will be disadvantaged by the works.

10. Climate change and environmental implications

- 10.1. The School Minor Works Programme will improve the energy efficiency of school buildings by upgrading boiler systems to more eco-friendly models, improving insulation and installing LED lighting. This is consistent with the Council's Energy Policy, which was agreed at Mayor & Cabinet July 2014, and more recently the Council's commitment to the borough being carbon neutral by 2030 and development of a Climate Change Action Plan.
- 10.2. Each contractor's approach to reducing the impact of the works on the environment was assessed as part of the Method Statement evaluation. All the contractors recommended for appointment scored at least 7 (good) in response to this criterion.

11. Crime and disorder implications

- 11.1. There are no such implications arising from this report.

12. Health and wellbeing implications

- 12.1. The School Minor Works Programme will help to improve the health and wellbeing of staff and children by creating a safer environment and better functioning facilities within school buildings.

13. Social Value implications

- 13.1. The School Minor Capital Works Programme will deliver social value to the London Borough of Lewisham by working with colleagues in the Local Labour Business Scheme, Climate Resilience and Procurement teams to set targets in line with the Council's strategic aims and objectives for each of the contracts tendered.
- 13.2. The contractors' commitments to social value were assessed as part of the tender evaluation and were given an overall weighting of 10%, in line with the Council Social Value Policy. All the contractors recommended for appointment achieved at least a score of 7 (good) for the method statement on social value.

13.3. Local Labour Business Scheme (LLBS) team to monitor and facilitate delivery, the project manager will ensure delivery in partnership with LLBS.

14. Background papers

14.1. The following background documents were referenced in this document.

- Appendix A: [Schools Minor Works Programme 2021 – 2025: approval to procure and budget allocation](#)
- Appendix B: [Tender Evaluation Matrix for Contracts 2 to 4](#)
- Appendix C: [Credit Score Reports](#)

15. Glossary

15.1. Description of terms below.

Term	Definition
SCA	School Condition Allocation – a grant funded by Education and Skills Funding Agency (ESFA)
SMWP	School Minor Works Programme

16. Report author and contact

16.1. Akweley Badger, Akweley.Badger@lewisham.gov.uk, x46825

17. Comments for and on behalf of the Executive Director of Children and Young People

17.1. Pinaki Ghoshal, pinaki.ghoshal@lewisham.gov.uk

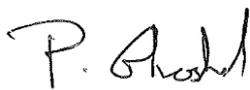
18. Comments for and on behalf of the Director of Law, Governance and HR

18.1. Sohagi Patel, Sohagi.Patel@lewisham.gov.uk

19. Approval

19.1. I Approve / ~~Do not approve~~ the recommendation in this report

Signed:



Date: 18th June 2021

Executive Director for Children and Young People