

Forward Plan reference: FP/779/08/20

Report title: The Helena Romanes School, Great Dunmow – a new learning village including primary provision	
Report to: Cabinet	
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Date: 15 December 2020	For: Decision
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County Divisions affected: Dunmow	

NOT FOR PUBLICATION

This report contains a confidential appendix which is exempt from publication by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended.

1. Purpose of Report

- 1.1. This report asks the Cabinet to approve the expansion of The Helena Romanes School (“HRS”) to include 420 primary school places as part of a new learning village on a relocated site on Buttley’s Way in Great Dunmow, to meet growing demand for primary age places in the local area.

2. Recommendations

- 2.1 Agree that ECC supports the proposed expansion of Helena Romanes School, Great Dunmow to include 420 primary school places with effect from September 2021 and the relocation of the new primary provision to a new learning village site in Buttley’s Way in September 2022.
- 2.2. Agree the capital budget for the construction and associated project fees for the primary element of the new learning village and associated temporary accommodation as profiled in the confidential annex.
 - Including to increase the Capital Programme budget for HRS Primary element from £7.886m to £9.626m as detailed in the confidential appendix with the increase applying to 2022/23 financial year and the increase to be funded by ECC borrowing.
 - Including to re-profile the existing budget as follows : 2020/21 £1.524m decrease; 2021/22 £3.257m decrease; 2022/23 £4.781m increase
 - The incremental requirement on the Capital Programme for this proposal will be covered by offsetting reductions elsewhere in the Education Capital Programme.

- 2.3 Authorise the Head of Infrastructure Delivery to enter into a funding agreement with Saffron Academy Trust to provide temporary accommodation for the new primary element at the current HRS site for the 2021/22 academic year.
- 2.4 Authorise the Head of Infrastructure Delivery, in consultation with the S151 Officer, to enter into a funding agreement with Saffron Academy Trust to deliver the expansion project at a value no greater than that set out in paragraph 1.3 of the Confidential Appendix once satisfied that the following have been met:
1. Satisfactory planning permission has been granted;
 2. the construction costs for the primary element of the school are within the agreed budget, compliant with ECC's benchmarking rates, and so represent value for money
 3. the Academy is permitted to expand under the terms of its agreement with the Secretary of State for Education
 4. the Academy has appropriate authority in place to dispose of its existing freehold, and
 5. the Academy has funding to construct the new learning village; and
 6. the Academy has attained approval from the Education and Skills Funding Agency (ESFA) to enter into any necessary borrowing arrangements.

3. Summary of issue

- 3.1 ECC has a statutory duty under section 14 of the Education Act 1996 to ensure that there are sufficient school places for children living in the county. In order to do this ECC monitors birth rates, new housing developments and patterns of parental preference across groups of schools. This information is used to predict pupil numbers and to ensure there are sufficient places to meet demand in the area.
- 3.2 The latest forecast from Essex County Council's 10 Year Plan for Meeting the Demand for School Places in Essex 2020-2029 shows a growing demand for primary places in Great Dunmow over the next 10 year period and indicates a need for additional primary capacity in the area from 2020 onwards.

Reception Place Forecast for the Dunmow Planning Group

Year	20/21	21/22	22/23	23/24	24/25	25/26	26/27	27/28	28/29	29/30
+/-	-22	-13	-36	-40	-52	-66	-82	-98	-115	-115
Schools in this planning group										
Dunmow St Mary's Primary, Great Dunmow Primary, Great Easton CE Primary										

- 3.3 Growth in the area has come about through significant new housing to both the east and west of the Town. A new education site, as part of a large housing development to the West of Great Dunmow, is the only currently available option to meet the extra demand for primary school places. The site was included in the dismissed draft Local Plan for Uttlesford, and is included in the current Neighbourhood Plan for Great Dunmow, to enable the relocation of Helena Romanes School. This Neighbourhood Plan was adopted on 8 December 2016.

Even if new housing is significantly delayed due to COVID-19 or Brexit impacts, there is still a requirement for additional primary school capacity, based on the number of families living in the Great Dunmow area, which cannot be accommodated at the current two primary schools in the area (see below.)

- 3.4 Both primary schools in Great Dunmow (Dunmow Primary and Dunmow St Mary's) are full and over capacity across all year groups. Additional primary school capacity as part of the proposed learning village will be able to alleviate the pressure in higher year groups, should we require the school to open up additional classes to accommodate these children.
- 3.5 To address this HRS propose to create a new learning village that will consist of three elements – primary, secondary and sixth form (with potential for Early Years in the future), and will operate as an all-through school where a single school provides multiple phases of a child's education. The benefits of all-through provision is that standards of learning are more likely to be consistent with children staying in the same Trust. Transition between primary and secondary school is easier as children remain at the same school and are already familiar with surroundings and what happens at Year 7. Benefits to the Trust are there are shared resources, staff and facilities across all three educational phases.

CONSULTATION

- 3.6 A decision was taken by the governing body to change the age range of HRS from 11-18 to 4-18; and to increase the size of the school by 457 places from September 2021. Expansion of the Academy to accommodate a younger age range will require a new primary building.
- 3.7 The Academy undertook a consultation between 18 September 2020 – 30 October 2020, on the proposed expansion to expand the age range of the School with effect from 1 September 2021. The consultation explained the proposal and was published on the Academy's website. Responses to the consultation could be made via email. No public consultation event was held due to COVID-19 restrictions.
- 3.8 Two (2) responses were received. Neither specifically said they were against the proposal, but just raised concerns. The concerns raised are below and the response from HRS (in italics) is below

Respondent 1: not against the proposal as such, but some concerns regarding how primary aged children would be temporarily accommodated on the existing HRS site and whether any building works or modifications may disrupt current GCSE/A Level students at HRS

The temporary primary provision will be small scale and located away from the main school buildings. It is envisaged that the provision will be occupied for one year by a small number of children.

Works to install the temporary provision will be undertaken at times that will cause minimal disruption to students and staff in the secondary school.

Respondent 2: no specific objections regarding the proposal to move HRS to a new site. Some concerns regarding the temporary primary provision on the existing HRS site around security, separation from secondary students, accessibility for parents, impact on wider existing school, traffic disruption & volume, parking issues. Main concern was regarding potential impact on sixth form provision.

The initial phase of the proposal would see a very small temporary primary provision on the current school site. This temporary provision would involve one temporary classroom, with the possibility of a second, for the 2021-22 academic year. As a consequence, there would be limited impact on the school site and access onto it. Access to the site will, however, be taken into account when planning the start and end times of the primary school day for the 2021-22 year. While the location of the temporary site is still under discussion, it will not impact either the sixth form building or Sixth Form provision.

Procurement

- 3.9 HRS proposes to manage the project to ECC and DfE standards. HRS propose that the secondary school and sixth form accommodation is built at the same time as the primary age accommodation to ensure greatest value for money can be achieved through the construction project, and to realise the advantages of an education village. Construction of the secondary school and sixth form elements of the learning village are to be funded by the academy trust through sale of the existing school site.
- 3.10 HRS has worked alongside ECC to consider a contingency plan to provide places at the existing HRS site by the construction of temporary classbases for the primary intake of children for September 2021. Both primary and secondary provision will move to the learning village for September 2022.
- 3.11 ECC will ensure that the project is monitored constantly during each stage of the project, with “milestone approvals” to be met before the project can proceed to the next stage. ECC has sufficient resources to review and ensure that the project meets ECC outcomes and programme objectives, as required in the funding agreement.

ECC Policy

- 3.12 A stated priority of the ‘Essex Organisation Strategy 2017-2021’ is to ‘offer children good economic prospects by providing an outstanding education in Essex’. ECC is under a duty to promote high educational standards, ensure fair access to educational opportunity and promote the fulfilment of every child’s educational potential. It must also ensure that there are sufficient schools in the county to promote diversity and increase parental choice.
- 3.13 ECC has a statutory duty to secure sufficient school and Early Years childcare places within its area. This is encapsulated in the latest iteration of *The 10 Year Plan for Meeting the Demand for School Places in Essex 2020-2029* document and the ECC’s Corporate Outcome 1: Children in Essex get the best start in life. The key role of the planning function is to maintain a balance between the supply and demand of good

school places, with regard to future projections of pupil numbers, demographic trends and policy priorities.

4. Options

Option 1 – Support the proposal to enter into a Funding Agreement with Helena Romanes School to fund the construction of the primary element of the new learning village. (recommended)

- 4.1 The proposal for HRS to build new primary provision as part of its proposed expansion is fully supported as the most viable option for additional primary places in the area by the time required. With no available options at local primary schools (neither can accommodate further temporary or permanent expansion), and no timely options available through housing development sites, this option provides a solution for the short/medium term. For the longer term, 2027 and beyond, another primary school will be required in Great Dunmow and two potential sites are included in extant, but as yet unimplemented, s106 agreements.
- 4.2 This recommended option is linked to the relocation of the existing HRS School to the new site of the learning village, as delivery of the complete learning village on the new site, as one project, delivers efficiency and cost savings on the construction costs. The relocation will require HRS to secure funding for that relocation which is dependent on the value and saleability of its existing site for residential development. HRS has been improving the potential to sell and extract value from its existing school site through undertaking relevant surveys and submitting a planning application for outline permission to develop circa. 200 homes on their existing site (decision anticipated December 2020). HRS is in discussion with a number of organisations about sale of its site to finance its relocation, and with the DfE and the ESFA on the necessary approvals to create the Dunmow learning village Essex County Council and Essex Housing are meeting with HRS on a regular basis to review progress.
- 4.3 Beyond school place expansion, other benefits of supporting this proposal and enabling the relocation and expansion of HRS delivery of an all-through learning village, include:
- Additional jobs and economic benefit associated with the construction of new school buildings and to meet the needs of new housing
 - Delivery of a 21st century school building for primary and secondary. The current building is in need of significant repair.
 - If successful the approval of this will be for the third all-through school in Essex.

Option 2 – do nothing (not recommended)

- 4.4 The option to do nothing is not recommended as there is a need to increase pupil places in the Great Dunmow area and the proposed new provision as part of an expanded HRS is a solution to meet the continued increase in demand for school places and for ECC to meet its statutory duty to provide a school place for every child.

Option 3 – Open a free school through the new academy process (not preferred, but the fall-back position)

- 4.5 ECC has previously tried to open a primary free school in Great Dunmow. A statutory process was held, but a sponsor for a new primary was not confirmed by the DfE as the proposed site for the free school was not secured. This was due to delays on development of the land at Smith's Farm in Great Dunmow (which remains undeveloped).
- 4.6 ECC could once again seek to open a primary free school through the presumption process, on Buttley's Way, but this is not the preferred option for the following reasons:
- 4.6.1 This would not result in the education advantages associated with the HRS learning village proposal (see 3.5).
 - 4.6.2 This option would not enable us to increase primary school capacity in time to meet demand anticipated until at least 2023.
 - 4.6.3 There is efficiency and cost saving in delivering the additional two forms of entry primary provision as part of a larger learning village construction project, this would be lost in the case of opening a free school.
 - 4.6.4 While education land is being allocated for education use, and it could potentially be used to open a free school, this would run counter to aspirations alluded to in Great Dunmow Town Council's neighbourhood plan, which has the land earmarked for relocation of HRS.
 - 4.6.5 Should the learning village proposal prove unviable at any stage and not commence, then ECC would be able to take ownership of the education land, that is to be secured through a s106 agreement, to use for a free school and ensure sufficiency of school places. While this does not deliver the desired beneficial outcomes as Option 1, it would enable ECC to meet its minimum statutory obligation, and remains a fall back option to medium term need for primary school places in Great Dunmow.
 - 4.6.6 Should this option need to be implemented additional governance would be required to establish the required budget, financing, and gain necessary permissions. Based on recent viability studies for new primary schools to be delivered by ECC, additional budget of £1m could potentially be required to deliver a primary free school on Buttley's Way for September 2023.
 - 4.6.7 As well as the cost of building a stand alone free school for September 2023 on Buttley's Way, additional costs would be incurred to provide school places outside of Great Dunmow to meet the need for additional school places, as there are no other primary expansion options available at the existing Great Dunmow primary schools.
 - Temporary accommodation for 2022/23 academic year - £350,000 capital

- Home to School Transport – based on the current average cost per pupil for transport, revenue costs would be in the region of £16,000 per year for seven years for the 2021/22 Reception cohort, and £32,000 per year for seven years for the 2022/23 Reception cohort, totalling £336,000 (and potentially more for mid-year applications to higher year groups where there is no spare capacity).

5. Next steps

- 5.1 The Cabinet decision will confirm funding for the construction costs and delivery of the primary school element of the learning village, and that it will be self-managed by HRS.
- 5.2 ECC will enter into a funding agreement with HRS at a value no greater than that set out in paragraph 1.1 of the Confidential Appendix

6. Issues for consideration

6.1 Financial implications

The proposal is seeking an increase against the allocated budget for this project as set out in the confidential appendix, it will be mitigated by reductions in other areas of the Education Capital Programme.

Capital

- 6.1.1 Please see the confidential financial appendix for capital financial information.

Revenue

- 6.1.2 This scheme is not anticipated to increase Home to School transport costs as the additional forecast demand for school places would be met locally by this proposal.
- 6.1.3 Furniture and fittings costs are as shown in the Confidential Appendix along with the associated financing arrangements.

6.2 Legal implications

- 6.2.1 ECC does not control the size of the school as it is an academy, this is for the Academy Trust and the Department for Education to agree in accordance with the terms of the funding agreement between the school and the Secretary of State. ECC is able to fund expansion of the school as this is authorised by the Academies Act 2010.
- 6.2.2 ECC has a statutory duty to commission enough supply of school places. ECC is responsible for funding the 'basic need' provision of additional school places in Essex at all schools, including academies.

6.2.3 ECC has a duty to take such steps as reasonable to avoid substantial disadvantage to a disabled person. The duty to make reasonable adjustment is triggered when there is a substantial disadvantage. The duty requires the school to take positive steps to ensure that disabled pupils can fully participate in the education provided by the school. The duty is an anticipatory one, owed to pupils in general. Thought should be given in advance of what disabled pupils may require and what adjustments may need to be made for them. Schools cannot delegate these duties.

7. Equality and Diversity implications

7.1 The Public Sector Equality Duty applies to ECC when it makes decisions. The duty requires us to have regard to the need to:

- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc on the grounds of a protected characteristic unlawful;
- (b) Advance equality of opportunity between people who share a protected characteristic and those who do not;
- (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

7.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

7.3 The equality impact assessment which has been carried out indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

8. List of appendices

8.1 Appendix A – Equality Impact Assessment

8.2 Confidential Appendix

9. List of Background papers

9.1 Consultation document.