

Forward Plan reference number: FP/308/12/18

Report title: Final decision on the proposed expansion of Hamford Primary Academy	
Report to: Councillor Ray Gooding, Cabinet Member for Education and Skills	
Report author: Clare Kershaw, Director, Education	
Date: 12 April 2019	For: Decision
Enquiries to: Kevin Wilby – School Organisation Officer email: kevin.wilby@essex.gov.uk - Telephone 03330 131147	
County Divisions affected: Frinton and Walton	

NOT FOR PUBLICATION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. The report asks the Cabinet Member for Education and Skills to support proposals made by Hamford Primary Academy (the Academy) to expand from 280 places to 420 places (2 forms of entry) from September 2019 in accordance with Essex County Council's duty to commission sufficient school places, following the responses to the public consultation event that took place on 6 September 2018 about the proposal to expand the Academy.

2. Recommendations

- 2.1. To approve the proposal to enlarge the premises of Hamford Primary Academy from 1 September 2019 to increase capacity from 280 places (1 form of entry) to 420 places (2 forms of entry).
- 2.2. To approve the capital budget for construction and associated project fees as profiled in the Confidential Appendix.
- 2.3. Agree to the procurement of the associated building works through a two stage design and build mini competition using the Essex Construction Framework.
- 2.4. To Authorise the Head of Infrastructure Delivery to enter into a contract for the Academy expansion with the successful bidder, provided he is content that the following conditions have been met:
 - a. A satisfactory planning permission has been granted;
 - b. The construction costs are within the agreed budget as stated within the confidential financial appendix and represent value for money

- c. Approval from the Regional Schools Commissioner (RSC) for the expansion of the academy has been obtained.

3. Summary of issue

- 3.1. Primary pupil numbers in Tendring District are forecast to grow over coming years, primarily due to new housing. There is planned to be additional housing in the Frinton and Walton area of the district.
- 3.2. The latest Reception Year place forecasts for the Frinton and Walton area (Primary Planning Group 4) are shown in the 10 Year Plan “Meeting the demand for school places in Essex 2018 to 2027”:

Planning Group	18/19	19/20	20/21	21/22	22/23	23/24	24/25	25/26	26/27	27/28
Planning Group 4: Frinton / Walton	-10	-9	4	-12	-18	-24	-28	-33	-37	-39
Frinton-on-Sea, Hamford, Kirby, Walton-on-the-Naze										

- 3.3. These forecast data show a permanent demand for more primary school places from September 2018 onwards.
- 3.4. At present the Academy has an admission number of 40. To meet the forecast deficit of places in 2018 a relocatable classroom was placed at the Academy, and they were able to admit up to 60 pupils into Reception year. From September 2019 a permanent solution is required in the area to accommodate the predicted need for Reception places.
- 3.5. A stated priority of the Essex Organisation Strategy 2017-2021 is to offer children good economic prospects, by providing an outstanding education. Essex County Council (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.
- 3.6. The latest pupil number forecasts for the Frinton and Walton area indicate that, with housing, there will be a need for up to 20 additional Reception places in the short to medium term. Expanding the Academy to 420 places will provide 20 additional Reception places each year, which should be sufficient to meet this need.
- 3.7. Longer term forecasts for 2023 onwards indicate that there will be further growth in pupil numbers with the need for additional primary school places. The number of children registered with a GP will continue to be monitored, as will the actual numbers of pupils in schools, and further solutions developed as necessary.

Final decision of the proposed Expansion of Hamford Primary Academy

- 3.8. The Academy has academy status and is part of the Academies Enterprise Trust (AET) multi-academy trust. As an academy, they do not require ECC's approval to expand. ECC is not required to fund the expansion but does have a statutory duty to ensure that sufficient school places are available. The expansion of the Academy was brokered by ECC in accordance with this duty. This report requests the Cabinet Member's approval to support the expansion and to fund the expansion. ECC's support of the proposal to expand is intended to ensure that local children have the opportunity to access a local school.
- 3.9. The schools nearest to the Academy site are Frinton-on-Sea Primary, Kirby Primary and Walton-on-the-Naze Primary. Number on roll information as at October 2018 for the schools in the planning group is as follows:

School Name	Admission Number	Capacity	Number on Roll
Frinton-on-Sea	30	210	212
Hamford	40	280	320
Kirby	30	210	202
Walton	30	256	244
Total	130	956	978

- 3.10. This shows that the schools are already either over their official capacity, or very close to it. With larger Reception Year cohorts anticipated and with families moving into new housing in the area it is very likely that without a school expansion this situation will become more acute, and it will become very difficult for children to access to a local school place. Potentially this could lead to increased home to school transport costs if local school places are not available. Geographically the Academy is located centrally amongst the other schools, and therefore has good accessibility for parents across the area.
- 3.11. In considering the proposal to expand the Academy, the impact on other local schools has been considered. The expansion is not expected to have any detrimental impact upon other local schools as it responds to increased demand. This relates both to Reception intake and to other year groups as families move into the area.

Consultation

- 3.12. A consultation on the proposed expansion was conducted by the Academy in September 2018, with a public engagement session on 6 September 2018. A total of 57 parents and members of the public attended the event, which was also used as a pre-planning application consultation.
- 3.13. A total of ten formal comments were received through feedback forms completed at the public engagement event or in response to the online survey. Below is a summary of the comments that were received:
- Concerns regarding the visual impact of the proposal, this could be more visually enhancing;

Final decision of the proposed Expansion of Hamford Primary Academy

- It looks nice visually;
- It is great to see investment being made into the Academy;
- There is a clear need for additional community infrastructure in the area, the scheme is supported;
- There is a drastic shortage of school places in the area, the expansion is supported;
- Supportive of additional classrooms;
- Limited car parking off site to accommodate the expansion, this will cause highway safety issues;
- Traffic issues currently surround the site, the proposal will only make this worse;
- The applicants should consider improved highway infrastructure before expanding the Academy;
- Have ECC considered providing a drop off area to avoid people from parking on the highway?
- At Frinton primary there seems to be illegal parking road markings why can't this be done at Hamford?

3.14. The majority of the respondents expressed support for the proposal and emphasised the need for the Academy to cater for the new housing in the area, and to act as a vital part of the local community infrastructure.

3.15. Comments relating to traffic and parking issues are frequently made in response to school expansion consultations. It is a common issue that schools are located in residential areas and experience high volumes of traffic at the beginning and end of the school day. In order to address this, at Hamford, the Academy is looking to introduce a park and stride at the beginning and end of the school day. Discussions are currently taking place with East of England Coop located on Garden Road to establish whether the Coop would permit the use of their car park as a parking area for the park and stride. It is intended that this will be available once the school has been expanded in September 2020. A similar arrangement has been in operation with the East of England Coop in Stanway, Colchester for some years. ECC are also encouraging schools to promote alternative methods of getting to school. As part of the school expansion additional cycle and scooter parking will be provided and the school will be encouraged to run bikeability training for children. To accommodate additional teaching staff, the existing car park will be further expanded.

DfE Process for Expansion

3.16. The Department for Education (DfE) has set out guidance for academy trusts wishing to make changes to the size or organisation of academies. The guidance "Making Significant Changes to an Open Academy and Closure by Mutual Consent" (Departmental Advice for all Types of Academy Trust, October 2018) states that academy trusts proposing to make a significant change to the characteristics of an open academy, which will affect clauses in their funding agreement, must submit a proposal for change in advance of the change being made.

Final decision of the proposed Expansion of Hamford Primary Academy

- 3.17. A significant expansion is defined in the guidance as an enlargement of the site so that it can provide spaces for more than 30 additional pupils. The Academy will increase in size by 140 places, which means that the proposal to expand is seen as a significant enlargement. AET will therefore need to seek approval from the Regional Schools Commissioner (RSC) for the expansion of the academy.
- 3.18. The guidance explains that schools that are rated “good or outstanding” at their last inspection, have a latest Progress 8 score of at least the national average (for secondary schools), are in good financial health and are proposing a change that is not contentious or subject to objections from the LA may propose to expand their physical capacity by following the fast track process. The Trust will need to complete a business case to support the request for expansion. The DfE guidance is included in the background papers.
- 3.19. ECC officers will assist AET with the preparation of the business case. In particular ECC will be able to evidence that the Academy is in an area of basic need, that the expansion of the Academy has been brokered by ECC and that therefore the LA has no objections to the proposal, and that the proposal is not contentious.
- 3.20. At its last Ofsted inspection in March 2014 Hamford Primary Academy was rated as “good”.
- 3.21. As part of the business case AET must show that funding has been secured for the capital costs of the project. Were the Cabinet Member to agree to support the expansion this would provide the assurance required by DfE/RSC. If for any reason RSC were not to approve the expansion the funding would be withdrawn.
- 3.22. ECC considers that the risk of the RSC rejecting the expansion proposal is minimal.

Scope of Proposed Projects and Proposed Building Works

- 3.23. The proposed expansion of the Academy to 420 places incorporates a standalone two storey new build block located to the south of the main school building. The proposed new building would accommodate four classrooms with a store and cloaks provision, two practical spaces (accommodating food or design tech), studio, WCs, increased circulation and other minor works. In order to accommodate the expansion an additional eight car parking spaces are proposed to the west of the existing site access.
- 3.24. The Essex Construction Framework (ECF) has been available for use by ECC for large constructions projects since March 2016. ECC would seek to procure this project through a two stage design and build approach via the ECF, as this has proven to give ECC good value for money.
- 3.25. A mini competition will be held to obtain a favourable bid from a contractor within the budget set out in the confidential appendix, and then the contractor will be appointed to undertake the works as summarised in paragraph 3.13.4 to enlarge the school.

Proposed Building Works

3.26. Proposed delivery timescales are as follows:

Milestone	Date
Planning application submitted	September 2018
Planning permission granted	23 November 2018
Final Business Case to Investment Board	2 February 2019
Start on site	26 March 2019
Build completion for handover	9 December 2019

4. Options

4.1. Option 1 – Agree to support the expansion proposal without modification and expand the Academy (recommended option)

4.2. The proposed expansion of the Academy is part of the overall strategic response to the need for additional primary school places in the Tendring District. The proposal for expansion included in this report has been developed in this context to provide primary school places in the areas of existing or immediate future need due to housing and inward migration. If it were decided not to take this option forward another site would need to be found for a new school, or other options developed with existing schools, causing delay and additional expense to ECC.

4.3. Responses to the public consultation show support for the expansion proposal. Although reservations have been raised in relation to traffic potentially created by the larger school the counter argument is that without an expansion in the area parents may have longer journeys to other schools, which in turn would create more traffic. The Academy is located centrally within the planning group and therefore gives good access for parents.

4.4. The proposed expansion has the support of the governing body and of the Academies Enterprise Trust.

4.5. Option 1 is therefore the preferred option.

4.6. Option 2 – do nothing

4.7. The option to do nothing would mean that the Academy would have no additional school places provided.

4.8. ECC must meet its statutory duty to provide a school place for every child. Should ECC fail to support the expansion of the Academy there would continue to be significant pressure on primary school places within the Frinton and Walton area and it is likely that another school or schools would need to be expanded to cater for the increasing number of pupils. As noted above the schools in the area are already very full in most year groups.

- 4.9. Should additional places not be delivered for September 2019 there is a risk that children will be without school places in their local area, that longer journeys will need to be made between home and school in order to find alternative schools with spaces and that an increased number of parental preferences will not be satisfied. Accordingly this is not the recommended option.

5. Next Steps

- 5.1. The Cabinet Member's decision will confirm funding for the project and will allow the Academies Enterprise Trust to submit a business case to the Regional Schools Commissioner to expand the Academy.

6. Issues for consideration

6.1. Financial implications

Capital

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

Revenue

- 6.3. School revenue budgets are funded from the Dedicated Schools Grant (DSG) and are based on pupil numbers in the October prior to the start of the financial year. The DfE allows basic need growth to be funded by the Essex Formula for Funding Schools and the difference between estimated pupils and the October Census is added to the number on roll which will generate additional funding in an academic year to ensure the school has sufficient resources to provide the required number of classes. At the end of the approved growth period the school will be funded on actual pupil numbers.
- 6.4. As the school will be expanding year on year there will be the need for additional teaching and support staff. The recruitment process will be managed by the school's leadership team.
- 6.5. The estimated Furniture and equipment costs of £29,000 will be funded from within the existing furniture and equipment revenue budget funded via the DSG.
- 6.6. It is not considered that this scheme will increase home to school transport costs as it fulfils the need for school places in its local area.

6.7. Legal Implications

- 6.8. Hamford Primary Academy is an academy and it is able to expand in accordance with the terms of its funding agreement with the Secretary of State. ECC's consent is not required. However ECC is able to fund the expansion of academies as authorised by the Academies Act 2010.
- 6.9. As noted above there is a process which Academies must undertake in order to expand, involving the submission of a business case to the Regional Schools

Commissioner. Officers will support the Trust with its application to Commissioner.

- 6.10. Local authorities must continue to plan for and secure sufficient schools and places for their area in line with their duties under section 14 of the Education Act 1996. The expansion of the school was brokered by ECC in accordance with this duty.
- 6.11. ECC is responsible for funding the 'basic need' provision of additional school places in Essex at all schools, including academies.
- 6.12. The premises to be provided will need to meet the statutory requirements of the Education (School Premises) Regulations 1999 and the feasibility studies and the final programme will ensure that this happens.
- 6.13. The procurement of goods, service and works will be carried out in accordance with the Public Contracts Regulations 2015 and in accordance with ECC's procurement rules.

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. Equality Impact Assessment
- 8.2. Confidential Appendix

9. List of Background papers

Final decision of the proposed Expansion of Hamford Primary Academy

- 9.1. DfE Guidance – Making Significant Changes to an Open Academy and Closure by Mutual Agreement (Departmental Advice for all Types of Academy Trust) October 2019

I approve the above recommendations set out above for the reasons set out in the report.	Date 15.05.19
Councillor Ray Gooding, Cabinet Member for Education and Skills	

In consultation with:

Role	Date
Executive Director for Corporate and Customer Services (S151 Officer) Nicole Wood on behalf of Margaret Lee	 03.05.19
Director, Legal and Assurance (Monitoring Officer) Kim Cole on behalf of Paul Turner	 15.04.19