

Forward Plan reference number: FP/113/07/21

Report Title: Expansion of Ormiston Rivers Academy, Burnham-on-Crouch	
Report to: Councillor Tony Ball, Cabinet Member for Education Excellence, Life Long Learning and Employability	
Report author: Clare Kershaw – Director, Education	
Date: 12 November 2021	For: Decision
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County Divisions affected: Southminster/South Woodham Ferrers	

Confidential Appendix

This report has a confidential appendix which is not for publication as it includes exempt information falling within paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended.

1. Purpose of Report

To endorse the expansion of Ormiston Rivers Academy in Burnham-on-Crouch by increasing capacity from 6 forms of entry to 7 forms of entry (900 places to 1050 places excluding the sixth form provision) in order to meet the need for secondary school places in the locality and to procure and enter into a construction contract to expand the school.

2. Recommendations

- 2.1 Agree to support the expansion of Ormiston Rivers Academy by increasing the published admissions number to 210 with effect from September 2021 and increasing the physical capacity of the school from 6 forms of entry to 7 forms of entry with effect from September 2022.
- 2.2 Agree to the procurement of the associated building works for the expansion of the school through a two-stage design and build contract using the Essex Construction Framework 2.
- 2.4 Agree that the Head of Infrastructure Delivery is authorised to award the contract to the successful bidder, when he is content that the following conditions have been met:
 - a. A satisfactory planning permission has been granted; and
 - b. The construction costs are within the agreed budget and represent value for money.

- 2.5 Approve the capital budget for construction and associated project fees, as per the profile stated in the Confidential Appendix.
- 2.6 Agree that the Head of Infrastructure Delivery is authorised to agree the terms of the collateral warranties to be provided to the Academy Trust.

3. Summary of issue

- 3.1 Essex County Council (ECC) has a duty to ensure that there are sufficient school places for children living in the county. There is predicted to be a significant growing deficit of secondary school places in the Dengie/South Woodham Ferrers area in the next 10 years with a shortfall of up to 50 Year 7 places, as identified in the latest ECC School Places 10 year plan.

Year 7 Place Forecast										
Year	22/23	23/24	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32
+/-	-2	-50	-49	-44	-14	-22	-29	-37	17	-24

- 3.2 Ormiston Rivers Academy has agreed to take an additional 30 pupils in 2021 within its existing accommodation. To be able to meet the demand of an additional 30 year 7 places from 2022 onwards, it is proposed to expand the school so that there is suitable accommodation for the increased pupil number.
- 3.3 There are two secondary schools in the area – Ormiston Rivers Academy and William De Ferrers School. Viability studies were carried out at the two schools to assess the practicality of expanding them and to give an indication of potential costs. The studies showed that it is possible for William De Ferrers to expand by 1FE (30 places per year) within its existing accommodation, but further expansion would cost significantly more than the proposed 1FE expansion at Ormiston Rivers, and expansion beyond 1FE is not supported by the William De Ferrers school.
- 3.4 The proposed 1FE expansion of Ormiston Rivers Academy, and the increase of 1FE within existing accommodation at William De Ferrers School, will meet the expected demand for secondary school places in the area over the next 10 years. This report relates to the expansion of the Ormiston Rivers Academy and not the expansion of William De Ferrers school.
- 3.5 Ormiston Rivers Academy is rated “good” by Ofsted and is a popular school. Expansion will increase the number of parents gaining a school place of their preference for their children and will increase the number of children receiving a high-quality education. As an academy, the school does not require ECC’s approval to expand. ECC is not required to fund the expansion but ECC has a statutory duty to ensure that sufficient school places are available. ECC has brokered the agreed approach to increasing school places and support of the school’s proposal to expand is intended to ensure that local children have the opportunity to access a good local school.

- 3.6 Ormiston Rivers Academy carried out a consultation exercise about the proposed expansion of the school. The formal consultation took place between 1 March 2021 and 30 April 2021. The stakeholders invited to comment included all parents, senior Local Authority representatives, District Councillors and senior officers, NRA union representatives, and all local schools. The formal consultation letter is included in the background papers. 163 responses were received with 133 supporting the proposal and 30 raising concerns.

- 3.7 The main concerns raised were:

The school is too small for the proposed increase in pupils.

The proposed expansion scheme will provide the school with additional accommodation including a new, standalone block consisting of five new classrooms, a group room, and additional WC's. The project will increase the school's accommodation to a suitable level for a secondary school of this size.

There are insufficient staff to cater for the proposed increase in pupils.

The school will be funded for an additional 30 pupils each year whilst the school grows year on year. This will allow the school to recruit sufficient staff for the additional pupils.

- 3.8 Having considered the above, The Ormiston Academies Trust has agreed to move forward with the expansion process for Ormiston Rivers Academy. If ECC agrees to support and fund the expansion, the Trust will prepare a business case for submission to the Regional Schools Commissioner (RSC) asking for permission to expand the school.

Infrastructure Required

- 3.9 For the September 2022 intake, construction works are required to expand the school to include a new teaching block consisting of 5 general classrooms, a group room, and associated plant, circulation space and toilets. Externally, the project will benefit from additional cycle storage and a multi-use games area.
- 3.10 Photovoltaic cells have been included in the design to generate renewable energy, reducing the carbon footprint of operating the buildings and reducing additional costs of energy, thereby ensuring more school budget is available to be spent on education rather than the cost of utilities.
- 3.11 Ormiston Rivers Academy is within the area of pupil growth. The expansion of this school mitigates potential pupil to school transport issues rather than alternative solutions located outside the area.
- 3.12 Traffic and parking relating to the proposal have been considered. The expansion will result in 1,050 pupils (plus sixth form) at the school. In accordance with ECC standards, this equates to a need for 10 parking spaces. The project proposes that the 108 existing spaces will be retained (including 3 disabled marked bays and 3 informal car parking spaces on hard standing) therefore the proposed

expansion has adequate parking which means there will be no overspill onto public roads or a negative impact on the existing on street parking provision. A bus stop bay exists outside the school to encourage sustainable travel. It is noted that the site also accommodates a bus drop off and pick up area within the school grounds off of the main highway. Planning approval for the school expansion requires the trust to submit a school travel plan as part of the planning submission. This travel plan places significant emphasis upon school journeys that do not rely on car trips; it emphasises walking and cycling as the preferred methods to access the school.

3.13 Additional pupil and staff cycle storage will be provided. Two shelters providing 50 cycle spaces each will be provided opposite the existing cycle stores.

3.14 The proposed delivery timescales are as follows:

Milestone	Date
Planning application submitted	October 2021
Planning Permission obtained	December 2021
Final Business Case to Recovery Advisory Board	January 2022
Start on Site	February 2022
Build Completion for handover	August 2022

3.15 It is proposed that the Essex Construction Framework Agreement 2 is used to directly award a contract for the provision of the construction works. A contract will be awarded in accordance with the direct award procedure set out in the Framework Agreement which requires the provision of a supplemental tender that assesses value for money and whether the contractor can meet the necessary programme and quality requirements. Supplemental tenders are evaluated using an evaluation criteria of 50% price and 50% quality. The use of the direct award procedure in the Framework Agreement will help ensure that the proposed handover date of August 2022 can be achieved.

4. Options

Option 1 - Expand Ormiston Rivers Academy by 1FE from September 2021 (Recommended Option)

4.1 This is the recommended option. There is predicted demand for an additional 2FE of capacity in the area. The proposed expansion approach will provide 1FE additional capacity from 2021 with the further 1FE required being provided within existing accommodation at William De Ferrers School. These measures will meet the growing demand for places within the Dengie area.

Option 2 – Expand an alternative school in the area to meet the expected demand.

4.2 The only other school in the locality is William De Ferrers School. This school is viable to expand beyond the 1FE detailed above but, due to the nature of the

site, would be cost significantly more to do so and would not be supported by the school. For this reason, this option is not recommended.

Option 3 – Do nothing

- 4.3 The forecasts show that there is a need for additional places over and above those that are available at present. If additional capacity is not provided there is a high risk that not all local children will have a place at a local school and that some may need to be transported large distances to other schools outside their locality. For this reason, this option is not recommended.

5. Links to Essex Vision

- 5.1 This report links to the following aims in the Essex Vision:

- Enjoy life into old age
- Provide an equal foundation for every child
- Strengthen communities through participation
- Develop our County sustainably
- Connect us to each other and the world
- Share prosperity with everyone

For more information visit www.essexfuture.org.uk.

- 5.2 This links to the following strategic aims in the Organisational Plan:

- Enable inclusive economic growth
- Help people get the best start and age well
- Help create great places to grow up, live and work
- Transform the council to achieve more with less

6. Issues for consideration

6.1 Financial implications

- 6.1.1 Please see the Confidential Appendix for details of the financial implications of this decision.

- 6.1.2 The total capital cost is included in the current and future years' capital programme and the revenue implications are included in the Medium Term Resource Strategy (MTRS). A contingency of 5% has been included to cover any risks identified.

6.2 Legal implications

- 6.2.1 ECC has a statutory duty to commission supply of school places. ECC is responsible for funding the 'basic need' provision of additional school places in Essex at all schools, including academies.
- 6.2.2 As an academy school, ECC does not control the size of the school or the expansion process which is for the Academy Trust and the Department for Education to agree and approve.
- 6.2.2 ECC must comply with the terms of the Framework Agreement when awarding the contract for construction works. Since the Academy Trust will not be a party to the works contract, it will be necessary for the contractor to provide collateral warranties to the Academy Trust.
- 6.2.3 Ormiston Rivers Academy will need to enter into an agreement with ECC to allow ECC access to the premises for the construction works.

6. Equality and Diversity implications

- 7.1 The Public Sector Equality Duty applies to the Council 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 indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

7. List of Appendices

- 8.1 Confidential Appendix
- 8.2 Equality Impact Assessment

8. List of Background Papers

- 8.1. 10 Year Plan – Meeting the demand for school places in Essex 2021 – 2030
- 8.2. DfE Guidance - “Making Significant Changes to an Open Academy and Closure by Mutual Consent” (Departmental advice for all types of academy trust, November 2019)
- 8.3. Ormiston Rivers Academy consultation letter
- 8.4. Summary of consultation responses

I approve the above recommendations set out above for the reasons set out in the report.	Date 10/12/21
Councillor Tony Ball, Cabinet Member for Education Excellence, Life Long Learning and Employability	

In consultation with:

Role	Date
Executive Director, Finance and Technology (S151 Officer)	12.11.21
Director, Legal and Assurance (Monitoring Officer)	21.9.21
Katie Bray on behalf of Paul Turner	