

Report title: Proposed expansion of Alec Hunter Academy, Braintree	
Report to: Councillor Ray Gooding - Cabinet Member for Education	
Report author: Clare Kershaw, Director, Education	
Date: 22 October 2018	For: Decision
Enquiries to: Mark Pincombe – School Organisation Officer email: mark.pincombe@essex.gov.uk - Telephone 03330 131155	
County Divisions affected: Braintree	

1. Purpose of Report

- 1.1. To report on the proposal to expand Alec Hunter Academy, Stubbs Lane, Braintree, from 1143 places to 1200 places, enabling it to appropriately accommodate up to 8 forms of entry from September 2019.

2. Recommendations

- 2.1. Agree that Essex County Council (ECC) supports the proposed expansion of Alec Hunter Academy by endorsing this proposal.
- 2.2. Authorise the Head of Infrastructure Delivery to enter into a Funding Agreement to enable Alec Hunter Academy to undertake and self-mange the procurement of a construction partner to enlarge the school's premises on terms which allow the release of funding only once he is satisfied that:
 - a. the total project costs are within the endorsed amount
 - b. Alec Hunter Academy have demonstrated their capability to deliver the scheme to ECC/EFA standards;
 - c. The construction costs proposed by the school's contractor are in overall compliance with ECC benchmarking rates and within the approved budget;
 - d. The construction costs are within the agreed budget and represent value for money; and
 - e. satisfactory planning permission has been granted.

3. Summary of issue

- 3.1. Alec Hunter Academy (the Academy) is located in Braintree and has a priority admissions area that serves a large population of secondary school pupils.
- 3.2. The Braintree Town planning area, consisting of Alec Hunter Academy, Tabor Academy and Notley High School, is forecast to see significant growth in demand for secondary school places in the long term, as a result of new housing developments given permission and the emerging Local Plan that identifies high levels of new housing for in the area.

- 3.3. A review of accommodation at the local schools identified that the Academy did not have sufficient capacity to accommodate pupils up to its intended intake of 240 pupils per year (8 forms of entry).
- 3.4. The school recently reduced its intake from 8 forms of entry to 7 forms of entry while pupil numbers in Braintree go through a temporary dip. The school will be required to increase its intake back up to 8 forms of entry in the future and will therefore require the appropriate level of accommodation.
- 3.5. Following initial discussions with the Academy regarding the potential to resolve its deficit of accommodation, a viability report was produced, showing a viable project that would resolve the accommodation deficit, appropriately utilising financial contributions from local housing developments.
- 3.6. The Academy has confirmed that they will increase their intake from 210 to 240 pupils per year, when the demand for additional places is apparent. On completion of this project, the Academy will seek to have its funding agreement amended to recognise the improved accommodation at the school and increased capacity.
- 3.7. A stated priority of “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.
- 3.8. ECC’s proposal to expand the Academy is intended to ensure that local children have the opportunity to access a local school. The school is rated “Good” by Ofsted. Increasing the capacity of the school will provide more places to meet future demand in the area, and will enable more parents to gain a place for their child at a high performing school.
- 3.9. The impact of this proposal on other local schools has been considered. It is not expected to have any detrimental impact upon other local schools, as it will be used to respond to increased demand within the area.

Capital Project Description

- 3.10. The works will be undertaken in phases over a 7 month programme, utilising the school breaks when advantageous. Phase 1 will be the courtyard infill which will provide new double story accommodation for a lecture style class and new science laboratory. Phase 2 will be the dining hall extension and widening of entrances and creation of new corridors and stairwell, remodelling of the science prep and offices impacted by the new accommodation. Phase 3 will be the external social space element which is to provide a large canopy structure which would enable socialisation outside without the impact of weather.

- 3.11. £1.021m of S106 developer contributions have been collected for Braintree secondary provision for some time, with 85.8% of this due to expire within the next five years. We are seeking to deliver this project using the available s106 funding.

Other Implications

- 3.12. Having school places within walking distance of the population served increases the opportunity and likelihood of children travelling to school by foot or on bike. This has the potential to reduce road travel and congestion, and to provide health benefits to those walking or cycling.
- 3.13. In line with DfE's guidance "Making Significant Changes to an Open Academy", the Academy will need to seek approval for the expansion. The guidance is clear that it is expected that Regional Schools Commissioners (RSC) will approve the majority of fast track requests from academies currently rated as 'good' or 'outstanding' provided that the academy meets all the fast-track criteria (as below) and is prepared to demonstrate, with evidence if requested:
- (a) a fair and open consultation has taken place, including that any consultation relating to admission arrangements which are necessary has been undertaken, the number and percentage in favour of the change has been considered, and if there are any objections, how the issues raised will be (or have been) managed;
 - (b) funding has been secured in relation to the proposed change for both capital costs, and that there are no issues with current budget and/or finances. In the case of expansions, academies have sufficient funding for additional pupils, until lagged funding is applied;
 - (c) the change is aligned with local pupil place plans and it is unlikely to have a negative impact on educational standards at the academy or at other local schools or colleges; and
 - (d) that appropriate planning permissions and other consents required have been secured.
- 3.14. ECC will support the Academy with its application to DfE/RSC

4. Options

Option 1 – Agree to the proposal to expand the school (recommended option)

- 4.1. The expansion of Alec Hunter High School will provide additional capacity in Braintree, and will provide the opportunity to meet a higher number of parental preferences as demand for secondary school places increases.

- 4.2. Alec Hunter Academy delivers high quality education.
- 4.3. ECC's proposal to expand Alec Hunter Academy is intended to ensure that local children have the opportunity to access a local school. The school is rated "Good" by Ofsted. Expanding the school will enable more parents to gain a place for their child at a high performing school.
- 4.4. Option 1 is the preferred option

Option 2 – do nothing

- 4.5. The option to do nothing is not reasonable and prevents the expansion of Alec Hunter Academy. There is a need to increase pupil places and the proposed expansion of Alec Hunter Academy is a solution to meet the demand for school places in the area and for ECC to meet its statutory duty to provide a school place for every child. If Alec Hunter Academy is not expanded, this could result in transport costs being incurred in the long term if children had to travel to school further away.
- 4.6. The developer contributions (s106) received must be used to increase permanent secondary school capacity in Braintree. If this does not happen within a specified timescale the contributions must be returned to the developer.

5. Issues for consideration

5.1. Financial implications

Financial Year	2018/19 £000	2019/20 £000	Total £000
Capital Expenditure	817	204	1,021
Furniture and Equipment	15	0	15
Total	832	204	1,036
Financing Source			
S106	817	204	1,021
Revenue	15	0	15
Total	832	204	1,036

- 5.1.1. The total s106 funding is proposed to be spent at Alec Hunter Academy on works that provide additional teaching space (lecture space, additional science laboratory, group work teaching space. The conditional release of this capital funding is set out in the funding agreement in place between ECC and the Academy Sponsor.
- 5.1.2. S106 funding has been received by ECC

5.2. Legal implications

- 5.2.1. Alec Hunter Academy is an academy. As a result, the school is able to expand in accordance with the terms of their funding agreement with the

Secretary of State. ECC's consent is not required. However ECC is able to fund expansion of school as this is authorised by the Academies Act 2010.

- 5.2.2. ECC has a statutory duty to commission a sufficient supply of school places. The expansion of Alec Hunter Academy was brokered by ECC in accordance with this duty.
- 5.2.3. 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.
- 5.2.4. The procurement will be carried out in accordance with the Public Contract Regulations 2015 and in accordance with ECC's procurement rules.
- 5.2.5. 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 Alec Hunter Academy to take positive steps to ensure that disabled pupils can fully participate in the education provided by Alec Hunter Academy. 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. An academy cannot delegate these duties, so must specify the relevant matters in the procurement.

6. Equality and Diversity implications

- 6.1. 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.
- 6.2. 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).
- 6.3. 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.

7. List of appendices

7.1. Equality Impact Assessment

8. List of Background papers

I approve the above recommendations set out above for the reasons set out in the report.	Date
Councillor Ray Gooding, Cabinet Member for Education	20 November 2018

In consultation with:

Role	Date
Executive Director for Corporate and Customer Services (S151 Officer) Margaret Lee	22 October 2018
Director, Legal and Assurance (Monitoring Officer) Susan Moussa on behalf of Paul Turner	8 November 2018