

Forward Plan reference number: FP/397/03/19

Report title: Proposed expansion of Merrylands Primary School and Nursery, Basildon	
Report to: Councillor Ray Gooding - Cabinet Member for Education and Skills	
Report author: Clare Kershaw, Director, Education	
Date: 19 August 2019	For: Decision
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County Divisions affected: Laindon Park and Fryerns	

NOT FOR PUBLICATION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. To report on the growing demand for primary school places in the Basildon area and to seek approval to expand Merrylands Primary School and Nursery (the Academy) by 1 form of entry (210 pupils) to 3 forms of entry (630 pupils), with effect from 1 September 2020, in accordance with Essex County Council's duty to commission sufficient school places.
- 1.2. To seek approval for capital funding from Essex County Council (ECC) for the construction project to increase the Academy's capacity in readiness for September 2020.

2. Recommendations

- 2.1 To agree that ECC supports the proposed expansion of Merrylands Primary School and Nursery by 1 form of entry.
- 2.2. Agree the capital budget for construction and associated project fees as profiled in the confidential annex.
- 2.4 To authorise the Head of Infrastructure Delivery to enter into a funding agreement with the Academy at a value no greater than that set out in paragraph 1.1 of the Confidential Appendix once satisfied that the following has been met:
 - (a) planning permission has been granted; and

- (b) the construction costs are within the agreed budget, compliant with ECC's benchmarking rates, and so represent value for money.
- (c) The Academy is permitted to expand under the terms of its agreement with the Secretary of State for Education.

3. Summary of issue

- 3.1. ECC has a duty 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. Latest forecasts of pupil numbers shows that an additional form of entry of primary school capacity is required to meet long term forecast demand in the Basildon area by 2020.
- 3.3. The school converted to academy status in October 2016 and is part of the Berlesduna Academy Trust. The school was last inspected by Ofsted in June 2013, and was rated as 'Good'. It has not been inspected by Ofsted since its conversion.
- 3.4. A decision was taken by the governing body to consult on a proposal to permanently increase its capacity as they see significant advantages in becoming a 3FE school which will also contribute to the local solution in response to the demand for places.
- 3.5. Expanding the School by 1 form of entry (210 pupils) to 3 forms of entry (630 pupils), will require building additional accommodation at the school. The expansion of the Academy will involve creating four classrooms, including cloaks and store, a studio, a specialist practical are (food, science, DT room), including cloaks and store, and associated plant, circulation and wcs.
- 3.6. The Academy undertook a consultation between 28 February 2019 and 29 March 2019, on the proposed expansion to create a 3FE primary school with 630 pupils on roll with effect from 1 September 2020.
- 3.5. The consultation explained the proposal and was published on the Academy website. Responses to the consultation could be made via letter or email.
- 3.6. There were no responses to the consultation.
- 3.7. The governing body of the Academy was informed of the results of the consultation and agreed that the expansion process should be taken forward.
- 3.8. The project will be procured by the Academy, assisted by the Infrastructure Delivery Team. The Academy will engage with a professional design team, developing the design, make a planning application, competitively tendering the work and appointing a design and build contractor, and then managing the build.

3.9. Project Delivery Timescales are as follows:

Milestone Description	Target Date
Endorsement by ECC for academy to proceed	28th June 2019
Appointment of Contractor	August 2019
Planning Application	October 2019
FBC approval at Infrastructure Board	October 2019
Construction start	November 2019
Construction complete	March 2020

- 3.12 The funding agreement will only be awarded once the Head of Infrastructure Delivery is satisfied that planning permission has been granted to the School for the expansion; and the construction costs are within the agreed budget and represent value for money.

4. Options

Option 1 – Support the School’s proposal to expand by one form of entry (recommended option)

- 4.1. This proposal is part of the overall strategic response to the need for additional school places in Basildon across the whole of the ten year period as set out in the 10 Year Plan. The proposed expansion of the Academy will provide additional capacity in an area of increasing need, and will provide the opportunity to meet a higher number of parental preferences.
- 4.2. In recent years, five schools have expanded permanently in the Basildon planning group, however this is a key area of growth. Discussions have been held with several Basildon headteachers to apprise them of the increasing demand for primary school places and to discuss potential solutions to meet the need. Demand for school places continues to increase by virtue of birth rates, new housing developments in the area and high levels of migration, so additional primary places are needed. The expansion of the school will form the next phase of the strategic response to increasing demand. Viability works were commissioned on three other sites to assess their suitability for expansion. The viability reports showed that both Ryedene Primary School and Merrylands Primary School were the most viable options for expansion. Ryedene Primary School is set to expand for September 2019, with an expansion at Merrylands Primary School providing the further expansion which is required to meet additional growth for subsequent years.
- 4.3. The proposal to expand the Academy is intended to ensure that local children have the opportunity to access a local school. Additional Reception places will provide headroom in future admissions years where forecasts and local knowledge suggest continued inward migration will mean supply is not enough to meet demand. The Academy is popular and oversubscribed, and is rated “Good” by Ofsted. Expanding the Academy will enable more parents to gain a place for their child at a popular, Good school.

Option 2 – do nothing (not recommended)

- 4.4. The option to do nothing is not reasonable and prevents the expansion of the School. There is a need to increase pupil places and the proposed expansion of the School 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.
- 4.5. Should additional places not be delivered for September 2020 there is a significant 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 in an increased number of cases parental preference 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 funding agreement to be approved to enable the expansion to be procured and managed by the Academy.

6. Issues for consideration

6.1. Financial implications

Capital

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

Revenue

- 6.1.2 Furniture and equipment of £12,000 will be funded from within the existing furniture and equipment revenue budget funded via the DSG.
- 6.1.3 It is not currently considered that this scheme will increase Home to School transport costs as it fulfils the demand needs in its local area.

6.2. Legal implications

- 6.2.1 Merrylands Primary School 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.
- 6.2.2 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.
- 6.2.3 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.

- 6.2.4. ECC is responsible for funding the 'basic need' provision of additional school places in Essex at all schools, including academies.
- 6.2.5. 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.
- 6.2.6. 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.

1. Equality and Diversity implications

- 1.1. 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.
- 1.2. 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).
- 1.3. 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.

2. List of appendices

- 2.1. Appendix A – Equality Impact Assessment
- 2.2. Confidential Appendix

3. List of Background papers

- 3.1. 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
Councillor Ray Gooding, Cabinet Member for Education	19.08.19

In consultation with:

Role	Date
Executive Director for Corporate and Customer Services (S151 Officer) Karen Williams	28.6.19
Margaret Lee	
Director, Legal and Assurance (Monitoring Officer) Kim Cole	13.5.2019
Paul Turner	