

**Forward Plan reference number: FP/021/03/21**

<b>Report title:</b> Proposed expansion of Barling Magna Primary Academy, Rochford	
<b>Report to:</b> Councillor Tony Ball - Cabinet Member for Education Excellence, Lifelong Learning and Employability	
<b>Report author:</b> Clare Kershaw, Director, Education	
<b>Date:</b> 04 August 2022	<b>For:</b> Decision
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<b>County Divisions affected:</b> Rochford South	

**NOT FOR PUBLICATION**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 Everyone's Essex**

- 1.1 Investing in the expansion of Barling Magna Primary Academy (the Academy) will deliver on a range of key commitments set out in *Everyone's Essex – Our plan for levelling up the county: 2021-2025*. These will include:
  - 1.1.1 Delivering **infrastructure** to support new homes and communities. The Academy is in an area of growth and expanding education infrastructure will have the outcome of ensuring that high quality local educational facilities are provided to match new housing.
  - 1.1.2 Achieving **net-zero**. The new buildings will have a net-zero design, and so will have the outcome of generating renewable energy and using energy efficient construction methods to mitigate their carbon impact. Enabling active travel will also facilitate a reduced reliance on motor travel and its associated carbon impact.
  - 1.1.3 Enabling **healthy lifestyles**. Providing local school places, along with the measures included to enable and promote active travel, will have the outcome of enabling the inclusion of activity and exercise as part of the journey to and from the Academy.
  - 1.1.4 Supporting high quality **education outcomes**. With the expansion, the new high-quality facilities will have the outcomes of ensuring children are able to learn, and teachers able to teach, in the most conducive environment for success. Currently teaching and learning is taking place in a more constrained environment.

- 1.2 Expansion of the Academy will mean Essex residents in the Barling/Great Wakering area will benefit from additional, high quality primary provision in an area of growing demand, increasing access to local places for their children.

## **2 Recommendations**

- 2.1. Agree to provide funding to The Brickfields Academy Trust to enable building works at the Academy for the sum set out in the Confidential Appendix.
- 2.2 Agree to enter into a Funding Agreement with the Brickfields Trust and delegate to the Head of Infrastructure Delivery to agree the final terms.

## **3 Background and Proposal**

- 3.1 In November 2020 a Cabinet Member Approval was completed that agreed the following decisions:
  - 3.1.1 To expand Barling Magna Primary Academy by 1 Form of Entry
  - 3.1.2 To agree to the budget associated with the pre-construction works and associated project fees
  - 3.1.3 To authorise Essex County Council (ECC) to enter into a Funding Agreement with the Academy Trust for the pre-construction works (Funding Agreement)
- 3.2 The Expansion of the academy requires building work to be undertaken and completed. This building work includes a new standalone building accommodating a key stage 1 classroom, a practical classroom, a staff room, two SEN rooms, a group room and WCs and stores. Within the existing school building it is proposed to provide remodelling to provide a compliant sized head teacher's office, an interview room, stores and WCs. Externally the existing car park to provide 7 new car parking spaces.
- 3.3 Following completion of the Funding Agreement the Academy appointed a project consultant to develop an initial scheme for the building works. This was used to competitively tender and appoint a design & build contractor. The successful contractor developed the scheme in partnership with the project consultant.
- 3.4 In June 2021 the Academy obtained planning permission for their scheme and received a final cost and design from the contractor. The costs for the design were significantly over the project budget. The Academy's consultant worked with the contractor to reduce the costs and evidence value for money. However, due to increasing project costs and concerns with the delivery of the scheme the Academy made the decision to re-tender the developed proposals and appoint an alternative contractor.
- 3.5 A second competitive tender was completed by the Academy in December 2021 and in January 2022 a successful contractor was appointed. This had successfully reduced the project costs below that which was previously provided (albeit still in excess of the initial project budget). However due to the delays incurred, cost increases in the construction market, and design changes required both as a result

of planning and to enhance the building due to the location of the flood zone it was not possible to reduce the project costs significantly.

- 3.6 It is proposed that ECC will provide funding to the Brickfields Trust of the value set out in the confidential appendix to contribute towards the new build and remodelling works
- 3.7 ECC has assessed and benchmarked the costs provided by the Academy against its own estimate of costs which has demonstrated that the price the Academy have been given following its tender process provides value for money.
- 3.8 The proposed new building focusses on providing low carbon deliverables, and includes elements to promote active travel, and so promotes a sustainable solution.
- 3.9 The Brickfields Trust will be required to enter into a Funding Agreement with ECC to set out the terms of the funding. The terms of the Funding Agreement will include the obligation to spend the funding on the new build and remodelling, provide ECC with evidence of the spending and to repay the funding if it is unspent or if there is a breach in the funding agreement terms. The Brickfields Trust will be responsible for delivering the remodelling works including any additional costs.

#### **4. LINKS TO OUR STRATEGIC AMBITIONS**

4.1 This report links to the following aims in the Essex Vision:

- 4.1.1 Provide an equal foundation for every child
- 4.1.2 Develop our County sustainably
- 4.1.3 Share prosperity with everyone.

4.2 Approving the recommendations in this report will have the following impact towards the council's ambition to be net carbon neutral by 2030:

4.3 The Academy will benefit from a highly energy efficient new building which is also designed to mitigate the risks of future overheating due to climate change.

4.4 The performance of the building is aligned with the Department for Education (DfE) guidance and internal temperature and ventilation would be maintained passively without mechanical cooling, along with renewable energy provided through solar panels (photovoltaics) to reduce the amount of electricity supplied by the grid.

4.5 This report links to the following strategic priorities in the emerging Organisational Strategy 'Everyone's Essex':

- 4.5.1 A strong, inclusive and sustainable economy
- 4.5.2 A high-quality environment
- 4.5.3 Health wellbeing and independence for all ages
- 4.5.4 A good place for children and families to grow

## **6. Options**

### **Option 1 – Enter into a Funding Agreement for Construction works (recommended option)**

- 6.1 The proposal to enter into an Agreement with the Academy for the construction phase of the expansion is intended to ensure that local children can access a local school. Additional Reception places will provide headroom in future admissions years where forecasts and local knowledge suggest continued population growth will mean supply is not enough to meet demand.
- 6.2 As the Academy only has 6 classrooms, space to accommodate the additional pupils has been extremely challenging, therefore providing the proposed additional capacity for the expansion will also support the Academy to manage their mid-year growth.

### **Option 2 – do nothing (not recommended)**

- 6.3 The option to do nothing is not reasonable and prevents the construction phase of the Academy expansion. There is a need to increase capacity to accommodate the additional pupil places and the proposed construction to enable the expansion of the Academy 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.
- 6.4 Should additional capacity not be provided in this area there is a significant risk that there will not be sufficient capacity for children to be educated 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 parental preference cases will not be satisfied.
- 6.5 To do nothing, and not provide the space to create sufficient local school places, would lead to children having to travel much further to access a school place. While we cannot be certain of the amount of pupils that would be eligible for funded home to school transport, at the current average cost of provision the cost to the council could potentially grow to £129,741 per year. If even a quarter of pupils needing to travel further to find a school place were eligible for home to school transport, this would equate to an annual revenue cost of up to £32,435.
- 6.6 Further, pre-construction costs as stated in the associated confidential appendix (FP 890/11/20), which have been spent, would not be reimbursed if this project does not go ahead.
- 6.7 Accordingly, this is not the recommended option.

## **7. Issues for consideration**

### **7.1 Financial implications**

#### Capital

7.1.1 Please see the confidential financial appendix for capital financial information.

### Revenue

7.1.2 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. There is generally a funding lag when schools increase their pupil numbers and to ensure that schools who agree to take additional classes are not financially penalised the Academy is funded on estimated pupil numbers for the duration of expansion. 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 has generated additional funding from 2021/22 to ensure the Academy has sufficient resources to provide the required number of classes. At the end of the approved expansion period the Academy will be funded on actual pupil numbers.

7.1.3 As the Academy 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 Academy's leadership team.

7.1.4 The cost for furniture and equipment is £12,000 and will be funded from DSG, within the existing furniture and equipment revenue budget.

7.1.5 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.

## **7.2 Legal implications**

7.2.1 Barling Magna 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 can fund the expansion of academies as authorised by the Academies Act 2010.

7.2.2 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 have supported the Trust with its application to Commissioner, and approval has now been provided.

7.2.3 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 Academy was brokered by ECC in accordance with this duty.

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

7.2.5 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.

7.2.6 The procurement of goods, service and works will be carried out in accordance with the Public Contracts Regulations 2015.

## 8. Equality and Diversity implications

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

- 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;
- advance equality of opportunity between people who share a protected characteristic and those who do not;
- foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

8.2 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).

8.3 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.

## 9. List of appendices

Appendix A – Equality Impact Assessment  
Confidential Appendix

## 10. List of Background papers

CMA FP 890/11/20  
Confidential Appendix FP 890/11/20

<b>I approve the above recommendations set out above for the reasons set out in the report.</b>	<b>Date</b>
Councillor Tony Ball, Cabinet Member for Education Excellence, Lifelong Learning and Employability	04/08/2022

**In consultation with:**

<b>Role</b>	<b>Date</b>
<b>Executive Director for Children, Families &amp; Education</b>	15/07/2022
Clare Kershaw on behalf of Helen Lincoln	

<b>Executive Director for Corporate and Customer Services (S151 Officer)</b> Stephanie Mitchener on behalf of Nicole Wood	28/06/2022
<b>Director, Legal and Assurance (Monitoring Officer)</b>  Laura Edwards on behalf of  <b>Paul Turner</b>	12/07/2022