

**Forward Plan reference number:** N/A

<b>Report title:</b> Funding Agreement for the replacement of temporary accommodation at Richard De Clare Community Academy, Halstead.	
<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> 18 October 2023	<b>For:</b> Decision
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<b>County Divisions affected:</b> Halstead	

## 1. Everyone's Essex

- 1.1 Essex County Council (ECC) is required to ensure that every child wanting one has access to a school place.
- 1.2 Richard De Clare Community Academy (the "School") has been using three relocatable buildings for a number of years. These buildings have now reached the end of their usable life through structural and fabric deterioration. The proposal is to replace them with a new purpose-built building and relocate 120 existing pupils to the new building.
- 1.3 Investing in new, permanent, accommodation at the School 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:
  - 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.
  - Supporting high quality education outcomes. With the replacement of outdated, temporary accommodation, the new high-quality facilities will have the outcomes of ensuring children are able to learn, and teachers able to teach, in the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.

## 2 Recommendations

- 2.1. Agree to provide £950,000 to the Bridge Academy Trust to fund construction works at the School for a four classroom teaching block.

- 2.2. Agree that the Head of Infrastructure Delivery, in consultation with the Executive Director, Corporate Services, is authorised to agree the terms of the Funding Agreement with the Bridge Academy Trust.

### **3 Background and Proposal**

- 3.1. The School currently utilises temporary accommodation for classroom space. The teaching spaces provided in the temporary buildings are essential for the School to provide sufficient places for local children. The proposal in this report will relocate existing pupils into a permanent, purpose built learning environment.
- 3.2. The current relocatable classroom (RL) accommodation at the School is in poor condition and would require significant investment to prolong its usable life.
- 3.3. There is a risk that the temporary planning permissions that are extant on this accommodation could also be refused by the local planning authority as it is apparent the need is no longer temporary, but a permanent need requiring a permanent built solution.
- 3.4. Should these places not be maintained locally, then there is a strong possibility that increased car journeys will need to be made from outside the local area, in order for parents to secure a preferred primary school placement. However, by enhancing provision that sits directly within the area of demand it is not unreasonable to see this as the more sustainable solution, with children able to walk, cycle or scoot to the School, thereby reducing congestion and the subsequent impact that has upon public health.
- 3.5. S106 contributions have been received specifically for primary education at Richard De Clare Community Academy and will fully fund this project. These S106 contributions cannot be used at an alternative school.
- 3.6. No statutory process is required for the replacement of the temporary buildings. The proposal does not affect (i.e., increase or decrease) the number of children attending the School.
- 3.7. The building project will require a full planning permission application and a planning consultation was undertaken in April 2023 which allowed local residents and school stakeholders to comment on the new accommodation which it is proposed will be provided.
- 3.8. Replacing temporary accommodation at the School will require the construction of a new single storey standalone teaching block (the 'Works'). This new permanent building is to be positioned over the footprint of the largest of the existing temporary buildings, which is to be removed to allow construction to take place. Once the new permanent building is completed, the other two temporary buildings and one small brick building will be removed from the site

and the area replaced with 150m<sup>2</sup> of tarmac MUGA surface for additional play space.

- 3.9. It is proposed that the Academy Trust will manage the works and it is proposed that ECC will provide funding to the Academy Trust for these Works. The School have appointed Barkers Associates (Barkers) as their Professional Services Provider who will act as the Principal Designer, Project Manager and Quantity Surveyor. Barkers have a proven track record in the delivery of school projects having delivered numerous projects for ECC via the Essex Consultants Framework.
- 3.10. ECC's Infrastructure Delivery Technical Team have assessed the viability of the Works and cost and assured itself of the level of funding required. This has confirmed that the costs of the works that are proposed are acceptable.
- 3.11. ECC will be regularly updated with details of the works including detailed design drawings, construction programme, and tender evaluation information by the Academy Trust or its advisers. This will be a condition of the terms of the Funding Agreement.
- 3.12. ECC's Infrastructure Team will review the final design prior to construction and quality of the build during construction to ensure compliance with ECC's quality standards. Cost management will be reviewed by the ECC's Quantity Surveyor throughout delivery to ensure ECC funds are being utilised efficiently, and the build quality will be overseen by Essex Quality Inspectors.
- 3.13. The Academy Trust will be required to enter into a Funding Agreement with ECC to set out the terms of the proposed funding. The terms of the Funding Agreement will include the obligation to spend the funding on the new build extension and remodelling works identified, 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 Academy Trust will be responsible for delivering the Works including any additional costs that may be required.

#### **4. Links to our Strategic Ambitions**

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

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

4.2. This report links to the following strategic priorities in 'Everyone's Essex':

- A strong, inclusive and sustainable economy
- A high-quality environment
- A good place for children and families to grow

## **5. Options**

### **5.1. Option 1 - do nothing**

Following this course of action will pose health and safety risks to pupils and/or cause the closure of statutory provision through failure of accommodation. The current temporary accommodation is at the end of its life expectancy and becoming unusable. This option is not recommended as it would lead to the Council failing to meet its statutory obligations to provide a safe and quality learning environment.

### **5.2. Option 2 – Enter into a Funding Agreement with the Academy Trust to fund the project (Recommended)**

5.3. Replacing the existing, temporary, accommodation will allow the School to operate at its present capacity in a higher quality environment and to provide a better learning environment for pupils. The Academy Trust will be required to ensure that value for money is achieved and other funding conditions are met. The School have appointed Barkers Associates (Barkers) as their Professional Services Provider who will act as the Principal Designer, Project Manager and Quantity Surveyor. Barkers have a proven track record in the delivery of school projects. This option is better value for money than option 3.

This is therefore the recommended option.

### **5.4. Option 3 – ECC carry out the works**

5.5. This option is unlikely to be value for money although ECC would have control over the works. ECC's Infrastructure Delivery Technical Team have assessed the viability of the Works and cost and assured itself of the level of funding required. This has confirmed that the costs of the works that are proposed are acceptable.

## **6. Issues for consideration**

### **6.1. Financial implications**

#### Capital

6.1.1. The total capital cost of the RL replacement scheme is estimated to be £964,000. Of this total capital cost, £950,000 will be transferred to the Academy Trust via a funding agreement. The remaining £14,000 will be used to cover ECC costs and fees.

6.1.2. The profiling of how this will be funded can be seen in Table 1.

Table 1 - Funding Profile

	2023/24 £000	2024/25 £000	Total £000
Capital Cost	964	-	964
Revenue Cost (F&E)	-	-	-
<b>Total Expenditure</b>	<b>964</b>	<b>-</b>	<b>964</b>
<b>Funded by</b>			
s106	964	-	964
<b>Total Funding</b>	<b>964</b>	<b>-</b>	<b>964</b>

6.1.3. The total capital cost of the overall scheme is £964,000 and will be funded entirely from received S106 contributions. This is included within the existing capital programme.

6.1.4. S106 contributions have been received specifically for primary education at Richard De Clare Community Academy and will fully fund this project. These S106 contributions cannot be used at an alternative school.

6.1.5. A capped amount for this project will be provided to the Academy Trust through a funding agreement. Any costs spent in excess of the funding agreement amount will be solely the responsibility of the Academy Trust.

#### Revenue

6.1.6. As the scheme is to replace existing accommodation, the use of Dedicated Schools Grant funding (DSG) for furniture and equipment will not be necessary on this project. The Academy Trust will be providing furniture and equipment for the primary school class bases.

6.1.7. It is not considered that this scheme will increase home to school transport costs as it replaces existing accommodation which fulfils the need for school places in the local area.

## **6.2. Legal implications**

6.2.1. The premises to be provided by the Academy Trust will need to meet the statutory requirements of the School Premises Regulations 2012.

6.2.2. A funding agreement should be put in place with the Academy Trust to detail the terms of the funding being provided including the risk of any overspend and clawback mechanisms.

## **7. Equality and Diversity Considerations**

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.

## **8. List of Appendices**

Appendix 1 - Equalities Comprehensive Impact Assessment

## **9. List of Background papers**

None

<b>I approve the above recommendations set out above for the reasons set out in the report.</b>	<b>Date</b>
<b>Councillor Tony Ball - Cabinet Member for Education Excellence, Lifelong Learning and Employability</b>	18/10/23

**In consultation with:**

<b>Role</b>	<b>Date</b>
<b>Executive Director, Corporate Services (S151 Officer)</b>	25.9.23
<b>Daniel Tooke on behalf of Nicole Wood</b>	
<b>Director, Legal and Assurance (Monitoring Officer)</b>	25.9.23
<b>Katie Bray on behalf of Paul Turner</b>	
<b>Director, Education</b>	
<b>Clare Kershaw</b>	18/10/23