

**Forward Plan reference number: FP/369/04/22**

<b>Report title:</b> Proposed expansion of Tendring Primary School from September 2023 - Final Decision	
<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> 08 July 2022	<b>For:</b> Decision
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<b>County Divisions affected:</b> Tendring Rural West	

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This report has a confidential appendix which is not for publication as it includes exempt information falling within paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended.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

- 1.1 If the recommended option to expand Tendring Primary School (the School) is approved, Essex parents will benefit from additional, high quality primary school provision becoming available from September 2023, increasing their chances of gaining local places for their children in preferred schools.
- 1.2 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:
  - 1.2.1 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.
  - 1.2.2 Supporting high quality education outcomes. 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 an inappropriate environment.
  - 1.2.3 This proposal would contribute to the strategic aims of creating a good place for children and families to grow, a high-quality environment and creating a strong, inclusive and sustainable economy.

## 2 Recommendations

- 2.1 Agree to expand Tendring Primary School, from 140 places (20 pupils per year group) to 210 places (one form of entry, 30 pupils per year group) from September 2023 in order to meet the need for primary school places in the locality.
- 2.2 Agree to procure the associated building works for the expansion of the school through a two-stage design and build contract using the Essex Construction Framework 2.
- 2.3 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.
- 2.4 Approve the capital budget for construction and associated project fees, as profiled in the Confidential Appendix.

### **3 Background and Proposal**

- 3.1 The 10 Year Plan – Meeting the demand for School Places in Essex, 2022-2031 (the “10 Year Plan”) indicates a sustained need for additional primary school capacity in Tendring. Growth in the area has come about by new families moving in, new housing developments and the popularity of the schools. The expansion of Tendring Primary School represents a good option to help towards meeting this local demand.
- 3.2 Essex County Council (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 school groups. This information is used to forecast pupil numbers and ensure there are sufficient school places across the County.
- 3.3 The following table shows a forecast for the availability of Reception places over the next ten years in Tendring Primary Schools Planning Group 1, as shown in the 10 Year Plan 2022 to 2031. The planning group comprises Tendring Primary School along with Engaines Primary School and Nursery, Rolph CE Primary School and St. Andrew’s CE Primary School:

Year	22/23	23/24	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32
+/-	7	22	6	3	-2	-5	-7	-12	-16	-21
Engaines Primary, Rolph CE Primary, Tendring Primary, Weeley St Andrew’s CE Primary										

- 3.4 The forecast suggests that there will be very little headroom at Reception intake from 2024 onwards, with a deficit of places across the 4 schools, thereafter.
- 3.5 More recent data suggests that the forecasts may be an underestimate of demand. The planning group has 118 Reception places available each year and allocations data (1/6/22) show that 119 places have been offered for September 2022 entry, with 23 children on a waiting list for schools in the group. This means that the predicted surplus of seven places in September 2022 as shown in the table above may in fact turn out to be a small deficit. In addition, initial information (26/5/22) shows that there may be nine children from Ukraine who would need a place at a school in the group. Obviously, these potential additional children are not accounted for in the forecasts.
- 3.6 In January 2022, there were already a total of 850 children in the schools in the group (January 2022 Census). The schools' combined capacity is 822 places. The 10 Year Plan forecasts that the schools will continue to be over capacity for the foreseeable future, as shown in the table below. The expected pressure on Reception places and the existing pressure on places across the group shows the need for expansion to provide the additional places that are required.

<b>Year</b>	<b>Forecast Total Number on Roll</b>
22/23	872
23/24	857
24/25	845
25/26	843
26/27	858

- 3.7 ECC's proposal to increase the size of Tendring Primary School, an ECC maintained school, will ensure that children will be able to access a school place within the planning group. It will provide more places to meet the growing demand in the area and will enable parents to gain a place for their child at a school rated 'Good' by Ofsted (last inspected in March 2019). The School is the only primary provision in the planning group over the last five years that has been consistently oversubscribed with first preference applications. It is highly likely that this level of demand will continue in the future, so increasing the size of the School will allow more parents to be offered their first preference school place.
- 3.8 The proposed expansion is strongly supported by the School's senior Leadership Team, who recognise the organisational advantages that moving to one form of entry (30 pupils in each year group, rather than the current 20 pupils per year group) would deliver for future pupils. Expanding the School will also help it to remain financially sustainable. At present the school mixes age groups; the expansion would allow them to plan single age group classes which will aid teaching and learning. 70 additional pupils will create additional revenue for the

school and lead to economies of scale, providing more resilience against fluctuations in numbers and funding changes in the future.

- 3.9 The School will grow on a phased basis as it admits up to 10 additional pupils into its Reception Year cohort year-on-year. The School is popular and to help meet the demand for places in the area it has already admitted additional pupils in some year groups. If the School's accommodation is expanded in September 2023, it could be expected to reach its full capacity of 210 pupils by September 2024, which takes into account the School's helpful approach of already accepting a small number of pupils into other year groups.
- 3.10 The expansion of the School is not expected to have any detrimental impact upon other local schools, as it responds to increased demand within the area. Phased growth should ensure no disproportionate impact upon any other school in the area.

#### Scope of Proposed Building Project

- 3.11 A viability study has been carried out at the School and has confirmed that with appropriate new build and modifications to the existing layout, the site is large enough to accommodate the additional pupils.
- 3.12 Expanding the School to 210 places will require the construction of a new single storey teaching block comprising a new main entrance, secure lobby, reception desk, two classrooms, kitchen extension, studio with store, and toilets.
- 3.13 At present the School lacks a clearly defined main entrance, reception desk and secure lobby. Reception staff are located some considerable distance away from the entrance, with no direct line of vision to observe visitors approaching. The creation of a new front entrance with a secure lobby monitored by staff within the new office area will mitigate this safety risk and enhance pupil and staff safeguarding at the school.

#### Consultation

- 3.14 A public consultation on the proposed expansion was conducted by ECC between 4 November 2021 and 2 December 2021. The consultation showed strong support for the expansion, along with concerns about increased car traffic associated with more children at the School and worries about existing car parking for parents. The outcomes of the consultation were reported to the Cabinet Member (FP/338/03/22) who agreed to the publication of statutory notices for the expansion.
- 3.15 Since the end of the consultation period, the School's Leadership Team has been working to update the travel plan and to incorporate ideas which will lead to sustainable travel arrangements for the school. The updated travel plan is required to be completed and agreed within 6 months of achieving planning permission and the School, working with ECC support, will continue to work develop the plan to be as ambitious as possible.

- 3.16 The School is looking at a number of options which will allow parents and children to walk or cycle/scoot to school confidently. For those parents who need to drive to school the School's Leadership Team is considering brokering a car sharing scheme, which will reduce the number of car journeys made to the School.
- 3.17 In addition, it is intended that the temporary staff car park, which has been constructed for use by the contractors during the building project, will be used by parents at drop off and pick up times after construction has been completed, which will mitigate potential parking issues caused by more parents driving to school.
- 3.18 Not providing sufficient local school places could 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 £259,483 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 £64,870.

#### Publication of Statutory Notices

- 3.19 Statutory notices were published on 18 March 2022 for a period of 4 weeks. During this period no responses were received.
- 3.20 As there have been no additional comments for the Cabinet Member to consider since the outcomes of the initial consultation were reported in FP/338/03/22, we continue to recommend that the expansion of the School is approved. The latest admissions data for the 2022/23 academic year is in line with the forecast data underpinning this decision, and therefore also supports the recommended option.

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

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

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

- A high-quality environment
- Health wellbeing and independence for all ages
- A good place for children and families to grow

## **5. Options**

### **5.1 Option 1 – Agree to expand the school (recommended option)**

5.2 This proposal is part of the overall strategic response to meet the need for additional school places across the county.

5.3 ECC's proposal to expand the School is intended to ensure that local children have the opportunity to access a local school. Additional Reception places will provide headroom in future admission years where forecasts suggest there will be a very close match between supply and demand and will therefore contribute to providing sufficient places should the size of the cohort increase over time due to inward migration. The School is popular and oversubscribed and is rated "Good" by Ofsted. Expanding the School will enable more parents to gain a place for their child at a popular, high performing school.

5.4 Although there were no responses to the statutory notice there was strong support for the proposal during the consultation period.

5.5 On balance it is considered desirable to expand the School for the educational benefits this will bring (for example, the removal of mixed age teaching as it will run one full class per Year Group). Further, education funding being largely driven by pupil numbers, financial benefits can be expected to follow the expansion, in terms of the resource secured by the School to deliver the curriculum.

5.6 The outcome of the strategic analysis indicated that expanding the School is a viable option that represented good value for money to the Essex taxpayer.

5.7 Option 1 is therefore the preferred option.

### **5.8 Option 2 – Do nothing**

5.9 The option to do nothing is not practicable. 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 in the Planning Group and for ECC to meet its statutory duty to provide a school place for every child.

- 5.10 Should additional places not be delivered for September 2023 there is a 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.

### **5.11 Option 3 – Expand a different school**

- 5.12 Other schools within the planning group, Engaines Primary, Rolph CE Primary, and Weeley St Andrew's CE Primary, were considered as part of a sustainable solution for the growth but were discounted as they were not practical to expand. Engaines, which is located in Little Clacton, attracts numerous Clacton town applicants and expanding the school would draw more children from Clacton rather than addressing the demand for places from within Group 1. Rolph is on a very small site which fronts a busy main road through the village and is therefore unsuitable for expansion. St Andrew's has a large site but because of its location on a busy main road there would be significant planning risks involved in expanding the school.

- 5.13 Given the circumstances at the other schools in the group it is considered that expanding Tendring Primary is the appropriate solution to provide additional primary school places in this area.

- 5.14 Option 3 is therefore not the preferred option.

## **6 Issues for consideration**

### **6.1 Financial implications**

#### **6.1.1 Capital**

- 6.1.2 Please see the confidential financial appendix for detailed capital financial information. The total capital budget is within the approved capital programme and MTRS and is funded by Basic Need Grant, S106 and ECC borrowing.

#### **6.1.3 Revenue**

- 6.1.4 The revenue costs of £25,676 in 2022/23 for furniture and equipment will be met from Dedicated Schools Grant (DSG).

### **6.2 Legal implications**

- 6.2.1 Tendring Primary School is a maintained primary school. The regulations governing this expansion proposal are the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, which requires a local authority to publish a statutory proposal where it proposes to increase pupil numbers in a community school.



6.2.2 The process for publishing statutory proposals for maintained schools is set out in the Education and Inspections Act 2006 and the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.

6.2.3 Consultation with the community on the proposal to expand the School was carried out between 4 November 2021 and 2 December 2021. The outcomes were reported in decision FP/338/03/22.

6.2.4 Statutory notices were published on 18 March 2022 for a four-week period. No responses were received during this time. The Council is satisfied that the statutory process is compliant with all procedural requirements.

6.2.5 The building works will be procured by ECC using an existing framework agreement which will comply with the Public Contracts Regulations 2015. Contractors experienced in working on projects of this type will be used.

## **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**

8.1 Appendix 1 – Equality Impact Assessment

8.2 Confidential Appendix

## **9 List of Background papers**



## 9.1 Statutory Notice

<b>I approve the above recommendations set out above for the reasons set out in the report.</b>	<b>Date</b> 07.07.22
<b>Councillor Tony Ball, Cabinet Member for Education Excellence, Lifelong Learning and Employability</b>	

### In consultation with:

<b>Role</b>	<b>Date</b>
<b>Executive Director for Children, Families &amp; Education</b>	05.07.22
<b>Clare Kershaw on behalf of Helen Lincoln</b>	
<b>Executive Director, Corporate Services (S151 Officer)</b>	01.07.22
<b>Stephanie Mitchener on behalf of Nicole Wood</b>	
<b>Director, Legal and Assurance (Monitoring Officer)</b>	29.6.22
<b>Katie Bray on behalf of Paul Turner</b>	