

**Forward Plan reference number: FP/879/11/20**

<b>Report title:</b> Proposed expansion of The Sweyne Park School, Rayleigh, to increase its capacity by 1 form of entry from September 2021	
<b>Report to:</b> Councillor Ray Gooding - Cabinet Member for Education and Skills	
<b>Report author:</b> Clare Kershaw, Director, Education	
<b>Date:</b> 8 December 2020	<b>For:</b> Decision
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<b>County Divisions affected:</b> Rayleigh	

**NOT FOR PUBLICATION**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 secondary school places in the Rayleigh area and to seek approval to expand The Sweyne Park School (the “Academy”) from just over 8 forms of entry (248 pupils per year group) to 9 forms of entry (270 pupils per year group), with effect from 1 September 2021, in accordance with Essex County Council’s (“ECC”) duty to commission sufficient school places.
- 1.2. To seek approval for capital investment from ECC for the construction project to increase the Academy’s capacity in readiness for September 2021.

**2. Recommendations**

- 2.1. To agree the expansion of the Academy from 248 pupils per year group (just over 8 forms of entry) to 270 pupils per year group (9 forms of entry) with effect from September 2021.
- 2.2. To agree the direct award of a contract to Pick Everard under the terms of Essex Professional Services Framework for pre-construction works as set out in paragraph 3.15 professional design, planning, and survey services.
- 2.3. To agree to delegate authority to the Head of Infrastructure Deliver, so they may:
  - a. Agree the proposed design and the launch of a competitive procurement for the construction through the Essex Construction Framework (2).
  - b. Agree the winning bidder;
  - c. issue instructions to commence the works once satisfactory planning permission has been granted for the works

- d. Award the construction contract to the successful bidder once he is satisfied that
  - (i) The school has all necessary permissions in place to expand; and
  - (ii) Funding is in place to fund the likely cost of the expansion.

2.4. Approve the capital budget for construction and associated project fees, as per the profile as stated in the confidential appendix, noting that this reflects a reduction in the Project's cost of £372,000 (from £2.728m to £2.356m) with the decrease in 2021/22.

### 3. Summary of issue

3.1. The Rayleigh area has experienced a sustained rise in the demand for secondary school places recently largely as a result of new housing developments. Latest forecasts indicate continued growth in pupil numbers in the area and additional provision is required to balance future supply and demand for local secondary school places.

3.2. ECC has a duty to ensure that there are enough school places for children living in the County. In order to do this, ECC monitor birth rates, new housing developments and patterns of parental preference across groups of schools. This information is used to forecast pupil numbers and to ensure there are enough school places across the County.

3.3. The following table (which was also included in the consultation document for the expansion) shows the potential deficit of places over the next 4 years in Rayleigh. This is also illustrated in "The 10 Year Plan for Meeting the Demand for School Places in Essex 2020-2029" (The 10 Year Plan):

Year to be admitted to Year 7	2021/22	2022/23	2023/24	2024/25	2025/26
Total number of Year 7 places	548	548	548	548	548
Predicted local requirement for Year 7 places	562	541	547	554	592
<b>Predicted deficit with potential pupils</b>	<b>-14</b>	<b>7</b>	<b>1</b>	<b>-6</b>	<b>-44</b>

3.4. This shows that additional secondary school capacity is required to meet long term forecast demand in Rayleigh by 2021. The neighbouring Fitzwimarc School was discounted for expansion as we have just permanently increased its capacity at the first stage of our planned expansion of secondary school places in the area, and is undergoing extensive condition related building works led by the DfE. There are no other secondary schools in Rayleigh.

## Proposed expansion of The Sweyne Park School for September 2021

- 3.5. The Sweyne Park School converted to academy status in April 2013 and is part of the Rayleigh Schools Trust. The school was last inspected by Ofsted in March 2013 and was rated as 'Outstanding'. It has not been inspected by Ofsted since its conversion.
- 3.6. 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 9FE school which will also contribute to the local solution in response to the demand for places.
- 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. Expansion of the Academy will provide more places to meet the growing demand in the area and will enable more parents to gain a place for their child at a popular, high performing school.
- 3.9. In considering the proposal to expand the Academy, the impact on other local schools has been considered. It is not expected to have any detrimental impact upon other local schools, as it responds to increased demand within the immediate area of the Academy. Phased growth should ensure no disproportionate impact upon any other school in the area.

### Consultation

- 3.10. The Academy undertook a consultation between 22 June 2020 and 19 July 2020, on the proposed expansion to 9 forms of entry with effect from 1 September 2021. Consultation documents were made available online on the Academy's and Trust's websites and hardcopies were distributed to parents of children at the Academy. Socially distanced sessions were held by appointment only on 6 July at the school site. Responses to the consultation could be made through the organised meeting and by letter or email.
- 3.11. A total of 3 responses were received during the consultation period. One was in favour of the expansion, the other two were neutral but raised queries over the capacity of the corridors and dining hall. These will be addressed as part of the design of the new block, to allow for extra wide corridors and additional lockers. The school has reviewed the strategy for lunch breaks taking into account the increased number of pupils.
- 3.12. The governing body of the Academy was informed of the results of the consultation and agreed that the expansion process should be taken forward.

### Scope of Proposed Building Works and procurement:

- 3.13. The solution design provides 6 classrooms which are suitable for both mainstream and hearing-impaired pupils, and associated facilities. The enhanced acoustic BATOD (British Association of Teachers of the Deaf) professional, industry standard has been met to provide an inclusive learning environment, and that has been achieved by working with ECC's Lead Deaf & Educational Audiologist.
- 3.14. This project is part of a larger programme of work called the Modular Innovation Project, MIP. MIP aims to create new uniform educational buildings at Clacton County High, Colne, and Sweyne Park, as all are secondary schools.
- 3.15. ECC is seeking to directly award in accordance with the terms of the professional services framework to Pick Everard. Pick Everard, a multi-disciplined design service, will carry out all the pre-construction work necessary to establish a final de-risked design and cost, to build six classrooms which are suitable for both mainstream and hearing-impaired pupils, with associated facilities. This will enable the contractor procured under the ECF2 Framework to provide a fixed price for the work through a single stage mini competition.
- 3.16. The technical design, and the building work, will be carried out by a contractor procured following a mini competition under the terms of the Essex Construction Framework 2.
- 3.17. The Essex Construction Framework 2 is set up by ECC with principal contractors appointed to the framework to carry out design and construction related works. Bids will be sought for a fixed price under a single stage mini competition for a contractor to carry out the works summarised above. The bids will be evaluated on a 65% price and 35% quality split in order to determine best value for money whilst ensuring ECC's requirements are fully met.

#### **4. Options**

##### **4.1. Option 1 – Agree to approve the proposals set out within this report and expand the Academy**

This proposal is part of the overall strategic response to the need for additional school places in Rayleigh across the whole of the ten-year period as set out in the 10 Year Plan. The other secondary school in Rayleigh, The Fitzwimarc School, was permanently expanded in 2019. The proposed expansion of the Academy will provide additional capacity in the area and will provide the opportunity to meet a higher number of parental preferences.

ECC's proposal to expand the Academy is intended to ensure that local children have the opportunity to access a local school. The Academy is popular and oversubscribed and is rated "Outstanding" by Ofsted. Expanding the Academy will enable more parents to gain a place for their child at a local, popular and high performing school.

ECC will work with the Academy to try to limit the impact of additional traffic on the neighbourhood. Although there will be some impact, on balance, the provision of additional places in an area of need would be desirable.

Option 1 is the preferred option.

#### 4.2. **Option 2 – do nothing**

The do nothing option is not recommended as this prevents the expansion of the Academy which is needed to increase pupil places, 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.

Should additional places not be delivered for September 2021 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 an increased number of parental preferences will not be satisfied.

### 5. Links to Essex Vision

#### 5.1 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

*For more information visit [www.essexfuture.org.uk](http://www.essexfuture.org.uk)*

#### 5.2 The proposed new infrastructure not only focusses on providing low carbon deliverables for a sustainable solution, but also provides an inclusive teaching environment which is suitable for both mainstream and hearing-impaired pupils.

#### 5.3 This links to the following strategic aims in the Organisational Plan:

- Enable inclusive economic growth
- Help people get the best start and age well
- Help create great places to grow up, live and work

#### 5.4 By proceeding with the project, the Council fulfils its duty to promote high educational standards, ensure fair access to educational opportunity, and promotes the fulfilment of every child's educational potential. It also seeks to ensure that there are enough school places in this part of the county to promote diversity and increase parental choice.

### 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. 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 will generate additional funding in 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. Indicative funding to create an additional 30 places from September 2021 is £55,844.
- 6.1.3. 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.
- 6.1.4. Furniture and equipment will be funded from within the existing furniture and equipment revenue budget funded via the DSG, a sum of £33,900 has been set aside for this project.
- 6.1.5. It is not 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. The Sweyne Park School is an Academy and therefore 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. 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 Academy 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. Due to the value of the project the procurement of goods, service and works will be subject to the Public Contracts Regulations 2015 ("PCR Regulations") and therefore ECC must ensure it complies with the PCR Regulations and its own internal procurement rules.

## **7. Equality and Diversity implications**

- 7.1. 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.
- 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 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.

## **8. List of appendices**

- 8.1. Appendix A – Equality Impact Assessment
- 8.2. Confidential Appendix

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

None.

Proposed expansion of The Sweyne Park School for September 2021

<b>I approve the above recommendations set out above for the reasons set out in the report.</b>	<b>Date</b>  21/12/20
<b>Councillor Ray Gooding, Cabinet Member for Education and Skills</b>	

**In consultation with:**

<b>Role</b>	<b>Date</b>
<b>Nicole Wood, Executive Director for Finance and Technology Services (S151 Officer)</b>  Approved by Stephanie Mitchener	  8/12/20
<b>Director, Legal and Assurance (Monitoring Officer)</b>  Approved by Susan Moussa on behalf of <b>Paul Turner</b>	  10 December 2020