

**Forward Plan reference number: FP/866/11/20**

<b>Report title:</b> Establishment of a new 210-place primary school and 56 place Early Years provision at the St Luke's housing development, Runwell	
<b>Report to:</b> Cabinet	
<b>Report by:</b> Councillor Ray Gooding, Cabinet Member for Education and Skills	
<b>Date:</b> 16 February 2021	<b>For:</b> Decision
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<b>County Divisions affected:</b> Stock, Chelmsford	

**NOT FOR PUBLICATION**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. This report asks the Cabinet to approve the establishment of a new 210-place (1 form of entry) primary school and associated 56 place Early Years provision (for children aged 0-5) to meet growing demand for primary age places in the local area and award the relevant contract for delivery of the new school.
- 1.2. The demand is due to the housing development at the St Luke's Park new housing site in Runwell, Wickford. However, the location of the housing development is significantly closer to Rettendon, Chelmsford than to the Runwell area in Wickford. Therefore, for school planning purposes, this development is considered to be within the planning group for Rettendon, Chelmsford as this follows the expectation in terms of pupil demand and parental preferences and behaviour.

## **2. Recommendations**

- 2.1. Agree that a new 210-place primary school and 56 place Early Years provision should be established to serve the population growth at the St. Luke's Park housing development.
- 2.2. Agree that the Director, Education issues notification that the Council is seeking to establish a free school in the area and seeks bids from potential sponsors by sending the notice to operators of schools in Essex, and by public notice.
- 2.3. To agree to undertake a procurement exercise to secure a construction partner through a mini competition using the Essex Construction Framework, in accordance with the budget set out in the Confidential Appendix.

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2.4. Agree that the Head of Infrastructure Delivery is authorised to enter into a contract at the end of the procurement exercise to deliver the new primary school and Early Years provision on the St Luke's Park housing development, provided 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 as stated within the Confidential Appendix and represent value for money.

### **3. Summary of issue**

3.1. Primary pupil numbers in Rettendon, Chelmsford are forecast to grow over coming years, primarily due to new housing.

3.2. The latest Reception place forecasts for the Rettendon/West Hanningfield area are shown in the 10 Year Plan "Meeting the demand for school places in Essex 2020 to 2029":

Year	20/21	21/22	22/23	23/24	24/25	25/26	26/27	27/28	28/29	29/30
+/-	-9	-6	-16	-14	-15	-16	-16	-16	-16	-16

Rettendon Primary, St Peter's CE Primary

3.3. These forecast data show a permanent demand for more primary school places from September 2020. There have been sufficient places to accommodate the additional demand within Rettendon, Runwell and Wickford but from September 2022 there will be no surplus capacity in the surrounding areas and a permanent provision of new primary places is required.

3.4. The St Luke's Park housing development has been on-going for a number of years. The s106 agreement for the development required the provision of a site for a new primary school and Early Years provision. This has been provided and it will be prepared for handover to Essex County Council (ECC) in March 2021.

3.5. It is proposed that the new primary school be established for September 2022. Under the statutory presumption in favour of academies, ECC is required to hold a competition to seek a sponsor and then to make a recommendation to the Secretary of State. In July 2015 the Department for Education (DfE) renamed the 'Academy Presumption' as 'the Free School Presumption' and from now on all new schools which would have been classified as 'academies' are now being called 'free schools'.

3.6. It is proposed that the new primary school would open with 30 places available in Reception in September 2022. The school should grow on a phased basis and admit Reception intakes year-on-year.

- 3.7. In considering the proposal to establish a new school, the impact on other local schools has been considered. The new school is not expected to have any detrimental impact upon other local schools as it responds to increased demand. Phased growth should ensure no disproportionate impact upon any other school in the town.
- 3.8. If this decision is approved, proposals will be invited from potential academy sponsors to run the new primary school provision.
- 3.9. The Secretary of State will make the final decision about the successful sponsor and could decide to appoint a sponsor even if the Council considered that none of the proposals submitted were acceptable. As part of the implementation of the proposal, the Secretary of State may make a property transfer scheme which requires the Council to transfer an interest in land to the Academy Proprietor.
- 3.10. Similarly, the process for inviting potential sponsors for the Early Years provision will be advertised separately and proposals will be assessed by the grants panel who will evaluate responses against the criteria.
- 3.11. Sponsors will be invited to submit proposals for the new primary school and/or the Early Years provision.
- 3.12. Although its Priority Admission Area will be set once a sponsor is appointed by the Secretary of State, ECC will set out its expectation (when the specification is published) that the new school is intended to serve the local area.

#### Consultation

- 3.13. A consultation on the proposed new primary school and associated Early Years provision was conducted by ECC between 2 November 2020 and 13 December 2020, with consultation documents being made available online and sent to interested parties via email, and telephone appointments were arranged and publicised. Responses to the consultation could be made through the telephone appointments and/or via the electronic response form, and by letter or email.
- 3.14. Telephone appointment sessions took place on 19 November 2020. Attendees were able to ask ECC officers about the proposal. Feedback from the engagement sessions showed support for the proposals.
- 3.15. A total of 180 electronic responses were received during the consultation period. The analysis of the responses by category (as identified by the respondents) is as follows, which shows that the consultation reached a range of different stakeholders:

Category of Respondent:	Total	%
Parents/ carer	91	49%

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Educational professional	5	3%
Locally elected politician	2	1%
Local resident	81	44%
Other	6	3%

- 3.16. A breakdown of the number of written responses for and against the proposals is as follows:

For/ Against Proposal	Total	%
In Favour	162	88
Neutral	3	2
Not in Favour	20	10
<b>Grand Total</b>	<b>185</b>	<b>100</b>

A summary of the responses received, along with other correspondence received, is included in the background papers.

- 3.17. The majority of the respondents who expressed support for the proposal emphasised the need to cater for the new housing in the area, and as a vital part of the community infrastructure in the area.
- 3.18. Although the new school will be an academy/free school it is ECC's intention that it will serve the local community, with the hope that its facilities will be made available to the public as much as possible. This will be stressed in the specification for the school.
- 3.19. Of the twenty responses that showed opposition to the proposal, most expressed concerns around traffic and parking issues. Comments relating to traffic and parking issues are frequently made in response to new school consultations. It is a common issue that schools and early years provision are located in residential areas and experience high volumes of traffic at the beginning and end of the school day. The alternative view, which was expressed by other respondents, is that locating the school and early years provision at the heart of the new development will make it a strong part of the new community, and will allow children living on the new development to walk rather than use transport.
- 3.20. Traffic and parking concerns relating to the proposal are being actively considered and appropriate mitigation options are being developed. We are planning to provide the site with 40 scooter and 18 cycle parking spaces for the school, and a further 2 scooter and 2 cycle spaces for the nursery to encourage walking. The inclusion of two secure pupil entrances (one being adjacent to the neighbourhood centre) will allow safe access to the school grounds for those not using private vehicles and will encourage walking. The new homes on the development are all within 800m walk of the school and as such the vehicular trip rates will have the potential to be significantly lower.

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3.21. A number of respondents queried the admission arrangements and catchment area (priority admissions area) for the new school. As this will be the responsibility of the successful sponsor it was not possible to give a definitive answer to these questions. However, it was stressed that ECC's intention is that school serve the local community, and that the specification for the new school will emphasise this intention. When the sponsor is appointed officials will engage with them over the admissions process.

### Procurement

3.22. A mini competition will be undertaken using the Essex Construction Framework. This Framework has been used by ECC on many occasions for similar construction contracts and the prescribed process set out within the Framework Agreement will be used. The contract will only be awarded to the successful bidder once the Head of Infrastructure Delivery is satisfied that planning permission has been granted to the new school and early years provision; and the construction costs are within the agreed budget and represent value for money.

### Proposed Building Works

3.23. Proposed delivery timescales are as follows:

Milestone	Date
Planning application to be submitted	January 2021
Planning permission	May 2021
Final Business Case to Investment Board	June 2021
Start on site	July 2021
Build completion for handover	July 2022

## 4. Options

- 4.1. **Option 1 – Agree to approve the publication of a specification inviting proposals to establish a new 210-place (2 forms of entry) primary school, and separately invite proposals for the early years provision, and award the relevant contract for delivery of the new school.**
- 4.2. It has always been the intention that a new school and Early Years provision should be built on the St. Luke's Park housing development to serve the new community that is evolving there. The s106 agreement which secured the option of a site is a concrete expression of this intention. There is at present no other site for a new school or Early Years provision available to ECC in the area.
- 4.3. If it were decided not to take this option forward another site would need to be found for a new school and Early Years provision, or other options developed with existing schools, causing delay and additional expense to ECC.
- 4.4. Responses to the public consultation show support for the proposals in the area, both to provide local school places and Early Years places for residents and to help provide a focal point for the community. Although reservations have been

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raised in relation to traffic potentially created by the new school and Early Years provision, the counter argument is that without a school in the area parents may have longer journeys to other schools, which in turn would create more traffic.

4.5. The outcome of the consultation and analysis of the costs indicated that a new 1FE primary school and 56 place Early Years provision on the St. Luke's Park housing development site is viable and represents good value for money to the Essex taxpayer and is therefore the recommended option.

4.6. Option 1 is the preferred option.

#### **4.7. Option 2 – do nothing**

4.8. The option to do nothing prevents the creation of the new primary school and Early Years provision. There is a need to increase these provisions and the proposed new primary school and Early Years setting is a solution to meet the continued increase in demand and for ECC to meet its statutory duty to provide a school place for every child.

4.9. Should additional places not be delivered for September 2022, there is a significant risk that children will be without school or nursery places in their local area, that longer journeys will need to be made between home and school/nursery in order to find alternative settings with spaces and that in an increased number of parental preferences will not be satisfied. Accordingly, this is not the recommended option.

### **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

5.2 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

5.3 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. The proposed new infrastructure focusses on providing low carbon deliverables and so promotes a sustainable solution.

### **6. Issues for consideration**

#### **6.1. Financial implications**

### Capital

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

### Revenue

- 6.3. A pre-opening budget of £150,000 will be provided from the Growth Fund to pay for costs incurred before the new school becomes a legal entity and has pupils on roll, as set out in the ECC Growth Fund Policy. This is to ensure that the school can undertake all necessary work and appoint staff in preparation for opening.
- 6.4. 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. For new academies, in the first year of operation the LA confirms a funding allocation based on estimated numbers across the year groups that will open in the first year of operation. 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 an academic year to ensure the school has sufficient resources to provide the required number of classes. At the end of the approved growth period the school will be funded on actual pupil numbers. Indicative funding for 30 places from September 2022 is £260,930.
- 6.5. Furniture and equipment will be funded from within the existing furniture and equipment revenue budget funded via the DSG.
- 6.6. It is not considered that this scheme will increase Home to School transport costs as it fulfils the demand needs in its local area.
- 6.7. There are no staff transfer issues as the academy will be new provision. Staffing for the new school will be decided by the sponsor and will be funded by the academy budget via the Education and Skills Funding Agency. There will be no staffing implications for ECC staff, apart from funding from the Growth Fund, which is part of the DSG, for pre-opening resource costs within the start-up grant.
- 6.8. ECC is required to make provision in its Growth Fund, which is part of DSG, to support increases in pupil numbers relating to basic need.

### **6.9. Legal Implications**

- 6.10. 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.
- 6.11. The Education Act 2011 changed the arrangements for establishing new schools and introduced section 6A 'the academy or free school presumption' into the Education and Inspections Act 2006. Where a local authority identifies the need for a new school in its area it must invite proposals to establish an academy/free school and to specify a date by which proposals must be submitted to the local

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authority. In July 2015, this duty was renamed 'the Free School presumption' by the Department for Education, although this makes no difference in practice and the law has not changed.

- 6.12. ECC will evaluate the responses received and send all bids and the Council's comments to the Secretary of State. The Secretary of State will enter into a funding agreement with the approved academy proprietor of his choice, having considered all proposals and the views of the local authority.
- 6.13. ECC will be required to grant a lease/sub-lease of the land to the proprietor of the academy.
- 6.14. The building works will be procured by ECC using a framework agreement which it is entitled to use. Contractors experienced in working on projects of this type will be used.
- 6.15. 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. 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. Appendix B - Confidential Appendix

**9. List of Background papers**

- 9.1. Consultation document
- 9.2. Consultation responses
- 9.3. Minutes to telephone appointments