

Forward Plan reference number: FP/418/04/19

Report title: Dunmow St Mary's Primary School, two consecutive bulges in 2019 & 2020	
Report to: Councillor Ray Gooding - Cabinet Member for Education and Skills	
Report author: Clare Kershaw, Director, Education	
Date: 6 th May 2019	For: Decision
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County Divisions affected: Great Dunmow, Uttlesford	

NOT FOR PUBLICATION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 primary school places in the Great Dunmow area and to seek approval to accommodate two consecutive bulge groups in 2019 & 2020 by procuring a contractor to deliver two relocatable classrooms, and internal remodelling, with effect from 1 September 2019 in accordance with Essex County Council's duty to commission sufficient school places.
- 1.2. To seek approval for capital funding from Essex County Council (ECC) for the construction project to provide the above bulge classes in readiness for September 2019.

2. Recommendations

- 2.1 To agree to the proposed two bulge classes, temporarily adding an additional 30 pupils per year at Dunmow St Marys Primary School in the 2019 and 2020 academic years.
- 2.2. To approve the capital budget for providing two relocatable classrooms, associated internal refurbishment and new build work and project fees as profiled in the confidential financial appendix.
- 2.3 Agree that the procurement and tender route used on this project will be via the Mitie Facility Services Framework, and will be managed and implemented via the Mitie Facility Services framework procedures.

3. Summary of issue

- 3.1 The below table shows the need for additional primary school places in Great Dunmow from 2019 onwards. Additional capacity is required as a result of large new housing in the Great Dunmow area.

Reception Place Forecast

Year	19/20	20/21	21/22	22/23	23/24	24/25	25/26	26/27	27/28	28/29
+/-	-9	-20	1	-20	-29	-35	-42	-49	-54	-60
Dunmow St Mary's Primary, Great Dunmow Primary, Great Easton CE Primary										

The requirement for two consecutive bulge classes has come about due to issues arising with the development of significant housing at Smiths Farm, in Great Dunmow, on which ECC has a secured site for a new primary school. As this site has not come forward in time to build a new primary school, and it is unlikely that a new primary school can be built until 2022, one of the two local schools has agreed to take two consecutive bulge classes for 2019 & 2020.

- 3.2 The proposal for the School is to admit 90 children in 2019 and a further 90 children in 2020. Thereafter, the School will revert to its normal admission pattern of 60 children per year. The proposal is to relocate two existing relocatable classrooms from Stanway Primary School to Dunmow St Mary's. In addition, some internal remodelling and new build work will be carried out at the school to enable the additional pupils to attend. It is intended that these will be in place and operational by 1 September 2019
- 3.3 In these circumstances where the increase in pupil numbers is temporary, a statutory consultation is not required.
- 3.4 Essex County Council will conduct a procurement through the Mitie Facility Services Framework, and will be carried out in accordance with the specifications set out within the same. It is proposed that Mitie Facility Services appoint and manage the build contractors with E.C.C Quality Inspectors reviewing the works at appropriate stages of the development to ensure the building standards are met and that Health and Safety is maintained within the school site. Ahead of construction the Mitie Technical Team will also undertake a review of the proposals to ensure that the output will deliver a fit for purpose learning environment.
- 3.5 The Project Delivery Timescales are as follows:

Milestone Description	Target Date
Appoint contractor	15/07/2019
Planning Approval	19/07/2019
Start on site	25/07/2019
Works complete	02/09/2019

4. Options

Option 1 – Support the proposal to admit two consecutive bulge classes in 2019 & 2020 places (recommended option)

- 4.1. There are only two primary schools in the geographical area of Great Dunmow. The other school, Dunmow Primary, cannot accept temporary accommodation on its site, due to a stipulation in the Covenant on the land. Therefore, we cannot place a bulge class at this school due to these restrictions.
- 4.2. The proposal to allow Dunmow St Marys Primary School to admit two bulge years is intended to ensure that local children can access a local school.
- 4.3. The School is popular and is rated “Good” by Ofsted.

Option 2 – do nothing (not recommended)

- 4.4. The option to do nothing is not the recommended option as there is a need to increase pupil places in the Great Dunmow area and the proposed bulge classes at the School 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.
- 4.5. Should additional places not be delivered in Great Dunmow for September 2019, there is a significant risk that children will be without a school place in their local area. This will impact significantly on the home to school transport budget, and parents will be without a school of preferred choice.

5. Next steps

- 5.1 The Cabinet Member’s decision will confirm funding for the project and delivery of the project through the existing ECC/Mitie Facilities Services framework.

6. Issues for consideration

6.1. Financial implications

Capital

- 6.1.1 Please see the confidential financial appendix for capital financial information.
- 6.1.2 S106 funding of £391,000 has been received and will be applied to this project

Revenue

- 6.1.3 Furniture and equipment of £13,000 will be funded from within the existing furniture and equipment revenue budget funded via the Dedicated Schools Grant.
- 6.1.4 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.

6.2. Legal implications

- 6.2.1 ECC has a statutory duty to commission enough supply of school places. The two consecutive bulge years was brokered by ECC in accordance with this duty.
- 6.2.2 ECC is responsible for funding the 'basic need' provision of additional school places in Essex at all schools, including academies.
- 6.2.3 Since the School will not be a party to the contract it will be necessary for the contractor to provide collateral warranties to the School as the user of the building and the School will need to enter into an agreement with ECC to secure access to premises.
- 6.2.4 ECC has a duty to take such steps as reasonable to avoid substantial disadvantage to a disabled person. The duty to make reasonable adjustment is triggered when there is a substantial disadvantage. The duty requires the School to take positive steps to ensure that disabled pupils can fully participate in the education provided by the School. The duty is an anticipatory one, owed to pupils in general. Thought should be given in advance of what disabled pupils may require and what adjustments may need to be made for them.
- 6.2.5 Schools cannot delegate these duties, so must specify the relevant matters in the procurement contract.
- 6.2.6 ECC will be required to ensure that the procurement complies with the Public Contracts Regulations 2015 and its own ECC Procurement procedures.

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

- 9.1. None.

I approve the above recommendations set out above for the reasons set out in the report.	Date
Councillor Ray Gooding, Cabinet Member for Education and Skills	28.05.19

In consultation with:

Role	Date
Executive Director for Corporate and Customer Services (S151 Officer)	22.05.19
Margaret Lee	
Director, Legal and Assurance (Monitoring Officer)	16.05.19
Kim Cole on behalf of Paul Turner	