

Forward Plan reference number: not applicable

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| Report title: Freshwaters Primary Academy Expansion from PAN 40 to PAN 60 for September 2020 | |
| Report to: Councillor Ray Gooding - Cabinet Member for Education and Skills | |
| Report author: Clare Kershaw, Director, Education | |
| Date: 9 August 2019 | For: Decision |
| Enquiries to: Monica Bird, School Organisation Officer, email: monica.bird@essex.gov.uk Sam Salisbury – Assistant Project Sponsor, email: sam.salisbury@essex.gov.uk | |
| County Divisions affected: Harlow, North | |

NOT FOR PUBLICATION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 Harlow area and to ask the Council to agree funding and to procure a contractor to expand Freshwaters Primary Academy Harlow ('the School') by the delivery of additional accommodation to support the existing 14 classrooms and enable the school to operate effectively as a 2FE (420 permanent pupil places) site, in accordance with Essex County Council's duty to commission sufficient school places.

2. Recommendations

- 2.1 To agree to the proposal for the academy trust to formally expand Freshwaters Primary Academy, Harlow to a published admission number of 60 from September 2020.
- 2.2. To approve the capital budget as set out in the confidential appendix for providing a single storey standalone building comprising of a library, food tech room, small hall and toilet. External works to include a multi-use games area (MUGA) to re-provide the play space used for new block. Internal remodelling works to expand kitchen and staff area.
- 2.3 Agree that the procurement and tender route used on this project will be through a two-stage design and build mini competition using the Essex Construction Framework and agree that the Director, Capital Delivery may award the contract once he is satisfied that:
- * A satisfactory planning permission has been granted;
 - * The Academy Trust have entered into an agreement with ECC to permit the work to be done;

- * The Academy Trust has made a binding commitment to expand the school.
- * A suitable and affordable bid which represents a reasonable price has been received.

3. Summary of issue

- 3.1 The below table shows the need for additional primary school places in Northwest Harlow from 2019 onwards. Additional capacity is required as a result of new housing in the Harlow 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 |
|---|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| +/- | -8 | -13 | -13 | -23 | -27 | -31 | -34 | -37 | -40 | -43 |
| Cooks Spinney Primary, The Downs Primary, Freshwaters Primary, St Alban's Catholic Primary, Tany's Dell Primary, Hare Street Primary, Little Parndon Primary, Pemberley Primary | | | | | | | | | | |

There is a demand for additional school places in the Northwest area of Harlow from 2019 onwards. The School has increased its intake to 60 Reception age children from 2016 onwards. The additional 20 children will address the shortfall of places in this area until 2022, when we will need to assess if a further expansion at another school is required.

- 3.2 The proposal for the School is to formally admit 60 children in 2020, although it will over-admit by 20 places in 2019, therefore offering 60 places in total. The school has formally increased its Published Admission Number (PAN) to 60 from September 2020.

CONSULTATION

- 3.3 The School completed a formal consultation on its expansion proposals, as per the statutory guidelines for Academies. The consultation period ran from 11th June 2019-9th July 2019. Thirty (30) responses were received from the on-line survey, with 73% in favour and 27% against. Those who responded against the expansion proposal, raised issues that fell into two areas:

- a) Increased traffic and parking issues
- b) Impact on existing pupils (noise)

The first issue will be addressed through an updated Travel Plan which will minimise the use of cars at drop off and pick up times and the second point regarding increased noise of construction will be addressed with the Contractor to minimise noise disruption during school times.

- 3.4 It is proposed that Essex County Council will conduct a procurement through a two-stage design and build mini competition using the Essex Construction Framework. A viability report has been undertaken which has been agreed with the school and sent to bidders. ECC will use Pick Everard for Project Management and Quantity Survey consultants. 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.

3.5 The Project Delivery Timescales are as follows:

| Milestone Description | Target Date |
|-----------------------|-------------|
| Appoint contractor | 20/08/2019 |
| Planning Approval | 09/01/2020 |
| Start on site | 06/03/2020 |
| Works complete | 23/10/2020 |

4. Options

Option 1 – Support the proposal to admit an additional 20 pupils per year at Freshwaters Primary Academy (recommended option)

- 4.1. There are eight primary schools in the northwest geographical area of Harlow. All schools were assessed for a one form entry expansion. Freshwaters Primary Academy was assessed as the best option as it provided the best value for money as the school already had the requisite number of classrooms on site, therefore this option proved to more favourable from a cost perspective compared to other schools, where the proposed costs were high in comparison, as well as not possible on some schools due to site constraints.
- 4.2. The proposal to allow the School to grow to 420 pupils (2fe) is intended to ensure that local children can access a local school which is popular and is rated “Good” by Ofsted.

Option 2 – do nothing (not recommended)

- 4.3. The option to do nothing is not the recommended option as there is a need to increase pupil places in the Northwest Harlow area and the proposed expansion 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.
- 4.4. Should additional places not be delivered in Northwest Harlow for September 2020, 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 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 £48,000 has been received and will be applied to this project

Revenue

- 6.1.3 Furniture and equipment of £7,100 will be funded from within the existing furniture and equipment revenue budget funded via the Dedicated Schools Grant.
- 6.1.4 This scheme will not increase Home to School transport costs as the additional demand needs have already been fulfilled from within the local area. The additional accommodation is to allow the school to operate more effectively as a 2FE.

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.
- 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, but the value of this project is below the threshold in the Public Contracts Regulations 2015.
- 6.2.7 As an academy school ECC does not control the size of the School, this is for the Academy Trust and the Department for Education to agree.

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
- 8.3. Freshwaters Consultation report

9. List of Background papers

- 9.1. None.

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| 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 | 27 Aug 19 |

In consultation with:

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| Role | Date |
| Executive Director for Finance and Technology (S151 Officer) | |
| Margaret Lee | 15 th Aug 19 |
| Director, Legal and Assurance (Monitoring Officer) | 9 th Aug 19 |

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| Paul Turner | |
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