

**Forward Plan reference number:** not applicable

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| <b>Report title:</b> The Helena Romanes School, Dunmow – new Learning Village on site off Buttleys Lane and Stortford Road   |                      |
| <b>Report to:</b> Councillor Ray Gooding - Cabinet Member for Education and Skills   |                      |
| <b>Report author:</b> Clare Kershaw, Director, Education   |                      |
| <b>Date:</b> 22 June 2020  | <b>For:</b> Decision |
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| <b>County Divisions affected:</b> 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#### **NOT FOR PUBLICATION**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 Dunmow area and seek approval to support The Helena Romanes School (HRS) proposed expansion with funding for the pre-construction works for the learning village which includes a new 2FE primary school, off Buttleys Lane in Gt Dunmow.

## **2. Recommendations**

- 2.1 To agree to enter into a funding agreement with HRS at a value no greater than that set out in paragraph 1.1 of the Confidential Appendix for the pre-construction works for the design, planning and procurement costs for the proposed new learning village.

## **3. Summary of issue**

- 3.1 ECC has a statutory duty under section 14 of the Education Act 1996 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 groups of schools. This information is used to predict pupil numbers and to ensure there are sufficient places to meet demand in the area.
- 3.2 The latest forecast from Essex County Council's 10 Year Plan for Meeting the Demand for School Places in Essex 2020-2029 shows a growing demand for primary places in Great Dunmow over the next 10 year period and indicates a need for a new 2fe (420 pupil) primary school in the area from 2020 onwards.

#### Reception Place Forecast

| Year  | 20/21 | 21/22 | 22/23 | 23/24 | 24/25 | 25/26 | 26/27 | 27/28 | 28/29 | 29/30 |
|---|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| +/-   | -22   | -13   | -36   | -40   | -52   | -66   | -82   | -98   | -115  | -115  |
| Dunmow St Mary's Primary, Great Dunmow Primary, Great Easton CE Primary |       |       |       |       |       |       |       |       |       |       |

3.3 Growth in the area has come about through significant new housing to both the East & West of the Town. A new primary site, as part of a large housing development to the West of Gt Dunmow, is the only option to be able to meet the extra demand for primary school places. Even without new housing being built, or delayed, there is still a requirement for a new primary school, based on the number of families living in the Gt Dunmow area, which cannot be accommodated at the current two primary schools in the area (see below.)

3.4 Both primary schools in Gt Dunmow (Dunmow Primary & Dunmow St Mary's) are full and over capacity across all year groups. A new primary school will be able to alleviate this pressure in higher year groups, should we require the school to open up additional classes to accommodate these children.

### CONSULTATION

3.5 The Academy will be required to undertake a consultation as the proposed expansion would be a significant change. However, a consultation is not required at this stage of the process as this decision is part of the design and planning stage, which will allow the Academy to form its proposal that will be consulted on. The consultation on proposed expansion is currently anticipated in September 2020 subject to a decision by the Governing Body and Saffron Academy Trust. Following a public consultation, a decision will be brought forward for ECC to consider for the construction of the new buildings and expansion of HRS.

### Procurement

3.6 HRS proposes to manage the project to ECC and DfE standards. HRS has submitted a costed 2fe primary design which enables the academy to build the primary element of an all-through school by September 2021. HRS propose that the secondary school and sixth form accommodation is built subsequent to the primary age accommodation. Construction of the secondary school and sixth form are to be funded by the academy trust. However in order for the secondary school element to be built, ECC will contribute £908,000 to progress the wider project, which includes £508,000 for the secondary school (including necessary plans and works for both the current and new site), and is capped at this level.

3.7 HRS has worked alongside ECC to consider a contingency plan to provide places at the existing HRS site by the construction of temporary classbases for the primary intake of children if the new building is not available on time or if planning is not approved. If this alternative plan is required, a new report for this decision will be put forward by September 2020 to progress the temporary school proposal.

- 3.8 ECC will ensure that the project is monitored constantly during each stage of the project, with “milestone approvals” to be met before the project can proceed to the next stage. ECC has sufficient resources to review and ensure that the project meets ECC outcomes and programme objectives, as required in the funding agreement.

## **ECC Policy**

- 3.9 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.
- 3.10 ECC has a statutory duty to secure sufficient school and Early Years childcare places within its area. This is encapsulated in the latest iteration of *The 10 Year Plan for Meeting the Demand for School Places in Essex 2020-2029* document and the ECC’s Corporate Outcome 1: Children in Essex get the best start in life. The key role of the planning function is to maintain a balance between the supply and demand of good school places, with regard to future projections of pupil numbers, demographic trends and policy priorities.

## **4. Options**

### **Option 1 – Support the proposal to enter into a Funding Agreement with Helena Romanes School for pre-construction works of a new learning village, including primary provision (Preferred Option).**

- 4.1. The proposal for HRS to build new primary provision is fully supported as the most viable option for additional primary places in the area by the time required (September 2021). With no available options at local primary schools (neither can accommodate further temporary or permanent expansion), and no timely options available through housing development sites, this option provides a solution for the short/medium term. For the longer term, 2026 and beyond, another primary school will be required in the area and a site is included in a S106 agreement.
- 4.2. If the delivery of the new primary accommodation by September 2021 is not achievable a further decision will be brought forward to seek endorsement to provide temporary accommodation on the current HRS school site until a permanent school can be built.

### **Option 2 – do nothing (not recommended)**

- 4.3. The option to do nothing is not recommended as there is a need to increase pupil places in the Gt Dunmow area and the proposed new provision as part of an expanded HRS 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.

## **5. Next steps**

- 5.1 The Cabinet Member's decision will confirm funding for the pre-construction costs and delivery of the project will be self-managed by HRS.
- 5.2 The decision is for pre-construction works only. A final decision on the project will be taken by ECC following the outcome of the public consultation to be undertaken by HRS and, if approved, a further funding agreement between ECC and HRS will be entered into for the construction stage

## **6. Issues for consideration**

### **6.1. Financial implications**

**The proposal is within the allocated budget for this project as set out in the confidential appendix**

#### Capital

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

#### Revenue

- 6.1.2 This scheme will not increase Home to School transport costs as the additional demand needs have already been fulfilled from within the local area.

### **6.2. Legal implications**

- 6.2.1 ECC does not control the size of the school as it is an academy, this is for the Academy Trust and the Department for Education to agree in accordance with the terms of the funding agreement between the school and the Secretary of State. ECC is able to fund expansion of the school as this is authorised by the Academies Act 2010.
- 6.2.2 ECC has a statutory duty to commission enough supply of school places. ECC is responsible for funding the 'basic need' provision of additional school places in Essex at all schools, including academies.
- 6.2.3 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. Schools cannot delegate these duties.

## **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.

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| <b>I approve the above recommendations set out above for the reasons set out in the report.</b> | <b>Date</b> |
| <b>Councillor Ray Gooding, Cabinet Member for Education and Skills</b>                          | 13/07/20    |

**In consultation with:**

| <b>Role</b>  | <b>Date</b> |
|--|-------------|
| <b>Executive Director for Finance and Technology (S151 Officer)</b><br><br><b>Nicole Wood</b>                        | 10/07/2020  |
| <b>Director, Legal and Assurance (Monitoring Officer)</b><br><br>Susan Moussa on behalf of<br><br><b>Paul Turner</b> | 06/07/2020  |