

Report title: Establishment of a new 1,200-place secondary school at the Greater Beaulieu Park development, Springfield, Chelmsford	
Report to: Cabinet	
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Date: 24 January 2017	For: Decision
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County Divisions affected: Springfield	

Confidential Appendix exemption

This report includes 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 additional secondary school places in Chelmsford and seek approval to publish a specification inviting proposals to establish a new secondary school, which will have 1,200 places (8 form of entry) once at full capacity. It is envisaged that this will operate as an all-through provision, together with the 420-place (2 form entry) primary school already under construction.

2. Recommendations

- 2.1. Agree that a new 1,200-place secondary should be established to serve the greater Beaulieu Park development from September 2019, in order to accommodate population growth in the area. This would open with 900 places (6fe) and then grow to 1,200 places (8fe) over subsequent years, and would operate as an all-through provision, together with the adjoining primary school to be established for September 2018.
- 2.2. Agree that the Director for Commissioning: Education and Lifelong Learning issues a document seeking proposals to establish a free school in the area.
- 2.3. That Essex County Council (the Council) publicises the fact that it is seeking proposals by sending them to operators of schools in Essex, and by public notice.
- 2.4. Agree that the Head of Infrastructure Delivery will award the Construction contract to Kier Construction Ltd for delivery of the Beaulieu Park associated building works (Early years, Primary and Secondary School) in line with the capital budget stated within the confidential appendix. Provided he is content that the following conditions have been met:

- a. A satisfactory planning permission has been granted.
 - b. The construction costs are within the agreed budgets and represent value for money.
 - c. The Council becoming the freehold owner of a satisfactory site for the school.
 - d. A sponsor has been appointed by the Secretary of State.
- 2.5. Approve the capital budget for construction and associated project fees as per the profile stated in the confidential financial appendix.

3. Summary of issue

- 3.1. Secondary pupil numbers in the Springfield area of Chelmsford are forecast to grow over the coming years, primarily due to the development of new housing at Beaulieu Park, circa 3,700 new dwellings.
- 3.2. The latest (summer 2016) Year 7 place forecast for the Chelmsford area shows:

	2015/ 2016	2016/ 2017	2017/ 2018	2018/ 2019	2019/ 2020	2020/ 2021	2021/ 2022	2022/ 2023	2023/ 2024	2024/ 2025	2025/ 2026
Number of Permanent Yr. 7 Places 2016/ 17	1,822	1,822	1,822	1,822	1,822	1,822	1,822	1,822	1,822	1,822	1,822
Demand	1,792	1,804	1,856	1,806	1,952	1,880	1,881	2,004	1,910	1,855	1,874
With New Housing Pupil Product	1,792	1,822	1,894	1,870	2,041	1,999	2,027	2,174	2,102	2,066	2,103
Surplus/ shortage	30	0	-72	-48	-219	-177	-205	-352	-280	-244	-281
% Surplus/ shortage	1.6%	0.0%	-4.0%	-2.7%	-12.0%	-9.7%	-11.3%	-19.3%	-15.3%	-13.4%	-15.4%

- 3.3. These forecast data show a permanent demand for increased secondary school places in Chelmsford from September 2017.
- 3.4. The forecast deficit of places from 2017 onwards is as a result of new housing in Chelmsford, with the greatest concentration of new housing at the Greater Beaulieu Park development. To enable these extra places to be provided, the Council has been in discussion with some secondary schools, to accommodate the forecast demand for 2017 and 2018.
- 3.5. The Council's proposal to commission a new all-through provision to serve this area is intended to ensure that local children have the opportunity to access a local school. It is envisaged that the primary and secondary buildings will operate as an all-through provision from Reception age through to age 16, with a potential to develop Sixth Form provision at a future date.

- 3.6. As part of the Greater Beaulieu Park development, the Council is providing a 420-place, 2 form entry, primary school and 56-place Early Years building on the site, responding to high demand within the locality. Consultation for this took place January/ February 2014, and the decision to proceed with these elements related to the current proposal was secured in October 2015.
- 3.7. The Greater Beaulieu Park education site is also large enough to build a 250-place sixth form centre.

4. Options

- 4.1 It is proposed that a new secondary school be established for September 2019, and that this should operate as an all-through provision, together with the new primary school (subject to its own consultation and decision in early 2014) that will open in September 2018. Under the statutory presumption in favour of academies, the Council is required to hold a competition to seek a sponsor. ECC facilitates the competition and makes its 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'. Legally this makes no difference, because legally there is no difference between a Free School and an academy.
- 4.2 The new all-through School would open with 60 places available in Reception in 2018, and 180 places available in Year 7 in September 2019. It is anticipated the school will grow on a phased basis as it admits additional Reception and Year 7 cohorts year-on-year, although further classes *could* be opened to accommodate pupils in higher year groups, should capacity in either phase of education be under pressure in this local area. This position will be assessed nearer the time, and agreed (as necessary) with the selected sponsor of the new school.
- 4.3 In considering the proposal to establish a new school, the impact on other local schools has been considered. The new school it is not expected to have any detrimental impact upon other local schools, as it responds to increased demand (coming directly from the housing development it is being established to serve). Phased growth should ensure no disproportionate impact upon any other school in the city.
- 4.4 If the decision is approved then proposals will be invited from potential sponsors to run the new provision, in new accommodation to be delivered on the Greater Beaulieu Park development. Once the Council has decided to invite proposals it may become irrevocably committed to the new school. Once proposals are received they will be evaluated by the Council and a recommendation will be made to the Secretary of State on a preferred sponsor.
- 4.5 The Secretary of State will make the final decision 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 (presumably now referred to as a 'Free School Proprietor').

- 4.6 The opportunity to run the childcare provision will be published on the Supplier portal. The process to award contracts to childcare providers has previously been agreed (see FP/863/11/14, attached as background paper) and this proposal will follow that process.
- 4.7 Running concurrently with its Free School Presumption Process, the DfE also invites direct applications from Free School proposers, which the Secretary of State considers in 'Waves' running at intervals throughout the year.

Consultation

- 4.8 A public consultation on the Council's preferred strategy to deliver additional secondary school places to serve pupils on the Greater Beaulieu Park development took place between 5 September 2016 and 10 October 2016. Drop in sessions were held on 13 September 2016 and 22 September 2016, at local venues in the Springfield area of Chelmsford. Attendees were able to ask ECC representatives about the proposal, and also see indicative drawings of what was proposed for the Greater Beaulieu Park education site. The consultation document is available as a background document.
- 4.9 During the consultation period, comments on the proposal could be left using an electronic survey form being hosted on the Council's website. Of the five respondents to the survey, three (60%) supported the proposal as it was detailed within the consultation literature.
- 4.10 Of the two correspondents who used the electronic survey form to express their opposition to what was proposed, one saw a greater need for provision catering for high-performing Autistic children available within the city, and the other correspondent suggested that the geographical location of the school made it less accessible to children coming from the Chancellor Park and Chelmer Village areas of Springfield, who will continue to be 'marginalised' as a result.
- 4.11 The Council is committed to delivering additional places for children with special and additional needs on the Autistic Spectrum, within both special and mainstream school settings. Its forecasts bear out the need for an all-through provision as it is proposed for the Greater Beaulieu Park, but do not support the assertion made by the first correspondent about the scale of the need for mainstream enhanced provision for high performing children on the Autistic Spectrum.
- 4.12 Although its Priority Admission Area will be set once a sponsor is appointed by the Secretary of State, The Council will set out its expectation, within the published specification that the all-through Free School is intended to serve the housing development at Greater Beaulieu Park, as that is where the demand for the additional places actually comes from (rather than Chelmer

Village or Chancellor Park, where parents may already choose between a variety of different types of provision).

- 4.13 Comment forms were available at each drop-in session. Ten individual attendees chose to use these, the vast majority acknowledging the need for additional school provision to serve Greater Beaulieu and expressing broad support/ enthusiasm for the Council's strategy to deliver it. Other comments concerned the provision both of disabled toilets in the associated community facilities and sufficient car parking spaces.
- 4.14 Two local Parish Councils corresponded with the School Organisation Team during the consultation period. Of these, Great Baddow raised no concerns, and was judged to be neutral. Little Waltham did 'lodge concern' that (in the view of its Councillors) the proposal did not address the longer term need for schools places generated by future development, as set out in Chelmsford City Council's Local Plan. A response was sent, which assured Councillors that matching the supply and demand for school places was under constant, ongoing consideration by the Council, and invited them to read its online strategic planning document *Meeting the demand for school places in Essex – 10-year plan 2016-2025*, which set out how future demand for places was expected to be addressed across the whole of its administrative area.

Proposed Building Works

- 4.15 The Beaulieu project will achieve a new 8fe (1200 place) 11-16 secondary school building. The Secondary School will be an all-through model with the 2fe Primary School and will operate as one school within separate buildings. Additional community use facilities are to be included and fully funded under the S106 agreement.
- 4.16 An OJEU compliant competitive tender process has already been undertaken via the Essex Construction Framework to select a preferred contractor. As a result of this tender process, Kier Construction Ltd has been awarded the pre-construction work to undertake the design of the school.
- 4.17 If the new school is approved and a sponsor is appointed by the Secretary of State, then ECC will seek to enter into the construction contract with Kier Construction Ltd only once the conditions set out in section 2.4 have been satisfied. This contract will be awarded by the Head of Infrastructure Delivery.
- 4.17 Delivery Timescales are as follows:

Milestone	Date
Planning to be submitted	January 2017
Final Business Case	June 2017
Construction starts	July 2017
Primary School and Early years nursery completed	August 2018
Secondary School completed	January 2019

5. Issues for consideration

5.1 Financial implications:

Capital

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

Revenue

- 5.1.2 A pre-opening budget of £96,000 is 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. An Academy Trust that is sponsoring new provision for the first time may also access an additional one off fund of £25,000 for project management and marketing costs.
- 5.1.3 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 Council will confirm 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 60 places from September 2018 is £100,699.
- 5.1.4 Please note, indicative funding for a 56 place nursery provision is £126,563 for an academic year. Nursery provision is funded on the uptake of places, so funding is only received for each place taken up.
- 5.1.5 Furniture and equipment will be funded from within the existing furniture and equipment revenue budget funded via the DSG.
- 5.1.6 It is not considered that this scheme will increase Home to School transport costs as it fulfils the demand needs in its local area.
- 5.1.7 There will be no staff transfer issues as the academy will be new provision.

5.2 Legal implications:

- 5.2.1 Local authorities must plan for and secure sufficient schools and places for their area in line with their duties under section 14 of the Education Act 1996.

- 5.2.2 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 authority. In July 2015 this duty was renamed 'the Free School presumption' by the DfE, although this makes no difference in practice and the law has not changed.
- 5.2.3 The Council will evaluate the responses received to the proposal by providers to the new school, and will submit comments and recommendations to the Secretary of State. After consideration of the proposal and the recommendations of the Council, the Secretary of State will approve the academy proprietor of their choice and enter into a funding agreement.
- 5.2.4 The Council will be required to grant a lease/sub-lease of the land to the proprietor of the academy.
- 5.2.5 Under Section 6 of the *Childcare Act 2006*, the Council must ensure that there is sufficient childcare within the local area. Section 6 of the Act defines 'sufficient childcare' as sufficient to meet the requirements of parents in the area who require childcare in order to enable them to take up, or remain in, work or undertake education or training which could reasonably be expected to assist them to obtain work.
- 5.2.6 Section 7 of the *Childcare Act* sets out a duty to secure free early years provision for preschool children. Currently every child aged three or four is entitled to 15 hours per week free early years provision for 38 weeks of the year, and 40% of most disadvantaged 2 year olds are entitled to 15 hours per week of free nursery education.
- 5.2.7 If the Council does not provide these services it needs to secure them from a third party so they are delivered in accordance with its statutory duties as there are needs identified in the areas targeted by the developments where s106 contributions have been secured. The grant funding mechanism proposed will support this delivery
- 5.2.8 The building works were procured by the Council using its available framework agreements. Contractors experienced in working on projects of this type are to be used.
- 5.2.9 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.
- 5.2.10 It is important to note that once the Council has decided to hold a competition to find a new provider for the School, the decision is irreversible and Council loses the legal right to stop the school from being created, although the Secretary of State does have the right not to award a contract and so is in a position to stop the school from opening.

5.3 Staffing and other resource implications

- 5.3.1 Staffing for the new academy / free school will be decided by the sponsor and will be funded by the academy budget via the Education Funding Agency. There will be no staffing implications for the Council staff, apart from funding from the Growth Fund, which is part of the DSG, for pre-opening resource costs within the start-up grant.
- 5.3.2 The Council is required to make provision in its Growth Fund, which is part of DSG, to support increases in pupil numbers relating to basic need.
- 5.3.3 There will be no staffing or other resource implications for the early years provision as it will be the responsibility of the appointed childcare provider to employ the required staff. The nursery will open with 56 childcare places available from Day 1. It will be up to the childcare provider to manage how these will be filled and managed. There will not be any financial burden on the Council as this will be for the appointed childcare provider to absorb and mitigate through efficient cost and budget planning

6. Equality and Diversity implications

- 6.1 The Public Sector Equality Duty applies to the Council 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.
- 6.2 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).
- 6.3 The equality impact assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

7. List of appendices List of Appendices

- 7.1. Equality Impact Analysis
- 7.2. Consultation document

7.3. Confidential financial appendix

8. List of Background papers

8.1 FP/863/11/14 (Spending mechanism for Early Years and Childcare infrastructure development funding secured under section 106 Town and Country Planning Act 1990 agreements)