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Report title: Expansion of Colne Community School and College, Brightlingsea	
Report to: Cabinet	
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Date: 24 November 2020	For: Decision
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County Divisions affected: Brightlingsea	

Confidential Appendix

This report has a confidential appendix which is not for publication as it includes exempt information falling within paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended.

1. Purpose of Report

- 1.1 To endorse the expansion of Colne Community School and College (Colne) by increasing capacity from 8 Forms of Entry (FE) to 10 FE provision (1240 places to 1500 places) in order to meet the need for secondary school places in the locality and to enter into a contract to expand the school.

2. Recommendations

- 2.1 To agree to direct award a contract to Pick Everard under the terms of Essex Professional Services Framework for professional design, planning, and survey services and all the pre-construction work necessary to establish a final de-risked design and cost to build twelve new classrooms with facilities and internal remodelling work at Colne Community School and College, Brightlingsea.
- 2.2 To agree to delegate to Cabinet Member for Education and Skills to:
- a. Agree the proposed design and the launch of a competitive procurement for the construction through the Essex Construction Framework (2).
 - b. Agree the winning bidder;
 - c. Award the construction contract to the successful bidder once he is satisfied that
 - (i) An agreement is in place with the academy trust which allows the work to go ahead;
 - (ii) The school has all necessary permissions in place to expand; and
 - (iii) Funding is in place to fund the likely cost of the expansion.
- 2.3 To agree to delegate to the Head of Infrastructure and Delivery to:

- issue instructions to commence the works once satisfactory planning permission has been granted for the works; and
- ensure that collateral warranties between Essex County Council, the contractor and sub-contractors and the school are in place.

2.4 Approve the capital budget for construction and associated project fees, as per the profile as stated in the confidential appendix which requires the reallocation of £1.308m of unutilised budget within the existing education capital programme to this project in 2022/23 and that £822,000 of the existing budget allocated for this project in 2021/22 is slipped into 2022/23 in order to fund the revised expenditure profile.

3. Summary of issue

3.1 Essex County Council (ECC) has a statutory duty 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 school places planning groups. Latest forecasts, which are shown in the “10 Year Plan – meeting the demand for school places in Essex 2020 – 2029” and are set out in the table below, show that there is predicted to be a permanent deficit of secondary school places in the Brightlingsea area in the long term of up to four forms of entry (4FE). This is due to significant inward migration to the area, as well as significant levels of new housing planned in the longer term.

Year 7 Place Forecast

Surplus/deficit of places

Year	20/21	21/22	22/23	23/24	24/25	25/26	26/27	27/28	28/29	29/30
+/-	-21	-28	-24	-68	-72	-86	-75	-83	-79	-103
Colne Community School and College										

- 3.2 There is one secondary school serving the Brightlingsea school places planning group, Colne Community School and College (Colne), which is an academy. Viability work has confirmed that the school can be expanded to meet the need for additional places.
- 3.3 The pupil number forecasts are predicated on substantial amounts of additional housing being built in the planning group over the next 10 years. On average around 190 new dwellings may be built each year over the next three years, with further housing expected in future years. These figures do not include additional housing associated with the planned new garden community.
- 3.4 Because of the impact of Brexit and also more recently Covid-19 the housing market has not been operating as it normally does. However, evidence suggests that the market is rebounding and that demand for houses in more rural areas of Essex such as Brightlingsea may be stronger than in the recent past.
- 3.5 In the present unprecedented economic situation, ECC is seeking to plan for the short to medium term, and to closely monitor demand for school places over this

time period. For the period up to 2023/24 an expansion of 2FE (60 additional Year 7 places) is anticipated to cover the predicted deficit up to this point but will not over-commit resources should the expected further housing increases happen, by expanding on this basis, this reduces the risk of creating surplus places. New trends in housing and migration, as well as student numbers will be monitored carefully and if student numbers they continue to rise in line with present expectations, a further report will be brought forward for a decision as to expansion the further expansion can be commissioned, giving time for the necessary construction work.

- 3.6 At its last Ofsted inspection in May 2018 Colne was rated “inadequate”. Since then the academy has been “re-brokered” and SIGMA multi academy trust took over responsibility with effect from January 2019. Significant progress has been made since then and parental confidence in the school is high, as evidenced by the total number of 294 preferences expressed for the school’s 248 places for September 2020.
- 3.7 Colne is an academy, and as such does not require ECC’s approval to expand. ECC is not required to fund the expansion but ECC has a statutory duty to ensure that sufficient school places are available, so this report requests Cabinet’s approval to support and fund the expansion. ECC has brokered the agreed approach to increasing school places and support of the school’s proposal to expand is intended to ensure that local children have the opportunity to access a local school.

Required Infrastructure

- 3.8 The expansion will require delivery of infrastructure at the Colne site. This will be achieved by a combination of new build and remodelling of existing accommodation.

New Build

- 3.9 A new block containing 12 new classrooms with associated facilities is proposed. It will contain 8 general teaching classrooms which will be used for modern languages, and 4 specialist classrooms which will be used for material, and food, science/technology.

Remodelling

- 3.10 ECC will undertake remodelling in 5 areas of the accommodation at Colne. It is proposed to provide the following;
- A new kitchen and dining room which is sized and equipped to meet the demands of the expanded school.
 - An art, drama, and music area, with an appropriate means of access.
 - A textile technology area, with an appropriate means of access.
 - An additional 2 science rooms in the science block.
 - A covered pupil entrance area to reduce overcrowding in adjacent corridors.

- 3.11 Open plan teaching areas will be divided up into appropriately sized individual classrooms and separate circulation space. This will provide a better and modern learning environment whilst ensuring there is an appropriate and safe means of access around the school.
- 3.12 The focus of the remodelling work is of course to provide appropriate teaching, circulation and catering facilities to suit the greater school pupil numbers. However, the school buildings vary in age across the site. Because of this, the older parts of the school will particularly benefit from the remodelling work as some of the plumbing, electrical, and ventilation systems in these areas will need to be totally replaced as they are beyond the serviceable life span.
- 3.13 For instance, in the dining and adjacent rooms, the existing radiant heating panel system which is un-zoned and highly inefficient, is being replaced with a much more economic zoned system. The basic extract ventilation in the kitchen is being replaced with a full fresh air heat recovery system to reduce heat/energy loss throughout the dining area.
- 3.14 In much older areas of the school the single pipe low temp hot water heating radiator system, is being replaced by a much more efficient two pipe system, again with zone controls. Old inefficient lighting systems are being stripped out in all areas of remodelling, and they will be replaced with cool colour, energy efficient, LED lights, which should help pupils concentrate.
- 3.15 Where new toilets are being installed, they will have low flow flush to reduce water use, and auto shut off valves on water pipe work to preventing wastage and nuisance.

Procurement

- 3.16 The intention is to complete the new build school accommodation by September 2021, and the remodelling work by September 2022. The works are phased so the classrooms in the new build can be used whilst the remodelling work is undertaken. The kitchen and dining room work can only be undertaken over the summer holiday period and so that is likely to commence in July 2022.
- 3.17 The technical design, and the building work, will be carried out by a contractor procured through a mini-competition under the terms of the Essex Construction Framework 2. This framework agreement is set up by ECC with principal contractors appointed to the framework to carry out design and construction related works. Bids will be sought for a fixed price under a single stage mini-competition for a contractor to carry out the works summarised above. The bids will be evaluated on a 65% price and 35% quality split in order to determine best value for money whilst ensuring ECC's requirements are fully met.
- 3.18 The expansion will help to deliver the following Strategic Priorities in the Council's Organisation Strategy:
- Help people in Essex prosper by increasing their skills;

- Develop the capability, performance and engagement of our people.

Consultation

3.19 Colne carried out a consultation exercise in July 2020 about the proposed expansion of the school. The outcomes of the consultation were as follows:

- 12 responses were received,
- Of these responses 4 were in support of the proposal, but had some practical concerns
- 6 responses were not in favour of the proposal
- 2 responses raised practical concerns about the proposal, and it was not clear if they supported it or not.
- The responses are available in the background papers.

3.20 The positive responses focussed on the long-term benefits the expansion and improvements to the school buildings would bring to local children. ECC agrees with this. The expansion would also provide additional places to ensure that all local children would have access to a school place if they require one.

3.21 The concerns raised during the consultation process and the school's responses to them are tabulated below:

Summary Concerns:	School Response:
Disruption during build – noise etc	<p>Any elements of the work that would create significant noise would take place during school closure periods. The scheduling of this work would be extremely sensitive to the issues around noise and disturbance. The external works would commence in January 2021 with any ground works completed during a closure period, the installation would be modular so noise would be minimal with most works being internal to the modular structure.</p> <p>Once the new build has been completed, creating an additional 12 classrooms, we will arrange to move classes to the new build minimising the impact to our students whilst the internal works are taking place.</p> <p>Should the expansion proceed, the current kitchen and canteen areas will be increasing from 76m²/286m² up to 166m² and 576m² respectively. To undertake such large expansion to these areas, we would need plan for a closure of the kitchen after May half term to ensure we are ready for September 2021. We will work with our Catering team and external advisors to agree what alternative offer can be implemented in this summer term to continue to provide a catering provision to all our students, including those entitled to free school meals.</p>
Crossing Church	We are in advanced discussions with Essex Highways and Tendring District Council to install a pedestrian crossing and traffic calming

Road and traffic issues	measures close to the school. These conversations have been ongoing for some time and are unrelated to the proposed expansion project.
Recruitment and use of supply teachers.	Should the school expand we would have the additional funding needed to recruit the additional staff to deliver the required curriculum. In regard to supply teachers, all schools need to use supply teachers from time to time to cover illness or long-term absences such as maternity leave. Our ability to recruit high quality staff to work at The Colne would be enhanced by the prospect of working in a first-class environment should this go ahead.
Number of children per class	The number of children in each class would certainly not increase, although there would be two additional classes per year.
Catering facilities need to improve	This proposal would deliver an upgrade to the kitchen area and also provide new equipment and resources to enable us to provide a wider variety of food options and improve the serving speed whilst doubling the size of the refectory as a social space.
Social distancing	We will remain compliant with all government guidance for schools and will not compromise the safety of anyone in our community.
Connection with community eroded	If this proposal were to go ahead then it would ensure that children living in our community would be able to attend their local school. We will always remain totally committed to working with and serving the Colne community.
Exam Space could be an issue.	This should not be an issue with access to a large sports hall, gym and school hall.

3.22 ECC agrees that the school should be able to put in places the measures mentioned above which address the concerns raised by consultees. During the consultation numerous responses mentioned that students had missed school time during the recent lockdown period, and that further disruption to the school caused by building works on the site would be an additional disadvantage for them. This is a legitimate concern, but both the school and ECC are committed to reducing potential disruption to a minimum. This being the case both ECC and the school consider that the benefits of the new block being completed by September 2021 and the remodelling completed by September 2022 will outweigh the possibility of additional disruption to students.

- 3.23 On this basis The SIGMA Trust has agreed to move forward with the expansion process. If Cabinet agrees to support and fund the expansion the Trust will prepare a business case for submission to the Regional Schools Commissioner (RSC) asking for permission to expand the school. Early discussions have taken place with the RSC and there was nothing in principle to suggest the business case would not be approved by the RSC.

4. Options

- 4.1 **Option 1** - Expand Colne by 2FE from 2021 (recommended option).
- 4.2 As shown in the 10 Year Plan demand for secondary school places is expected to increase over the period of the Plan, rising to between 3 and 4FE of additional places required. Additional demand is forecast to rise to around 2FE by 2023/24.
- 4.3 Forecast demand for Year 7 places is predicated on new housing in the area served by Colne, and in the short to medium term we are confident that new housing is being built in the area and that the demand for such housing remains high. Longer term, given the effects of national events, there is a level of risk in assuming that housing and migration will continue as it has done before.
- 4.4 It is therefore prudent to plan to meet the currently predicted short to medium term additional demand of 2FE and to monitor closely the actual level of demand over this period, commissioning further additional school places if required. This will ensure that all local children who need a local school place will have one.
- 4.5 This is the preferred option.
- 4.6 **Option 2** – Use or expand other secondary schools in Tendring
- 4.7 Colne is the only secondary school which serves the Brightlingsea and surrounding rural areas. Other schools such as those in Clacton and Manningtree are a significant distance away from Colne's traditional catchment area.
- 4.8 It is not expected that there will be spare places at these other schools. Forecasts show that there will be increased demand for secondary school places in these areas over the next 10 years. Manningtree High School has already been expanded to meet expected local need and Clacton County High School is in the process of expansion too. If Colne is not expanded the expected demand would have to be met by these schools and further expansion could be needed.
- 4.9 For these reasons this is not the preferred option.
- 4.10 **Option 3** - Do nothing
- 4.11 The forecasts are clear that even if lower levels of new housing are built in Brightlingsea and the surrounding area than are presently anticipated there will

still be the need for some additional places over and above those that are available at present.

4.12 If additional capacity is not provided there is a high risk that not all local children will have a place at a local school and that some may need to be transported large distances to other schools. Given the existing forecast need for additional places at alternative schools it is likely that there may not be sufficient places available.

4.13 This is therefore not the preferred 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

For more information visit www.essexfuture.org.uk

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

6.1.1 Please see the confidential appendix for details.

6.1.2 The total capital cost is included in the current and future years capital programme and the revenue implications are included in the MTRS. Contingency of 3.99% has been included to cover any risks identified.

6.2 Legal implications

6.2.1 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.

6.2.2 ECC has a statutory duty to commission enough supply of school places. ECC is responsible for funding the 'basis need' provision of additional school places in Essex at all schools, including academies.

6.2.3 As an academy, ECC does not control the size of the school, 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 the expansion of the school as this is authorised by the Academies Act 2010.

6.2.4 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.

1. 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.

6.2.5 ECC will be required to ensure that the procurement will be carried out in accordance with the Public Contracts Regulations 2015 and in accordance with ECC's procurement rules.

6.2.6 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 the premises.

7. Equality and Diversity implications

7.1. 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.
- 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 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 Confidential Appendix
- 8.2 EqIA

9. List of Background papers

- 9.1 10 Year Plan – Meeting the demand for school places in Essex 2019 - 2028
- 9.2 DfE Guidance - "Making Significant Changes to an Open Academy and Closure by Mutual Consent" (Departmental advice for all types of academy trust, October 2018)
- 9.3 SIGMA Trust consultation letter
- 9.4 Redacted responses to SIGMA Trust consultation
- 9.5 Colne New Build Block Plan.