

Forward Plan reference number: FP/589/12/19

Report title: Proposed expansion of Northlands Primary School and Nursery, Pitsea	
Report to: Councillor Ray Gooding - Cabinet Member for Education and Skills	
Report author: Clare Kershaw, Director, Education	
Date: 17 February 2020	For: Decision
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County Divisions affected: Pitsea	

NOT FOR PUBLICATION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 Pitsea area and to seek approval to enter into a funding agreement with Northlands Primary School and Nursery (the Academy) in order for the Academy to expand from 525 places (2 ½ forms of entry) to 630 places (3 forms of entry), with effect from 1 September 2020, 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 increase the Academy's capacity in readiness for September 2020.

2. Recommendations

- 2.1 To agree to support the proposal to enter into a funding agreement with the Academy to enable the expansion of Northlands Primary School and Nursery by ½ form of entry.
- 2.2. To agree the capital budget for construction and associated project fees as profiled in the confidential appendix.
- 2.3 To agree that the Head of Infrastructure Delivery is authorised to enter into a funding agreement with the Academy at a value no greater than that set out in paragraph 1.1 of the confidential appendix once he is satisfied that:
 - (a) planning permission has been granted; and

(b) the construction costs are within the agreed budget and represent value for money; and

(c) the Secretary of State has approved the expansion.

3. Summary of issue

3.1. The Pitsea area has experienced a rise in the demand for primary school places in the last few years largely as a result of new housing and inward migration. Latest forecasts indicate continued growth in pupil numbers in the area and additional provision is required to balance future supply and demand for local primary school places.

3.2. 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.

3.3. The following table (which was used for the consultation document details) shows the potential deficit of places over the next 10 years in Pitsea. This is also illustrated in “The 10 Year Plan for Meeting the Demand for School Places in Essex 2019-2028” (The 10 Year Plan):

Year to be admitted to Reception	2019 /20	2020 /21	2021 /22	2022 /23	2023 /24	2024 /25	2025 /26	2026 /27	2027 /28	2028 /29
Total number of Reception places	315	315	315	315	315	315	315	315	315	315
Predicted local requirement for Reception places	341	324	300	322	323	323	323	323	323	323
Predicted deficit with potential pupils	-26	-9	15	-7	-8	-8	-8	-8	-8	-8

3.4. This shows that an additional half form of entry of primary school capacity is required to meet long term forecast demand in the Pitsea area by September 2020.

3.5. Northlands Primary School converted to academy status in September 2016 and is part of the Lee Chapel Academy Trust. The school was last inspected by Ofsted in July 2019 and was rated as ‘Good’.

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- 3.6. A decision was taken by the governing body to consult on a proposal to permanently increase its capacity as they see significant advantages in becoming a 3FE school which will also contribute to the local solution in response to the demand for places.
- 3.7 Expansion of the Academy by ½ form of entry (105 pupils) to 3 forms of entry (630 pupils), will require creating two new classrooms, including cloak rooms and store rooms, circulation space and toilets.
- 3.8 The Academy undertook a consultation between 12 September 2019 and 13 October 2019, on the proposed expansion to create a 3FE primary school with 630 pupils on the roll with effect from 1 September 2020.
- 3.9 The consultation explained the proposal and was published on the Academy website. Responses to the consultation could be made via letter or email.
- 3.10 There were two responses to the consultation, both in support of the proposal.
- 3.11 The governing body of the Academy was informed of the results of the consultation and agreed that the expansion process should be taken forward.
- 3.12 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.
- 3.13 The proposal to expand the Academy is intended to ensure that local children can access a local school. Expansion of the school will provide more places to meet the growing demand in the Pitsea area and will enable more parents to gain a place for their child at a popular, high performing school
- 3.14 The project will be procured and managed by the Academy, assisted by the Infrastructure Delivery Team in ECC, who will retain a role in terms of quality inspections at various stages. The Academy will need to demonstrate to ECC how they will run the tender process, ensure value for money and meet all expected standards set by ECC. The Academy will engage with a professional design team, developing the design, make a planning application, competitively tendering the work and appointing a design and build contractor, and then managing the build.
- 3.15 Project Delivery Timescales are as follows:

Milestone Description	Target Date
Appoint contractor	January 2020
Planning approval	August 2019
Start on site date	March 2020
Completion of all works	August 2020

- 3.16 The funding agreement will only be awarded once the Head of Infrastructure Delivery is satisfied that planning permission has been granted for the expansion; the

construction costs are within the agreed budget and represent value for money; and the Academy Trust has obtained the consent of the Secretary of State to the proposed expansion.

4. Options

Option 1 – Support the School’s proposal to expand by half form of entry (recommended option)

- 4.1. This proposal is part of the overall strategic response to the need for additional school places in Pitsea across the whole of the ten year period as set out in the 10 Year Plan. The proposed expansion of the Academy will provide additional capacity in an area of increasing need and will provide the opportunity to meet a higher number of parental preferences.
- 4.2. In recent years, the increasing demand in Basildon has spilled over into Pitsea and there is some mobility across the two planning groups in terms of access to schools because the areas are adjacent, and they are both served well by transport links. Several schools have expanded permanently in the Basildon planning group, and discussions have been held with several headteachers across Basildon and Pitsea to appraise them of the increasing demand for primary school places and to discuss potential solutions to meet the need. Demand for school places continues to increase by virtue of birth rates, new housing developments in the area and high levels of migration, so additional primary places are needed. The expansion of the school will form the next phase of the strategic response to increasing demand.
- 4.3. ECC provided the Academy with two classrooms in September 2017 in advance of the half form of entry expansion. These classrooms were used by the school to reorganise internal capacity and allow them to take additional nursery pupils. This was seen as a positive step as nursery places were needed in the area and it provided the school with an opportunity to work with local children to prepare them in advance of their statutory education. The school has also taken in-year bulge classes in October 2018 for Reception, Year 1 and Year 2 pupils which addressed growth from migration.
- 4.4. The proposal to expand the Academy is intended to ensure that local children have the opportunity to access a local school. Additional Reception places will provide headroom in future admissions years where forecasts and local knowledge suggest continued inward migration will mean supply is not enough to meet demand. Expanding the Academy will enable more parents to gain a place for their child at a popular, good school.

Option 2 – do nothing (not recommended)

- 4.5. The option to do nothing prevents the expansion of the Academy. There is a need to increase pupil places and the proposed expansion of 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.

- 4.6. Should additional places not be delivered for September 2020 there is a significant risk that children will be without school places in their local area, that longer journeys will need to be made between home and school in order to find alternative schools with spaces and that in an increased number of cases parental preference will not be satisfied. Accordingly, this is not the recommended option.

5. Next steps

- 5.1 The Cabinet Member's decision will confirm funding for the project and will allow the funding agreement to be approved to enable the expansion to be procured and managed by the Academy.

6. Issues for consideration

6.1. Financial implications

Capital

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

Revenue

- 6.1.2 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. There is generally a funding lag when schools increase their pupil numbers and to ensure that schools who agree to take additional classes are not financially penalised the school is funded on estimated pupil numbers for the duration of expansion. 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 2020/21 to ensure the school has sufficient resources to provide the required number of classes. At the end of the approved expansion period the schools will be funded on actual pupil numbers.
- 6.1.3 As the Academy will be expanding year on year there will be the need for additional teaching and support staff. The recruitment process will be managed by the school's leadership team.
- 6.1.4 Furniture and equipment will be funded from within the existing furniture and equipment revenue budget funded via the DSG, a sum of £13,000 has been set aside for this project.

6.2. Legal implications

- 6.1.1 Northlands Primary School is an academy and it is able to expand in accordance with the terms of its funding agreement with the Secretary of State. Any expansion is subject to the approval of the Secretary of State. ECC is able to fund the expansion of academies as authorised by the Academies Act 2010.

6.1.2 ECC has a statutory duty under section 14 of the Education Act 1996 to plan for and secure sufficient schools and places for their area. The expansion of the School was brokered by ECC in accordance with this duty. ECC is responsible for funding the 'basic need' provision of additional school places in Essex at all schools, including academies.

6.2.3 ECC are not procuring or managing the expansion project and the terms of the funding agreement should include an obligation on the Academy to comply with all statutory requirements in relation to the expansion project including where applicable the Public Contract Regulations 2015 and Education (School Premises) Regulations 1999.

6.2 Equality and Diversity implications

6.2.1 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.

6.2.2 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).

6.2.3 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.

7 List of appendices

7.1 Appendix A – Equality Impact Assessment

7.2 Confidential Appendix

8 List of Background papers

8.1 DfE Guidance – Making Significant Changes to an Open Academy and Closure by Mutual Agreement (Departmental Advice for all Types of Academy Trust) October 2019

8.2

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“The 10 Year Plan for Meeting the Demand for School Places in Essex 2019-2028”

I approve the above recommendations set out above for the reasons set out in the report.	Date
Councillor Ray Gooding, Cabinet Member for Education	17.2.20

In consultation with:

Role	Date
Executive Director for Finance and Technology (S151 Officer)	
Nicole Wood	17.2.20
Director, Legal and Assurance (Monitoring Officer)	
Katie Bray on behalf of Paul Turner	6.2.2020