

Final decision on the proposed expansion of West Horndon Primary School, Brentwood, to increase its capacity to take additional pupils from September 2019

Forward Plan reference number: FP/303/11/18

Report title: Final decision on the proposed expansion of West Horndon Primary School, Brentwood, to increase its capacity to take additional pupils from September 2019	
Report to: Councillor Ray Gooding - Cabinet Member for Education and Skills	
Report author: Clare Kershaw, Director, Education	
Date: 21 February 2019	For: Decision
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County Divisions affected: Brentwood Hutton	

NOT FOR PUBLICATION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 responses to the Statutory Notice that was published on 21 November 2018 regarding the proposal to expand West Horndon Primary School (the School) from September 2019 and to seek approval for the expansion and procurement for the associated design and building works.

2. Recommendations

- 2.1. Approve the proposal published in the Statutory Notice dated 21 November 2018 without modification to enlarge the premises of West Horndon Primary School, with effect from 1 September 2019, to increase capacity from 105 places (1/2 form of entry) to 210 places (1 form of entry).
- 2.2. Approve the capital budget for construction and associated project fees as profiled in the confidential financial appendix.
- 2.3. Agree to the procurement of the associated building works through a two stage design and build mini competition using the Essex Construction Framework.
- 2.4. To delegate authority to the Head of Infrastructure Delivery to award the contract for the school expansion at a value no greater than that set out in paragraph 1.1 of the Confidential Appendix to the successful bidder once satisfied that all the following conditions have been met:
 - 2.4.1. A satisfactory planning permission has been granted; and

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2.4.2. The construction costs are within the agreed budget and represent value for money.

3. Summary of issue

- 3.1. West Horndon has experienced a rise in the demand for primary school places in the last few years as a result of rising birth rate. 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. Essex County Council (ECC) has a duty to ensure that there are sufficient school places for children living in the county. In order to do this we monitor birth rates, new housing developments and patterns of parental preference across groups of schools. This information is used to forecast pupil numbers and to ensure there are sufficient school places across the county.
- 3.3. The following table (which was included in the consultation document) shows the potential deficit of places over the next 4 years in West Horndon, as shown in “The 10 Year Plan for Meeting the Demand for School Places in Essex 2018-2027” (The 10 Year Plan):

Year to be admitted to Reception	2018/19	2019/20	2020/21	2021/22	2022/23
Total number of Reception places	15	15	15	15	15
Predicted local requirement for Reception places	15	24	26	31	25
Predicted local requirement for places with potential pupils from new housing	15	24	27	32	26
Predicted deficit with potential pupils from new housing	0	-9	-12	-17	-11

- 3.4. Longer term forecasts indicate that there will be further sustained growth in West Horndon with the need for additional primary school places. The number of children registered with a GP will continue to be monitored, as will the actual numbers of pupils in schools, and further solutions developed as necessary.
- 3.5. 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.
- 3.6. ECC’s proposal to expand West Horndon Primary is intended to ensure that local children have the opportunity to access a local school. The school is popular and

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oversubscribed, and is rated “Good” by Ofsted. Expansion of the school will provide more places to meet the growing demand in the West Horndon area, and will enable more parents to gain a place for their child at a popular, high performing school.

- 3.7. In considering the proposal to expand the school, the impact on other local schools has been considered. It is not expected to have any detrimental impact upon other local schools, as it responds to increased demand within the immediate area of the school. Phased growth should ensure no disproportionate impact upon any other school in the area.

Consultation

- 3.8. A consultation on the proposed expansion was conducted by ECC between 17 September 2018 and 14 October 2018, with consultation documents being made available online and sent to interested parties via email; hardcopies distributed to parents of children at the school by the school; and a drop-in session at the school arranged and publicised. Responses to the consultation could be made through the organised meetings and/ or via the electronic response form, and by letter or email.
- 3.9. No responses to the electronic survey were received during the consultation period.

Representation Period

- 3.10. Statutory Notices for the expansion were published in the Brentwood Gazette newspaper on 21 November 2018. The notices were attached at the entrances to the school and were also published on ECC’s website. Representations about the proposals could be made within four weeks from the publication of the notices.
- 3.11. No responses were received during the representation period.

Scope of Proposed Building Works and procurement:

- 3.12. Expanding West Horndon Primary School to 210 places will require works for the construction of a new teaching block consisting of two class bases, food tech provision, group rooms, associated plant, circulation, W.C’s and additional parking.
- 3.13. The Essex Construction Framework (ECF) has been available for use by ECC for large constructions projects since March 2016. ECC would seek to procure this project through a two stage design and build approach via the ECF, as this has proven to give ECC good value for money.
- 3.14. A mini competition under the ECF will be held to obtain the most economically advantageous bid from a contractor within the budget set out in the confidential appendix, and then the contractor will be appointed to undertake the works as summarised in paragraph 3.12 to expand the school. It is anticipated that the

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works will be completed in phases, with the final phase to be completed in August 2019.

4. Options

4.1. Option 1 – Agree to approve the statutory proposals without modification and expand the School

4.2. This proposal is part of the overall strategic response to the need for additional school places in Brentwood across the whole of the ten year period as set out in the 10 Year Plan. The expansion of West Horndon Primary School will provide additional capacity in the West Horndon area, and will provide the opportunity to meet a higher number of parental preferences.

4.3. ECC's proposal to expand West Horndon is intended to ensure that local children have the opportunity to access a local school. The school is popular and oversubscribed, and is rated "Good" by Ofsted. Expanding the school will enable more parents to gain a place for their child at a local, popular and high performing school.

4.4. The responses at the public meetings revealed support for the proposal in terms of providing additional places at a popular and successful school, so providing additional places at West Horndon will help to cater for this local demand. Local children will therefore not need to travel to schools further away from their home addresses. ECC will work with West Horndon to try to limit the impact of additional traffic on the neighbourhood. Although there will be some impact, on balance, the provision of additional places in an area of need would be desirable.

4.5. Option 1 is the preferred option.

4.6. Option 2 – do nothing

4.7. The option to do nothing is not the recommended option as this prevents the expansion of West Horndon Primary School which is needed to increase pupil places and the proposed expansion of West Horndon Primary 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.

4.8. Should additional places not be delivered for September 2019 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 parental preferences will not be satisfied. Again another reason as to why this is not the recommended option.

5. Issues for consideration

5.1. Financial implications

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Capital

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

Revenue

- 5.1.2. 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 2019/20 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. Indicative funding to create an additional 15 places from September 2019 is £27,922
- 5.1.3. As the school 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.
- 5.1.4. Furniture and equipment will be funded from within the existing furniture and equipment revenue budget funded via the DSG, a sum of £15,650 has been set aside for this project.
- 5.1.5. It is not considered that this scheme will increase Home to School transport costs as it fulfils the demand needs in its local area.

5.2. Legal implications

- 5.2.1. West Horndon Primary School is a community school. The regulations governing expansion proposals are the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, which requires a local authority to publish a statutory proposal where it proposes to increase pupil numbers in a community school.
- 5.2.2. The process for publishing statutory proposals for maintained schools is set out in the Education and Inspections Act 2006 and the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.
- 5.2.3. Statutory Notices for the expansion were published in the Brentwood Gazette newspaper on 21 November 2018. The notices were attached at the entrances to the school and were also published on ECC's website. No comments were received during the representation. ECC is satisfied that the statutory process is sound and compliant with all procedural requirements.

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- 5.2.4. 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.
- 5.2.5. 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.
- 5.2.6. The procurement of goods, service and works will be carried out in accordance with the Public Contracts Regulations 2015 and in accordance with ECC's procurement rules.

6. Equality and Diversity implications

- 6.1. 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. 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 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. None.

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I approve the above recommendations set out above for the reasons set out in the report.	Date 22.02.19
Councillor Ray Gooding, Cabinet Member for Education and Skills	

In consultation with:

Role	Date
Executive Director for Corporate and Customer Services (S151 Officer) Margaret Lee	20.02.19
Director, Legal and Assurance (Monitoring Officer) Kim Cole Corporate Lawyer, on behalf of Paul Turner	04.02.19