

Forward Plan reference number: FP/098/03/24

Report title: The Helena Romanes School, Great Dunmow	
Report to: Cabinet	
Report author: Cllr Tony Ball, Cabinet Member for Education, Skills and Lifelong Learning	
Date: 28 May 2024	For: Decision
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County Divisions affected: Great Dunmow	

1. Everyone's Essex

- 1.1 Transferring a capital contribution to the Department for Education (DfE) to enable the construction of a new school for Helena Romanes School as an All-Through School at Stortford Rd, Great Dunmow. The education use will enable Essex County Council to deliver on the following key commitments as set out in Everyone's Essex – Our plan for levelling up the County: 2021-2025:
- (a) Supporting high quality education outcomes: High-quality new provision would ensure children are able to learn and teachers able to teach in the most conducive environment for success.
 - (b) Achieving net-zero: A new school site will be provided close to where additional demand is anticipated from new homes, thereby minimising the need to travel. Any new school would be built to the DfE's 2022 specification for aiming towards net zero.
 - (c) This proposal would contribute to the strategic aims of creating a good place for children and families to grow, a high-quality environment and a strong, inclusive and sustainable economy.

2. Recommendations

- 2.1 Agree to establish a capital budget of £9.893m with £7.635m in the existing capital programme and £2.258m to be added to contribute to the construction of the new buildings for the current Helena Romanes School in Stortford Road, profiled as set out in paragraph 6.1.1 in the report.
- 2.2 Agree that the Council will enter into:
- (a) A legal agreement as set out in paragraph 3.10 and 3.11.
 - (b) A Funding agreement as set out in paragraph 3.12 under which £9m is paid to the Secretary of State for Education.

- 2.3 Agree that the Executive Director for Corporate Services may issue a letter of financial commitment.
- 2.4 Agree to serve a notice on the owner the playing field land requiring it to be transferred to the Secretary of State for Education.
- 2.5 Agree that if the Secretary of State wishes to dispose of the site of the new school, then ECC will press for it to be transferred to ECC.

3. Background and Proposal

- 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. 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 Great Dunmow area.
- 3.2 In 2019 it was assessed that there was a need for more primary school age places in Great Dunmow. This additional capacity is a result of housing growth in the town. Continued growth is anticipated in the School Places 10 Year Plan 2024-2032. The secondary school serving Gt Dunmow and the surrounding area is the Helena Romanes School which is a school within the Saffron Academy Trust.
- 3.3 On 15 December 2020, Cabinet agreed to support Helena Romanes School's proposal to change its age range from a secondary school age range to admit primary age pupils to create an All-Through School.
- 3.4 At that time, it was proposed that the Saffron Academy Trust (SAT) would itself build a new purpose-built All-Through School at a site at Stortford Road. The new building would replace the current buildings. This was to be funded by the sale of its current site for new housing.
- 3.5 The DfE agreed that Helena Romanes School could expand its age range to include 420 primary school places with effect from September 2021 to assist with the requirement to provide additional primary places in the area and the decision to relocate the existing school to a new purpose-built All-Through School site on Stortford Road, Dunmow. The primary phase opened in 2021 and is based in temporary accommodation on the Helena Romanes School's current site.
- 3.6 In July 2022, the DfE announced that the current Helena Romanes School would be included as part of their School Rebuilding Programme (SRP). This programme replaces old, poor condition buildings with new net-zero buildings. The DfE reviewed the proposal and agreed it would be as cost-effective to relocate the existing Helena Romanes school onto the new site at Stortford Road as it would be to rebuild on the current school site. The current school land, once the school has relocated, will be sold to a developer for new housing. The

revenue receipt of the land will be transferred to the DfE to contribute towards the funding for the construction of the new school buildings.

- 3.7 The site at Stortford Road is available to ECC as part of a section 106 agreement. ECC has the right to have the land transferred to ECC or our nominee. There are two parts to the site, a main school site and a playing field site. We have already exercised our right to have the main school site transferred to the Secretary of State for Education and construction started in April 2024 to ensure that there was compliance with a planning condition requiring commence development by April 2024.
- 3.8 The DfE propose to construct an All-Through School that will consist of three elements – primary, secondary and sixth form. The benefits of all-through provision is that standards of learning are more likely to be consistent with children staying in the same Trust, although clearly the size of the school year will expand significantly as children from other primary schools transfer to the all through school at year 7. However, for those students attending the primary element, transition between primary and secondary school is easier as children remain at the same school. Benefits to the Trust are there are shared resources, staff and facilities across all three educational phases.
- 3.9 In order to do this, the DfE have asked ECC to pay £9m towards the cost of the All Through School. This report asks Cabinet to agree to establish a budget for this and pay £9m to the DfE as a contribution to the overall cost. This is an additional £2.007m cost for ECC compared to the proposal put forward and agreed by Cabinet in 2020 when the Academy Trust was going to deliver the project itself. Whilst this is an additional cost it is still considered good value for money as it is cheaper than if ECC was to construct a 420 place primary school itself.

Legal structure of the proposals

- 3.10 As outlined above, the Council has already required the landowner to transfer the main school site to the Secretary of State for Education and we will also need to serve a further notice requiring the playing field site to be transferred also. However, before we do this we will enter into a legal agreement with the Secretary of State for Education which will say that:
- ECC will nominate the Secretary of State for Education to take ownership of the playing field site under the terms of the section 106 agreement with the development.
 - The Secretary of State will accept the nomination and fulfil ECC's obligations under the s106 Agreement.
 - That the Secretary of State will indemnify ECC for any money loss ECC has to pay to the landowner (for example, if the DfE does not complete the school by an agreed date.)
- 3.11 In addition, ECC will enter into a funding agreement, a letter of financial commitment to the DfE and Memorandum of Understanding before any money is transferred. This will detail obligations on behalf of the DfE and ECC, as well

as stating the trigger points for transfer of the funding. The funding letter will cap ECC's contribution to £9m as our final contribution to the overall cost of the All-Through School.

- 3.12 It is anticipated that the building to accommodate primary education will be opened in September 2025 and the larger secondary building will open in October 2026.
- 3.13 The Trust has now gained outline planning permission to for new housing to be built which will enable it to sell its current site for new housing and the DfE has instructed the Trust to proceed with the sale and to forward all revenue receipts to the DfE to contribute to the cost of the All-Through School.

4. Links to our Strategic Ambitions

- 4.1 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.
- 4.2 Approving the recommendations in this report will have the following impact on the Council's ambition to be net carbon neutral by 2030:
- 4.3 The new All-Through School will benefit from zero carbon enhancements under the DfE specification, which will contribute to ECC's aspiration to reduce its carbon footprint, working towards its net zero targets. The aspiration to achieve zero carbon in the project specification is consistent with ECCs emerging commitment towards commissioning zero carbon buildings as referenced in the climate change commission report presented to ECC.
- 4.4 This report links to the following strategic priorities in the emerging Organisational Strategy 'Everyone's Essex':
- A strong, inclusive and sustainable economy.
 - A high quality environment.
 - Health wellbeing and independence for all ages.
 - A good place for children and families to grow.

5 Options

5.1 Option 1: Do Nothing (not recommended)

- 5.1.1 The current primary pupils at the Helena Romanes School (HRS) are in temporary accommodation, and the school requires additional accommodation from September 2025 onwards. Not providing a financial contribution to the new All-Through School will mean the temporary arrangements will have to continue.

However, there is no alternative land to expand the temporary accommodation further.

5.1.2 The option to do nothing is not recommended as there is a need to increase pupil places in the Great Dunmow area and the proposed new provision as part of a relocated Helena Romanes School is a solution to meet the continued increase of primary places.

5.2 Option 2: Support the new learning village and pass the funds to the DfE to construct the new All Through School (recommended)

5.2.1 This will allow the project to continue and provide additional primary places in the area. This recommended option is linked to the relocation of the existing HRS School to the new site of the All-Through School, as one complete project.

5.2.2 Beyond school place planning, other benefits of supporting this proposal of an All-Through School, include:

- Additional jobs and economic benefit associated with the construction of new school buildings and to meet the needs of new housing in the Great Dunmow area.
- Delivery of a 21st century building for primary and secondary. The current secondary building needs significant repair.
- If successful, the approval of this will be for the third all-through school in Essex.

6 Issues for consideration

6.1 Financial implications

6.1.1 The total cost for this project to contribute towards the construction of a new all-through school in Great Dunmow is £10.122m.

The profile of this spend and how it will be funded can be seen in Table 1

Table 1 – Costs and Funding Profile

	Prior Years £000	2024/25 £000	2025/26 £000	2026/27 £000	2027/28 £000	Total £000
Capital Cost	867	4,513	4,513	-	-	9,893
Revenue Cost (F&E)	-	-	122	73	34	229
Total Expenditure	867	4,513	4,635	73	34	10,122
Funded by						
Primary s106	269	2,257	2,681	697	899	6,803
Secondary s106	598	2,257	94	71	71	3,091
ECC Borrowing	-	-	1,738	(768)	(970)	-
Dedicated Schools Grant (DSG)	-	-	122	73	34	229
Total Funding	867	4,513	4,635	73	34	10,122

Capital

- 6.1.2 The total capital cost is £9.893m funded by £6.517m of received s106 developer contributions and £3.376m of anticipated s106 contributions. This is an increase of £2.248m to the capital programme.
- 6.1.3 The cost increase is driven by inflation and historic expenditure associated with design, surveys and fees with the Saffron Academy Trust.
- 6.1.4 Since the ECC budget was set for 2024/25, further s106 funding has been identified for this scheme. At budget setting it was assumed that this scheme would be funded by £4.844m of s106 funding and £2.801m ECC borrowing, therefore the additional s106 identified will have a positive effect on the Council's Medium Term Resource Strategy (MTRS). However, it should be noted that due to the need to provide funding to the DfE before some of the s106 is anticipated to be received, it will be necessary for ECC to forward fund this which will be a cost to ECC.
- 6.1.5 This project assumes an element of s106 contributions within its funding that has not yet been received but has a high expectation to be fulfilled. A current estimation for the anticipated funds has been provided from the infrastructure planning team. This is the current estimate and is subject to change dependent on the progression of the housing development. If the s106 funding is not received within the expected timeframe this will result in an additional forward funding requirement for this scheme which would result in a negative impact on the MTRS.
- 6.1.6 In the unlikely event that the anticipated s106 funding is not received, ECC would need to identify alternative funding for this scheme.
- 6.1.7 It should also be noted that indexation and interest for s106 is not included in the figures in this paper, the receipt of this indexation and interest may result in a reduced need to forward fund this project.

Table 2 – Breakdown of Costs (£)

	Cost
Payment to DfE	9,000,000
Design Costs & ECC Fees	893,000
Total	9,893,000

Revenue

- 6.1.8 The estimated revenue spend of £229,400 is for furniture and fittings and is proposed to be funded from Dedicated Schools Grant (DSG)
- 6.1.9 It is not considered that this scheme will increase home to school transport costs as it replaces existing accommodation which fulfils the need for school places in the local area.

6.1.10 It should be noted that based on the current programme of works and current estimates for the anticipated s106 payments it will be necessary to pay for works before all of the s106 is received. In the event that this transpires temporary alternative funding will be required to cover these costs. If it was necessary for ECC to borrow to cover this temporary deficit it is estimated that the revenue cost of this would be £23,000. As this is not included in the current capital programme this would put pressure on the Council's revenue budget.

6.2 Legal implications

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

6.2.2 ECC is not required to pay £9m to the Secretary of State for Education.

6.2.3 It is understood that the Secretary of State for Education may dispose of the new school once it is built, and it may transfer it to the Academy Trust or to ECC. Given that it is common for schools to change academy trusts quite frequently the best way to protect the asset is for it to belong either to the Secretary of State or to ECC. If the Secretary of State wishes to dispose of the site, ECC should press for it to be transferred to ECC and leased to the Academy Trust – this mirrors the situation with the majority of schools in Essex.

7 Equality and Diversity Considerations

- 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, sex, 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 Equalities Comprehensive 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

Equalities Comprehensive Impact Assessment.
Education site two plan.

9 List of Background papers

15 December 2020 Cabinet paper.