

**Forward Plan reference number: FP/033/03/21**

<b>Report Title:</b> Expansion of New Rickstones Academy, Witham and Southview SEN School with residential provision.	
<b>Report to:</b> Cabinet	
<b>Report author:</b> Councillor Tony Ball, Cabinet Member for Education Excellence, Skills and Training	
<b>Date:</b> 22 June 2021	<b>For:</b> Decision
<b>Enquiries to:</b> Clare Kershaw, Director for Education email clare.kershaw@essex.gov.uk	
<b>County Divisions affected:</b> Witham Northern	

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This report has a confidential appendix which is not for publication as it includes exempt information falling within paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended.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

To endorse the expansion of New Rickstones Academy in Witham in order to meet the need for secondary school places in the locality and to endorse the expansion of sixth form places and residential provision at Southview SEN School.

**2. Recommendations**

- 2.1 Agree to support the expansion of New Rickstones Academy by increasing capacity from 6 forms of entry to 8 forms of entry with effect from September 2022.
- 2.2 Agree to support the expansion of Southview SEN School by adding 24 sixth form places and residential provision for ten children.
- 2.3 Agree to the procurement of the associated building works for New Rickstones Academy and Southview SEN School through a two-stage design and build mini competition using the Essex Construction Framework 2.
- 2.4 Agree that the Head of Infrastructure Delivery is authorised to award the contract to the successful bidder, when he is content that the following conditions have been met:
  - a. A satisfactory planning permission has been granted; and
  - b. The construction costs are within the agreed budget and represent value for money.

- 2.5 Approve the capital budget for construction and associated project fees, as per the profile stated in the confidential financial appendix, including a re-profiling of budget in relation to Southview School of £80,000 from 2021/22 to 2022/23.

### 3. Summary of issue

#### New Rickstones Academy

- 3.1 Essex County Council (ECC) has a duty to ensure that there are sufficient school places for children living in the county. There is predicted to be a significant growing deficit of secondary school places in Witham in the next 10 years with a shortfall of 50 Year 7 places in 2022/23 growing up to 64 Year 7 places by 2026/27, as identified in the latest ECC School Places 10 year plan.

Year 7 Place Forecast

Year	21/22	22/23	23/24	24/25	25/26	26/27	27/28	28/29	29/30	30/31
+/-	-15	-50	-50	-45	-58	-64	-91	-92	-120	-113
Maltings Academy, New Rickstones Academy										

- 3.2 New Rickstones Academy has agreed that it can take an additional 60 pupils in 2021 within its existing accommodation. To be able to meet the demand from 2022 onwards, it is proposed to expand the School by 60 Year 7 places.
- 3.3 There are two secondary schools in the Witham area school places planning group - New Rickstones Academy and Maltings Academy - both of which could be expanded to meet the need for additional places. Viability studies were carried out at the two schools to assess the practicality of expanding them and to give an indication of potential costs. The studies showed that it is possible to expand each of the schools; but, due to site constraints, the cost of expansion at Maltings Academy is significantly higher than expansion at New Rickstones Academy.
- 3.4 New Rickstones Academy is rated “good” by Ofsted and is a popular school. Expansion will increase the number of parents gaining a school place of their preference for their children and will increase the number of children receiving a high-quality education. As an academy, the school 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. 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 good local school.
- 3.5 The pupil number forecasts are predicated on substantial amounts of additional housing being built in the planning group over the next 10 years. It is expected that further additional places will be required in the area from 2027, this will be planned for in due course, but further expansion of New Rickstones Academy, beyond this proposal, will not be possible.

- 3.6 New Rickstones Academy carried out a consultation exercise about the proposed expansion of the school. The formal consultation took place between 2 December 2020 and 27 January 2021. The stakeholders invited to comment included all parents, senior Local Authority representatives, District Councillors and senior officers, NRA union representatives, and all local schools. 4 responses were received and these all raised concerns.
- 3.7 The concerns raised were by schools from outside the town and the local MP. The concerns related to the issue of unfilled places at other secondary schools within the Braintree district and the possible negative impact on these schools' admissions should New Rickstones expand. Whilst it is the case that some secondary schools within the Braintree district do currently have some surplus places, New Rickstones Academy and ECC are clear that the proposed expansion at New Rickstones is required for the growing demand of places within Witham and there are no secondary schools within a reasonable distance of Witham that would be able to take the additional pupils without additional accommodation being provided.
- 3.8 On this basis, The Academies Enterprise Trust has agreed to move forward with the expansion process for New Rickstones Academy. 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.

### **Southview SEN School**

- 3.9 Southview School in Witham is the only special school in Essex which is specific to the needs of children and young people who are identified as having a severe physical difficulty combined with a neurological impairment. ECC has a statutory responsibility to maintain Education Health Care Plans for some young people beyond the statutory school age into post-16 provision; other young people may require the plan to be maintained until the age of 25. Provision for young people with the most severe needs is limited particularly at post-16. The intention to develop post-16 provision at Southview is to enable ECC to support young people to continue their education at the school until year 14 and to better prepare them for a transition into adulthood.
- 3.10 At present there is no maintained residential provision in Essex special schools to meet the needs of the pupil cohort at Southview. This means that ECC has needed to commission far less cost-effective independent school provision to meet the needs of children and young people who require residential provision.
- 3.11 Although the number of children and young people requiring residential provision is low (currently only five children across the County) the cost is high with an average of over £100,000 per placement and an annual spend of over £800,000 on the pupils concerned. The scheme at Southview to develop residential provision will mean ECC is able to avoid using far less cost-effective provision.
- 3.12 Recent Essex schemes to rebuild schools for children and young people with severe learning difficulties (Glenwood and Lexden Springs) have included the

provision of a hydrotherapy pool which is currently considered highly desirable to meet the needs of some pupils and particularly those in the Southview cohort. Such facilities are not available at the nearby Edith Borthwick School which means many children and young people who require the provision have no local access to a hydrotherapy pool. The provision of a hydrotherapy pool at Southview would support both schools' pupil populations.

- 3.13 Southview SEN School is an Academy, and as such the school does not require ECC's approval to expand. Southview School carried out a consultation exercise about the proposed expansion of the school between 23 February 2021 and 23 March 2021. The stakeholders invited to comment included all parents, senior Local Authority representatives, District Councillors and senior officers and all local schools. The formal consultation letter is included in the background papers. No responses to the consultation were received. ECC is not required to fund the expansion however ECC has a statutory responsibility to maintain Education Health Care Plans for some young people beyond the statutory school age into post-16 provision and this report requests approval to support and fund the expansion to ensure provision for young people with severe needs in the post-16 age range.

### **Infrastructure Required**

- 3.14 The expansion of both schools will require the delivery of infrastructure on the New Rickstones Academy site.
- 3.15 The current Southview site has been assessed on a number of occasions. The site is already limited and undersized for the current capacity of 74 pupils and there are no viable locations where the school could be extended, and the provision that is required provided. As such, the facilities for both New Rickstones Academy and Southview School will be accommodated on land to the rear of the car park of New Rickstones Academy. This area is currently underutilised, and New Rickstones Academy agree that this area can be taken out of their demise.
- 3.16 Construction works will be carried out to include a new standalone two storey teaching block to the west of the existing New Rickstones Academy building which provides all the additional new teaching and ancillary accommodation required for New Rickstones Academy. In addition, the Southview sixth form centre and residential facilities are to be incorporated into a new two storey block with an attached single block for the hydrotherapy pool. An additional 29 car parking spaces are proposed for the Southview facilities.
- 3.17 Photovoltaic cells have been included in the design of both schools to generate renewable energy thereby reducing the carbon footprint of operating the buildings. This will reduce the ongoing energy costs of the school and increase the amount of renewable energy that is used on site although there is a cost to ECC of £26,000 for installing the PV cells.
- 3.18 The expansion of Rickstones is the closest secondary school to the area of pupil growth. The expansion of this school mitigates potential pupil to school transport

issues by expanding this school rather than alternative solutions located outside Witham.

- 3.19 Traffic and parking concerns relating to the proposal have been considered. The New Rickstones Academy expansion will result in 1,200 pupils at the school. In accordance with ECC standards, this equates to a need for 81 parking spaces. The project proposes that the 122 existing spaces will be retained, which exceeds the ECC standards by 40 spaces and therefore the completed development will include parking provision of 50% in excess of the ECC maximum standards. It is considered that the existing car park also has capacity to accommodate the drop off and pick up of pupils without the requirement for parking on street assuming this is managed by the school efficiently. Therefore, the proposed development over delivers on parking as per maximum standards which means there will be no overspill onto public roads and there will not be a negative impact on the existing on street parking provision. In addition to the above, Conrad Road already has a number of traffic mitigation measures in place including line markings and signage. A bus stop bay exists outside the school to encourage sustainable travel. The planning approval for the school expansion required the trust to submit a school travel plan as part of the planning submission. This travel plan places significant emphasis upon school journeys that do not rely on car trips, it emphasises walking and cycling as the preferred methods to access the school.
- 3.20 10 cycle spaces have been provided for staff at Southview College and this will be provided under a covered cycle store close to the main entrance. Additional pupil and staff cycle storage will also be provided for at the New Rickstones Academy. Two shelters providing 30 cycle spaces each will be provided opposite the existing cycle stores.
- 3.21 To facilitate the new Southview SEND Block and Hydrotherapy Pool, the existing landscape and car park at New Rickstones Academy has been rearranged and extended to the east. This allows provision of a dedicated access road with car parking that leads up to the new Southview college block and hydrotherapy pool. The level of parking proposed for the Southview development is 29 spaces, including 2 disabled bays, which is in excess of the maximum standards. There will also be 5 dedicated minibuss bays directly outside the colleges' main entrance and an on-site minibus drop off facility. All students attending the Southview SEND facility arrive by minibus or taxis.
- 3.22 Proposed delivery timescales are as follows:

<b>Milestone</b>	<b>Date</b>
Planning application submitted	January 2021
Planning Permission	April 2021
Final Business Case to Recovery Advisory Board	May 2021
Start on Site	July 2021
Build Completion for handover	August 2022

## **4. Options**

### **New Rickstones Academy**

**Option 1** - Expand New Rickstones Academy by 2FE from September 2022.

- 4.1 This is the recommended option. There is predicted demand for an additional 2FE of capacity from 2022. The proposed expansion approach will provide the 2FE additional capacity in 2022. Expansion of New Rickstones Academy is financially more cost effective than expansion of other schools in the area and will meet the growing demand for places within Witham.

**Option 2** – Expand an alternative school in the area to meet the expected demand.

- 4.2 The only other school in the locality is Maltings Academy. This school is viable to expand but, due to the nature of the site, would be cost significantly more to do so. For this reason, this option is not recommended.

**Option 3** – Do nothing

- 4.3 The forecasts are clear that even if lower levels of new housing are built than are presently anticipated there will still be the need for additional places over and above those that are available at present. 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 outside their locality. For this reason, this option is not recommended.

### **Southview SEN School**

**Option 1** – Expand Southview SEN School by 24 places for sixth form. Add residential provision for 10 pupils and a hydrotherapy pool.

- 4.4 This is the preferred option. There is no space on the Southview site to accommodate the proposal and therefore expansion is needed. The addition of the hydrotherapy pool will also support children and young people who attend Edith Borthwick School who do not have access to this much needed facility. The addition of residential provision will enable the school to meet the needs of children and young people who have additional care and educational needs which require a waking day curriculum. At present, ECC would commission an independent special school place where a 38 week residential setting was identified; the residential provision at Southview will deliver a more cost-effective alternative and enable children and young people to continue to be educated close to their community and families.

**Option 2** – Do nothing

- 4.5 The current and forecast increases in the numbers of children and young people requiring an Education Health Care plan and a special school place have placed enormous pressure on the Essex special schools. Southview School has

reached the limits of its physical capacity and without expansion Essex will not be to provide appropriate, and local, school places. This option is not recommended.

## **5. Links to Essex Vision**

5.1 This report links to the following aims in the Essex Vision:

- Enjoy life into old age
- Provide an equal foundation for every child
- Strengthen communities through participation
- Develop our County sustainably
- Connect us to each other and the world
- Share prosperity with everyone

For more information visit [www.essexfuture.org.uk](http://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
- Transform the council to achieve more with less

## **6. Issues for consideration**

### **6.1 Financial implications**

6.1.1 Please see the confidential appendix for details of the financial implications of this decision.

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 Medium Term Resource Strategy (MTRS). A contingency of 5% has been included to cover any risks identified.

6.1.3 Whilst the total capital cost is included in the current and future years' capital programme there is a marginal re-profiling required across financial years. £44,000 is required to be advanced from 2021/22 into 2020/21 (which will be requested through the 2020/21 Provisional Outturn Report on this same agenda) and £80,000 is required to be re-profiled from 2021/22 to 2022/23, which is requested within this report. Details are included within the Confidential Appendix.

### **6.2 Legal implications**

6.2.1 The Council has a statutory duty to commission 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 As academy schools, ECC does not control the size of the schools or the expansion process which is for the Academy Trusts and the Department for Education to agree and approve.

6.2.2 The Council must comply with the terms of the Framework Agreement when awarding the contract for infrastructure works. Since the Academy Trusts will not be party to the construction contract, it will be necessary for the contractor to provide collateral warranties to the Academy Trusts.

6.2.3 New Rickstones Academy will need to enter into an agreement with ECC to allow ECC access to the premises for the construction works.

6.2.4 The current lease between ECC and the Academies Enterprise Trust for the New Rickstones Academy site will need to be varied to remove the land which is required for the Southview expansion.

6.2.5 ECC will need to grant an academy lease of the new Southview site to the Academy Trust.

## **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 Equality Impact Assessment

## **9. List of Background papers**

9.1. 10 Year Plan – Meeting the demand for school places in Essex 2021 – 2030

9.2. DfE Guidance - “Making Significant Changes to an Open Academy and Closure by Mutual Consent” (Departmental advice for all types of academy trust, November 2019)

9.3. AET Trust consultation letter

9.4. Responses to AET Trust consultation

9.5. Southview SEN School consultation letter