

Forward Plan reference number: not applicable

Report title: Forest Hall Academy Expansion from PAN 112 to PAN 130 for September 2020	
Report to: Councillor Ray Gooding - Cabinet Member for Education and Skills	
Report author: Clare Kershaw, Director, Education	
Date: 8 June 2020	For: Decision
Enquiries to: Monica Bird, School Organisation Officer, email: monica.bird@essex.gov.uk Emma Oni – Project Sponsor, email: emma.oni@essex.gov.uk	
County Divisions affected: Stansted, Uttlesford	

NOT FOR PUBLICATION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 secondary school places in the Stansted area and to ask the Council to agree funding for the works required to allow the school to operate at a Published Admission Number (PAN) of 130 (650 permanent pupil places), in accordance with Essex County Council's duty to commission sufficient school places under s14 of The Education Act 1996.

2. Recommendations

- 2.1 To agree to the proposal for the academy trust to formally expand Forest Hall Academy, Stansted to a published admission number of 130 from September 2020.
- 2.2. To approve the capital investment as set out in the confidential appendix for providing the works associated with the expansion as set out under paragraph 4.4.
- 2.3 Agree that the Director for Capital Investment and Delivery may award the contract to the successful contractor once he is satisfied that:
 - * A satisfactory planning permission has been granted;
 - * A suitable and affordable bid which represents a reasonable price has been received.
 - * The Academy Trust have entered into an agreement with ECC to permit the work to be done;

- * The Academy Trust has made a binding commitment to expand the school.

3. Summary of issue

- 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. 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. The two consecutive bulge years was brokered by ECC in accordance with this duty.
- 3.2 The below table shows the need for additional secondary school places in Stansted from 2020 onwards. Additional capacity is required as a result of new housing in Stansted and also as a result of growing primary provision in the area.

Year 7 Place Forecast

Year	19/20	20/21	21/22	22/23	23/24	24/25	25/26	26/27	27/28	28/29
+/-	2	-22	-17	-48	-44	-35	-49	-38	-38	-30
Forest Hall School										

- 3.3 There is a demand for additional school places in the Stansted area from 2020 onwards. The School will increase its intake to 130 from 2020 onwards (an extra 18 pupils per year.) In 2022, the school may be required to expand again to a published admission number of 160 (extra 30 pupils per year.) As yet a decision has not been taken as it is dependent on numbers continuing to grow at the School, and also reviewing the impact of a new school opening at Bishops Stortford North in September 2022, which is a few miles away from Forest Hall.

CONSULTATION

- 3.4 A decision was taken by the governing body to consult on expanding Forest Hall Academy to a PAN of 130 from 112 with effect from September 2020. Expansion of the Academy by an additional 90 places will require creating 2 new science laboratories through conversion of existing classrooms, expansion of existing general classroom through remodelling of existing classroom and offices, expansion of dining hall through new build extension, 1 general classroom through conversion of existing resistant materials classroom, 1 staff room through conversion of existing classroom, 1 group room through conversion of existing office and a new build changing room block. Externally there will be a new Multi Use Games Area (MUGA) and 5 new parking spaces.
- 3.5 The Academy undertook a consultation between 10th October – 7th November 2019, on the proposed expansion to expand the School with 650 pupils on the roll with effect from 1st September 2020. The consultation explained the proposal and was published on the Academy's website. Responses to the consultation could be made via letter, email and in person at two public consultation events.

3.6 Thirty one (31) responses were received, with 27 in favour and 4 against. Those who responded against the expansion proposal, raised issues that fell into two areas:

- a) Making the school bigger, ruins the small feel of the school
- b) Wanted a sixth form included in the expansion

The first issue will be addressed by the school in ensuring the school maintains its sense of character. The second issue of including a Sixth Form sits outside the Local Authority's power, as Post-16 education is the responsibility of the Education Skills & Funding Agency.

3.7 A further consultation will be undertaken during the design process, prior to the planning application being submitted.

Procurement

3.8 The Project Delivery Timescales are as follows:

Milestone Description	Target Date
Start on site for remodelling works	27/07/2020
Planning Approval	28/08/2020
Completion of remodelling works	30/08/2020
Start on site for new build, extension and MUGA	09/11/2020
Works complete	30/08/2021

3.9 The works will be carried out by a contractor procured following a mini competition under the terms of the Essex Construction Framework, a framework agreement set up by ECC with principal contractors appointed to the framework to carry out design and construction related works. ECC sought bids under a two-stage mini competition for a contractor to design and carry out the works summarised in paragraph 4.4 for the expansion of the school. The first stage of the process invites bidders to respond to the technical requirements and submit a price and outline design. Following the first stage, these bids are evaluated on a 50% price and 50% quality split in order to determine the highest scoring bidder and that highest scoring bidder is then invited to submit a final tender in the second stage once the design has been developed.4.4.

3.10 The first stage of the mini competition was evaluated on 50% Price and 50% Quality split. ECC received 2 responses to the mini competition. Beardwell Construction Limited (Beardwell) scored the highest with 76.0%. In accordance with the terms of the mini competition, for the second stage of the process only the highest bidder from the first stage was invited to provide a final tender. As Beardwell scored the highest and met ECC's requirements in the first stage they were taken through to the second stage of the mini-competition and entered into a Pre-Construction Agreement (PCSA) with ECC to develop the design and achieve planning permission as per the mini-competition requirements. Beardwell will submit their Final Tender to ECC which will be evaluated to determine if the bid represents value for money and meets ECC's design requirements.

- 3.11 The Final price submission will be assessed and, if satisfactory, will be recommended for approval by the Director of Capital Investment and Delivery in accordance with the delegation in this report, subject to the project being within budget, quality criteria being satisfactorily met, having achieved planning approval, entering into a contract with the School for the School to permit the work to be done, and the School has provided a binding commitment to expand.

ECC Policy

- 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 ECC has a statutory duty to secure sufficient school and Early Years childcare places within its area. This is encapsulated in the latest iteration of *The 10 Year Plan for Meeting the Demand for School Places in Essex 2020-2029* document and the ECC’s Corporate Outcome 1: Children in Essex get the best start in life. The key role of the planning function is to maintain a balance between the supply and demand of good school places, with regard to future projections of pupil numbers, demographic trends and policy priorities.

4. Options

Option 1 – Support the proposal to admit an additional 18 pupils per year at Forest Hall Academy (recommended option)

- 4.1. Forest Hall Academy is the only secondary school in Stansted. Without this expansion, parents would have to send their children to schools outside of Stansted, namely Saffron Walden schools or to Helena Romanes in Dunmow, where, too, these schools are experiencing significant increase in numbers due to new housing developments.
- 4.2. The internal refurbishment of the School provides the best option as it provides the best value for money as the school already has the requisite number of classrooms on site to operate at PAN 130. Therefore this option proved to more favourable from a cost perspective.
- 4.3. The proposal to allow the School to grow to 650 pupils is intended to ensure that local children can access a local school and is rated “Good” by Ofsted.
- 4.4. The proposal is to carry out remodelling works within the existing school building to provide two additional science laboratories, a science prep room, an additional art room, an extended general classroom, a new staff room and a new group room. In addition, there are extension works to provide the school with a larger dining hall, a new build standalone changing room block with associated toilets and shower facilities and a Multi Use Games Area (MUGA) which offsets the loss of Playing

Field land as a result of the new build block. 5 new car parking spaces will also be provided.

Option 2 – do nothing (not recommended)

- 4.5. The option to do nothing is not the recommended option as there is a need to increase pupil places in the Stansted area and the proposed expansion at 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 secondary places not be delivered in Stansted for September 2020, there is a significant risk that children will be without a school place in their local area. This will impact significantly on the home to school transport budget, and parents will be without a school of preferred choice.

5. Next steps

- 5.1 The Cabinet Member's decision will confirm funding for the project and delivery of the project through the existing Essex Construction Framework.

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 This scheme will not increase Home to School transport costs as the additional demand needs have already been fulfilled from within the local area.

6.2. Legal implications

- 6.2.1 ECC has a statutory duty to commission enough supply of school places.
- 6.2.2 ECC is responsible for funding the 'basic need' provision of additional school places in Essex at all schools, including academies.
- 6.2.3 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 premises.
- 6.2.4 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 complies with the Public Contracts Regulations 2015 and its own ECC Procurement procedures, but the value of this project is below the threshold in the Public Contracts Regulations 2015.

6.2.6 As an academy school ECC does not control the size of the School, this is for the Academy Trust and the Department for Education to agree.

7. Equality and Diversity implications

7.1. 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.

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 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.

8. List of appendices

- 8.1. Appendix A – Equality Impact Assessment
- 8.2. Confidential Appendix
- 8.3. Forest Hall Consultation report

9. List of Background papers

- 9.1. None.

I approve the above recommendations set out above for the reasons set out in the report.	Date
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Councillor Ray Gooding, Cabinet Member for Education and Skills	15/07/20
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In consultation with:

Role	Date
Executive Director for Finance and Technology (S151 Officer)	10/07/20
Stephanie Mitchener on behalf of Nicole Wood	
Director, Legal and Assurance (Monitoring Officer)	
Susan Moussa on behalf of	15/06/2020
Paul Turner	