

## AGENDA SUPPLEMENT

### Executive

- To:** Councillors Aspden (Chair), Ayre, Craghill, Cuthbertson, D'Agorne, Runciman, Smalley, Waller and Widdowson
- Date:** Thursday, 14 October 2021
- Time:** 5.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

The Agenda for the above meeting was published on 6 October 2021. The attached additional documents are now available for the following agenda item:

- 5. School Capital Works at Millthorpe School to Accommodate the Expected Demand for Pupils Places from within the Millthorpe Catchment Area by September 2022** (Pages 1 - 48)

This item was listed on the Forward Plan as “School Capital Works at Millthorpe and Manor Schools to Accommodate the Expected Demand for Pupils Places from within the Schools Catchment Area by September 2022.” Full information relating to this item is now attached, including the report relating to Manor School which was omitted in error from the original publication.

This agenda supplement was published on 12 October 2021.

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**Executive****14 October 2021**

Report of the Corporate Director, People  
Portfolio of the Executive Member for Children and Education

**School Capital Works at Millthorpe School to Accommodate the Expected Demand for Pupils Places from within the Millthorpe Catchment Area by September 2022****Summary**

1. The report provides details about the capital work needed to create additional accommodation to fulfil an expected temporary 3-year demand for pupils living in Millthorpe's catchment area in Secondary Planning Area West (SPA West).

**Recommendations**

2. The Executive is asked to consider:

Approval of Option 3, that is funding of £1.9m from the Basic Needs Fund for capital works to create additional teaching and circulation space at Millthorpe School by grant agreement to South Bank Academy Trust and to delegate authority to the Assistant Director, Education and Skills in consultation with the Director of Governance (or her delegated officers) to take such steps as are necessary to enter into the resulting grant agreement.

Reason: to create the space needed to fulfil the expected demand for a temporary 3-year bulge of pupil places from within the catchment area of Millthorpe School by September 2022.

**Background**

3. As shown in the tables below, the demand for pupil places at Millthorpe School is expected to increase in September 2022.

4. September 2020 forecast number of additional places required by area:

	<b>2022/23</b>	<b>2023/24</b>	<b>2024/25</b>
<b>Millthorpe Catchment</b>	16	-	26
<b>SPA West (Excluding Millthorpe Catchment)</b>	32	33	10

5. January 2021 forecast number of additional places required by area:

	<b>2022/23</b>	<b>2023/24</b>	<b>2024/25</b>
<b>Millthorpe Catchment</b>	13	-	10
<b>SPA West (Excluding Millthorpe Catchment)</b>	26	18	-

6. Due to the unprecedented events of both the global pandemic and Brexit, changes have been seen in admissions allocation data and trends this year. The projected additional places required from both 2020 and 2021 forecasts have therefore been included as it is impossible to say if or when trends will revert back to what had previously been expected and subsequently how many places will be required 2 to 3 years from now.
7. The advice set out in the Department for Education guidance, 'Making Significant Changes to an Open Academy and Closure by Mutual Agreement' states, "We expect academy trusts to only propose to create additional places in academies that have an overall Ofsted rating of 'good' or 'outstanding.'"
8. Millthorpe School has a current Ofsted grading of 'good' and for the following reasons is expected to require additional places:
9. an increase in the number of children expected to be living in Millthorpe's catchment area;

	<b>2022/23</b>	<b>2023/24</b>	<b>2024/25</b>
Number of children forecast to be living in Millthorpe's catchment	335	313	355

10. increasing popularity from within catchment;

	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>	<b>2021/22</b>

Percentage of catchment children choosing Millthorpe as a 1st preference	51.7%	52.1%	56.2%	56.4%
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11. a decrease in the popularity of Manor from children living within Millthorpe's catchment.

<b>% Children living in Millthorpe catchment and choosing Manor</b>	
2021/22	7.05%
2020/21	7.90%
2019/20	8.11%
2018/19	12.98%

12. It is forecast that the growth in the expected demand for places within the area will produce a temporary 3-year bulge. Current data suggests this may need to be phase 1 of a potential 2-phase scheme to increase places at this school.

## Consultation

13. The Local Authority has been working closely with Millthorpe School and the South Bank Trust to discuss the school's existing difficulties in accommodating pupil numbers in a main building originally constructed as a mansion house and its subsequently built annexes. Discussions have included how additional places can be provided to allow the safe circulation and movement of pupils and staff throughout all areas of the school.

## Options

### **14. Option 1**

15. Do nothing

16. It would not be possible to meet the needs of the pupils in the current buildings, therefore doing nothing cannot be a recommendation.

### **17. Option 2**

18. Creation of additional teaching accommodation only

19. Millthorpe School was originally built as a mansion house in 1856, and has had a number of extensions since the house became a school in 1920. An increase in pupil demand has put pressure on pupil movement around the site's buildings, and the school are already experiencing crush points in narrow and awkwardly-shaped corridors. Issues also exist around a lack of hard standing areas, inadequate toilet blocks and a lack of dining provision.
20. At present, the school has 1,048 pupils. Additional pupils will exacerbate the existing issues and will impact upon the safe circulation of pupils moving throughout the school.
21. No new classrooms are proposed to be built, instead an under-used toilet block on an upper floor will be removed and two existing ICT suites and a landing area will be utilised to create two classrooms. Rooms that flank the current dining room will be opened out to both the ground and upper floor to allow for additional seating and dual purpose flexible teaching and intervention areas. Re-organising existing areas will ensure Millthorpe is able to take the additional pupils for the temporary 3-year bulge starting September 2022.

**22. Option 3**

**23. Creation of additional teaching and circulation space**

This option creates the same teaching facilities as option 2, however it will also address the severe pressures on circulation spaces that impact upon safety and behaviour within school due to the number of pupils moving around the building.

24. Over-crowding due to increases in pupil numbers now means some corridors due to their narrow structure, steel posts divisions, or awkwardly shaped and have become crush-point areas and therefore a health and safety concern. Inadequate toilet block designs cannot be supervised for behavioural and safety issues; lunchtime periods either means pupils have to stand in very long queues or not to eat lunch.

**Analysis**

**25. Option 1**

26. Do Nothing

27. It is not possible to accommodate any more pupils at Millthorpe School without addressing issues of health and safety caused by the movement of large numbers of people around buildings where existing space is being compromised.

28. Option 2

29. Additional teaching accommodation only

30. As described above, additional teaching accommodation would fulfil the need for the temporary 3-year bulge curriculum requirement, but would not resolve the existing issue of circulation space, which would be compounded by additional pupils.

31. Any increase in pupils numbers has a direct impact upon learning, such as more pupils leaving lessons to go to the toilet; a deterioration in the attitudes toward learning; crowding in toilet areas; current toilet set ups do not allow for visibility and supervision; a greater risk of damage, self-harming and bullying.

32. Option 3

33. Provide additional teaching and circulation space

34. In order to ensure the safe movement of pupils and staff during lunchtime periods, it is proposed to extend the dining room area to open out adjacent teaching areas for flexible intervention, teaching and dining use; adapt the servery area to enable a better queueing system and pupils' movements through to paying points; install an additional servery in the upstairs seating area and create a seating area outside the dining room. This will enable pupils to congregate safely, allow the queue for the servery to keep moving and will create essential additional seating that will allow staff to better supervise pupils.

35. Many pupils, such as those with anxiety and vulnerable pupils eligible for free school meals are opting not to eat lunch due to the time taken to queue and buy food which leaves very little time to eat and digest their purchases. Additional pupils will compound this

issue, increasing stress and leading to lower concentration levels in lessons during the afternoon.

36. Current analysis from the Royal College of Paediatric and Child Health has determined that one in three children are overweight or obese by the time they start secondary school. This increase is leading to more cases of type 2 diabetes, asthma and high blood pressure in children. For pupils to have easy, unobstructed access to good quality, nutritionally balanced meals and where they are given enough time to eat at school is one way of tackling failures in the social or home environment.
37. It is proposed to also make adaptations to other areas affected, such as creating 2 classrooms out of an existing ICT suite and a landing by removing an under-used toilet block on an upper floor. As above, creating better movement of pupils in corridor areas by adapting spaces that impact upon safety and behaviour due to the number of people moving around at class change-over periods, crush-points and toilet areas will resolve existing issues caused by over-crowding.
38. A high level BB103 calculation has taken place to determine the space usage of the school based on the current layout. The result of the calculation shows that non nett areas which include corridors, cloakrooms, changing rooms, kitchen areas and toilet provision within Millthorpe fall approximately 2,738m<sup>2</sup> below the DfE's recommended BB103 guidelines.
39. Resolving the dining and circulation issues by September 2022 will offset the existing situation that will be exacerbated due to the expected temporary 3-year demand for pupil places and will also negate the need to make changes to these areas in the future to accommodate for a potential phase 2.
40. Pressures currently being experienced throughout the construction industry means it is far better to resolve these circulation issues now rather than delaying as it will risk further increases in prices for critical materials, such as steel.

#### **41. Implications**

## **Financial**

42. A budget of £700,000 would be required for the work as described in option 2. However, the recommended option is option 3 for which a budget of £1,900,000 would be required. This will be funded by a further allocation from the remaining uncommitted Basic Need grant. There is approximately £6,500,000 remaining which has not been allocated, so option 3 would reduce the remaining unallocated Basic Need grant to £4,600,000.

## **Risk Management**

43. Millthorpe School is best placed to meet the requirement for additional pupils. Failure to secure these places could result in the Local Authority not meeting its statutory duty to secure sufficient secondary school places for the children in York.
44. The classroom creation and circulation work will be carried out during the summer holidays 2022. Work may need to be carried out whilst pupils are on site as well as during the summer holiday in order to ensure it is completed on time. An early decision on funding is therefore needed to ensure the timescales can be met.
45. Due to a lack of supply and an increase in demand, the cost of some materials has risen. Once the supply of materials recovers, the increased costs for materials are unlikely to reduce.
46. As a result of the market conditions and the increasing pressures on building and construction, a substantial contingency has been included within the budget estimate for this scheme.

## **Council Plan**

### **Well paid jobs and an inclusive economy**

47. The spaces being created at Millthorpe School will provide additional pupils with a place at a good and increasingly popular school.

### **A greener and cleaner city**

48. The adaptations at Millthorpe School will be created using the existing footprint.

### **Getting around sustainably**

49. A travel plan will be devised to scrutinise the movement of people and vehicles and to develop ideas to resolve this. This will be provided alongside the planning application.

### **A better start for children and young people**

50. The spaces being created at Millthorpe School will provide the pupil places needed to fulfil the expected, forecasted demand.

### **Legal**

51. Section 13 of the Education Act 1996 imposes a duty on the council as local education authority to “contribute towards the spiritual, moral, mental and physical development of the community by securing that efficient primary, secondary and further education are available to meet the needs of the population in their area.” Section 14 of the Act expands on this duty by requiring the council to secure sufficient schools in “number, character and equipment” to provide all pupils with appropriate education.
52. The school site is currently leased to South Bank Academy Trust for 125 years from 31 March 2016. Officers will work closely with Legal Services to identify whether there are any implications for the lease associated with the building works and ensure any risks arising from such implications are mitigated as much as possible.
53. Any proposed works will need to be commissioned via a compliant procurement route under the Council’s Contract Procedure Rules and the Public Contract Regulations 2015. The value of the works outlined above falls significantly below the relevant threshold for the procurement of works under the Regulations (i.e. £4,733,252), therefore a full procurement exercise under the Regulations will not be required in this instance. However, a competitive process for quotations will still need to be advertised and run under the Contract Procedure Rules.
54. It is understood the funding for the construction will be provided to South Bank Academy Trust through a grant agreement, with the works to be procured and managed by the Trust. The grant

agreement will contain obligations governing the use of the funding to ensure all relevant legal requirements and compliance is achieved, along with claw back provisions for breach of those obligations.

### **Other**

55. None.

### **Good health and wellbeing**

56. A travel plan will be developed where students, staff and visitors will be encouraged to use public transport, local cycle routes and walk to the site wherever possible.

### **Human Resources (HR)**

57. There are no HR implications.

### **Equalities**

58. The schemes will maximise pupils' opportunities, provide support and enable staff to carry out their duties efficiently.

### **Crime and Disorder**

59. There are no crime and disorder implications.

### **Information Technology (IT)**

60. There are no IT implications.

### **Property**

61. Millthorpe School is leased to the South Bank Academy Trust for 125 years.

**Contact Details**

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**Education and Skills**

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01904 554334

**Chief Officer Responsible for the report:**

**Amanda Hatton**  
**Director of People**

**Report**  
**Approved**



**Date** 29/9/21

**Specialist Implications Officers**

Financial  
Mike Barugh  
Principal Accountant  
01904 554573.

Legal  
Cathryn Moore  
Legal Manager  
01904 552487

**Wards Affected:** List wards or tick box to indicate all

**All**

**For further information please contact the author of the report**

Annexes:

Annex 1 – Equalities Impact Assessment

**City of York Council**  
**Equalities Impact Assessment**

**Who is submitting the proposal?**

<b>Directorate:</b>		People Directorate	
<b>Service Area:</b>		Education Support Services	
<b>Name of the proposal :</b>		Millthorpe School - <i>School Capital Works at Millthorpe School to Accommodate the Expected Demand for Pupils Places from within the Millthorpe Catchment Area by September 2022</i>	
<b>Lead officer:</b>		Claire McCormick	
<b>Date assessment completed:</b>		16-09-21	
<b>Names of those who contributed to the assessment :</b>			
<b>Name</b>	<b>Job title</b>	<b>Organisation</b>	<b>Area of expertise</b>
Claire McCormick	Planning & Policy Officer	CYC	Project Executive for CYC for the development of the project working in tandem

			with Millthorpe School and South Bank Trust
Alex Collins	School Business Manager	Millthorpe School	Project Administrator for Millthorpe School for the development of the project working in tandem with CYC.

## Step 1 – Aims and intended outcomes

<b>1.1</b>	<b>What is the purpose of the proposal?</b> Please explain your proposal in Plain English avoiding acronyms and jargon.
	The report provides details about the capital work needed to create additional accommodation to fulfil an expected temporary 3-year demand for pupils living in Millthorpe’s catchment area in Secondary Planning Area West (SPA West).

<b>1.2</b>	<b>Are there any external considerations?</b> (Legislation/government directive/codes of practice etc.)
	N/A

<b>1.3</b>	<b>Who are the stakeholders and what are their interests?</b>
	The stakeholders are CYC to create additional places in the Millthorpe catchment area due to the increasing demand of parents/pupils wanting to attend Millthorpe School; Millthorpe School whose building cannot accommodate additional pupils without adaptations; South Bank Trust as Millthorpe School is a part of the trust.
<b>1.4</b>	<b>What results/outcomes do we want to achieve and for whom?</b> This section should explain what outcomes you want to achieve for service users, staff and/or the wider community. Demonstrate how the proposal links to the Council Plan (2019- 2023) and other corporate strategies and plans.
<b>1.4</b>	<p>As above, the outcomes are for the pupils attending the school and the staff that teach and supervise those pupils.</p> <p>Links to the Council Plan:  <b>Well paid jobs and an inclusive economy</b>  The spaces being created at Millthorpe School will provide additional pupils with a place at a good and increasingly popular school.</p> <p><b>A greener and cleaner city</b>  The adaptations at Millthorpe School will be created using the existing footprint.</p> <p><b>Getting around sustainably</b>  A travel plan will be devised to scrutinise the movement of people and vehicles and to develop ideas to resolve this. This will be provided alongside the planning application.</p> <p><b>A better start for children and young people</b>  The spaces being created at Millthorpe School will provide the pupil places needed to fulfil the expected, forecasted demand.</p>

## Step 2 – Gathering the information and feedback

2.1	<b>What sources of data, evidence and consultation feedback do we have to help us understand the impact of the proposal on equality rights and human rights?</b> Please consider a range of sources, including: consultation exercises, surveys, feedback from staff, stakeholders, participants, research reports, the views of equality groups, as well your own experience of working in this area etc.	
<b>Source of data/supporting evidence</b>	<b>Reason for using</b>	
Feedback from stakeholders – school and trust	Helps to demonstrate the full and wider impact of the proposed works.	

## Step 3 – Gaps in data and knowledge

<b>3.1</b>	<b>What are the main gaps in information and understanding of the impact of your proposal? Please indicate how any gaps will be dealt with.</b>	
	<b>Gaps in data or knowledge</b>	<b>Action to deal with this</b>
	N/A	

### Step 4 – Analysing the impacts or effects.

<b>4.1</b>	<b>Please consider what the evidence tells you about the likely impact (positive or negative) on people sharing a protected characteristic, i.e. how significant could the impacts be if we did not make any adjustments? Remember the duty is also positive – so please identify where the proposal offers opportunities to promote equality and/or foster good relations.</b>		
<b>Equality Groups and Human Rights.</b>	<b>Key Findings/Impacts</b> More pupils means increased diversity. Increased diversity means adapting spaces to meet requirements.	<b>Positive (+)</b> <b>Negative (-)</b> <b>Neutral (0)</b>	<b>High (H)</b> <b>Medium (M)</b> <b>Low (L)</b>
<b>Age</b>			
<b>Disability</b>	CYC is asking Millthorpe School to take more pupils from its catchment due to the increased popularity of the school and the forecasted requests for places. The UK/York is seeing a significant increase in pupils with SEMH. Adding more pupils into a school building creates increased levels of anxiety for some pupils due to pupils moving en masse around a school with a number of areas impacted by over-crowding.		

	<p>Mobility/physical disability: The increase in pupils to the school may include some with mobility/physical disabilities. Currently, those with mobility/physical disabilities have to take circuitous and time consuming routes to get to lessons due to mass movement of people in corridors and along paths.</p> <p>Sensory disabilities: An increase of pupils to the school may include pupil/s with sensory disabilities where currently crowded corridors, noise levels, long dining queues, not enough areas to sit and time to eat erodes choices and independence.</p> <p>Resolving some of the issues of over-crowding before additional pupils arrive from September 2022 through this project will reduce risks, triggers of stress and anxiety and increase independence.</p>		
<b>Gender</b>	Creating unisex toileting areas that are able to be supervised removes stigma of non-binary people using gender designated facilities.		
<b>Gender Reassignment</b>	As above.		
<b>Marriage and civil partnership</b>			
<b>Pregnancy and maternity</b>			
<b>Race</b>			

<b>Religion and belief</b>	Creating unisex floor to ceiling cubicles and toileting areas allows pupils the guaranteed reassurance of privacy. Re-purposing space allows for the creation of smaller rooms/intervention spaces and a prayer room.		
<b>Sexual orientation</b>	Removal of communal urinals in favour of individual cubicles reduces risk of homophobic incidents among boys using toilets.		
<b>Other Socio-economic groups including :</b>	<b>Could other socio-economic groups be affected e.g. carers, ex-offenders, low incomes?</b>		
<b>Carer</b>			
<b>Low income groups</b>	Adapting the dining operation and seating set up will promote affordable, healthy eating for pupils from lower income families who may increase as a result of additional pupils accessing the school.		
<b>Veterans, Armed Forces Community</b>			
<b>Other</b>			
<b>Impact on human rights:</b>			
List any human rights impacted.			

**Use the following guidance to inform your responses:**

Indicate:

- Where you think that the proposal could have a POSITIVE impact on any of the equality groups like promoting equality and equal opportunities or improving relations within equality groups
- Where you think that the proposal could have a NEGATIVE impact on any of the equality groups, i.e. it could disadvantage them
- Where you think that this proposal has a NEUTRAL effect on any of the equality groups listed below i.e. it has no effect currently on equality groups.

It is important to remember that a proposal may be highly relevant to one aspect of equality and not relevant to another.

<p><b>High impact</b> (The proposal or process is very equality relevant)</p>	<p>There is significant potential for or evidence of adverse impact The proposal is institution wide or public facing The proposal has consequences for or affects significant numbers of people The proposal has the potential to make a significant contribution to promoting equality and the exercise of human rights.</p>
<p><b>Medium impact</b> (The proposal or process is somewhat equality relevant)</p>	<p>There is some evidence to suggest potential for or evidence of adverse impact The proposal is institution wide or across services, but mainly internal The proposal has consequences for or affects some people The proposal has the potential to make a contribution to promoting equality and the exercise of human rights</p>
<p><b>Low impact</b> (The proposal or process might be equality relevant)</p>	<p>There is little evidence to suggest that the proposal could result in adverse impact The proposal operates in a limited way The proposal has consequences for or affects few people The proposal may have the potential to contribute to promoting equality and the exercise of human rights</p>

## Step 5 - Mitigating adverse impacts and maximising positive impacts

5.1	<b>Based on your findings, explain ways you plan to mitigate any unlawful prohibited conduct or unwanted adverse impact. Where positive impacts have been identified, what is been done to optimise opportunities to advance equality or foster good relations?</b>
As step 4.	

**Step 6 – Recommendations and conclusions of the assessment**

6.1	<b>Having considered the potential or actual impacts you should be in a position to make an informed judgement on what should be done. In all cases, document your reasoning that justifies your decision. There are four main options you can take:</b>
<ul style="list-style-type: none"> <li>- <b>No major change to the proposal</b> – the EIA demonstrates the proposal is robust. There is no potential for unlawful discrimination or adverse impact and you have taken all opportunities to advance equality and foster good relations, subject to continuing monitor and review.</li> </ul>	

- **Adjust the proposal** – the EIA identifies potential problems or missed opportunities. This involves taking steps to remove any barriers, to better advance quality or to foster good relations.
- **Continue with the proposal** (despite the potential for adverse impact) – you should clearly set out the justifications for doing this and how you believe the decision is compatible with our obligations under the duty
- **Stop and remove the proposal** – if there are adverse effects that are not justified and cannot be mitigated, you should consider stopping the proposal altogether. If a proposal leads to unlawful discrimination it should be removed or changed.

**Important:** If there are any adverse impacts you cannot mitigate, please provide a compelling reason in the justification column.

<b>Option selected</b>	<b>Conclusions/justification</b>
No major change to the proposal.	The project will enhance equality, choice and independence.

## Step 7 – Summary of agreed actions resulting from the assessment

<b>7.1 What action, by whom, will be undertaken as a result of the impact assessment.</b>			
<b>Impact/issue</b>	<b>Action to be taken</b>	<b>Person responsible</b>	<b>Timescale</b>
Additional pupils causing overcrowding.	Make adaptations to resolve issues of overcrowding.	Claire McCormick/South Bank Trust.	To be complete by September 2022.

## Step 8 - Monitor, review and improve

<b>8.1</b>	<p><b>How will the impact of your proposal be monitored and improved upon going forward?</b></p> <p>Consider how will you identify the impact of activities on protected characteristics and other marginalised groups going forward? How will any learning and enhancements be capitalised on and embedded?</p>
	<p>Over-crowding causes anxiety, and additional pupils in school from September 2022 will enhance this issue for everyone in crowded, noisy corridors and toilet areas that cannot be properly supervised. Resolving these issues in the worst affected areas will allow for better supervision, will lower stress levels and will improve health and safety. Creating teaching, break out and intervention space by re-organising internal areas to make them work better will enable school to teach additional pupils without the need to build new teaching spaces. Long lunchtime queues mean some pupils often decide to skip lunch leading to tiredness and poor performance in the afternoons. All pupils, but in particular those with anxiety/SEMH/disabilities and those receiving free school meals will benefit from being able to spend a</p>

	longer amount of time eating and digesting food, leading to more nutritious choices and ultimately better levels of concentration in lessons during the afternoon.
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**Executive**

**14 October 2021**

Report of the Corporate Director, People  
Portfolio of the Executive Member for Children and Education

**School Capital Works at Manor CE Academy to Accommodate the  
Expected Demand for Pupil Places in the West of York by  
September 2022**

**Summary**

1. The report provides details about the capital work needed to create additional accommodation to fulfil an expected temporary 3-year demand for pupil places in the west of York's Secondary Planning Area (SPA).

**Recommendations**

2. The Executive is asked to consider:
  - 1) Approval of Option 3, that is funding of £1.1m from the Basic Needs Fund (with a proportion to be recouped from S106 monies in relation to the Civil Service housing development) for capital works to create additional teaching and circulation space at Manor CE Academy by grant agreement to Hope Sentamu Learning Trust and to delegate authority to the Assistant Director, Education and Skills in consultation with the Director of Governance (or her delegated officers) to take such steps as are necessary to enter into the resulting grant agreement.
  - 2) Reason: to create the space needed to fulfil the expected demand for a temporary 3-year bulge of pupil places in the SPA West area (excluding the Millthorpe catchment area) by September 2022.

**Background**

3. As shown in the tables below, the demand for pupil places in the west of York is expected to increase by September 2022. The

increased demand in SPA West is also shown in the tables below. The advice set out in the Department for Education guidance, 'Making Significant Changes to an Open Academy and Closure by Mutual Agreement' states, "We expect academy trusts to only propose to create additional places in academies that have an overall Ofsted rating of 'good' or 'outstanding.'"

4. Manor CE Academy has a current Ofsted rating of 'outstanding,' and for this reason, as well as in anticipation of the expected additional pupil yield from housing developments at the Civil Service and British Sugar sites, it is proposed that additional places be provided at Manor CE Academy.
5. It is forecast that the growth in the expected demand for places within the area will produce a temporary 3-year bulge. Current data suggests this may need to be phase 1 of a potential 2-phase scheme to increase places at this school.
6. Pupil yield from the British Sugar site, located in the Manor CE Academy priority area, is expected to further increase the demand for pupil places within the west of York. If required, the necessity for the creation of spaces in phase 2 will be discussed in detail in a future paper.
7. The published forecast for SPA West January 2020:

<b>Admissions Year</b>	<b>2022/23</b>	<b>2023/24</b>	<b>2024/25</b>
<b>Year 7 Demand</b>	847	833	830
<b>Year 7 Places</b>	810	810	810
<b>Surplus / (Deficit)</b>	(37)	(23)	(20)

8. The updated forecast for SPA West from the unpublished September 2020 SCAP shows we are still expecting a deficit of places in this area from 2022/23 for 3 years.

<b>Admissions Year</b>	<b>2022/23</b>	<b>2023/24</b>	<b>2024/25</b>
<b>Year 7 Demand</b>	858	843	846
<b>Year 7 Places</b>	810	810	810
<b>Surplus / (Deficit)</b>	(48)	(33)	(36)

9. The published forecast for SPA West January 2021:

Admissions Year	2022/23	2023/24	2024/25
Year 7 Demand	858	843	846
Year 7 Places	810	810	810
Surplus / (Deficit)	(39)	(18)	(9)

10. September 2020 forecast number of additional places required by area:

	2022/23	2023/24	2024/25
Millthorpe Catchment	16	-	26
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11. January 2021 forecast number of additional places required by area:

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SPA West (Excluding Millthorpe Catchment)	26	18	-

12. Due to the unprecedented events of both the global pandemic and Brexit, changes have been seen in admissions allocation data and trends this year. Data from both 2020 and 2021 forecasts have therefore been included as it is impossible to say if or when trends will revert back to what had previously been expected and subsequently how many places will be required 2 to 3 years from now.

## Consultation

12. The Local Authority has been working closely with Manor CE Academy and the Hope Sentamu Learning Trust to discuss the school's existing difficulties in accommodating pupil numbers in a building originally constructed for a maximum of 900 pupils. The proposed capital works would allow safe circulation and movement of pupils and staff throughout all areas of the school.

## Options

13. Option 1
14. Do nothing

15. It would not be possible to meet the needs of the pupils and staff in the current building, therefore doing nothing cannot be a recommendation.
16. **Option 2**
17. Creation of additional teaching accommodation only
18. Manor CE Academy was originally built to accommodate 900 pupils. At present, the school has 1,140 pupils. These additional pupils have been accommodated by increasing class sizes to 32 and by adapting smaller areas for curriculum teaching use.
19. The circulation areas around the building are at a critical point where no more small adaptations can be made and any additional increases to the numbers of pupils and staff impacts directly upon safe circulation around the building.
20. An additional classroom at Manor CE Academy fulfils the demand within SPA West, (excluding Millthorpe School's catchment) for the temporary 3-year bulge beginning in September 2022.
21. Current site trajectories suggest that by 2025/26, the Civil Service development will be complete, with the British Sugar housing development forecast to commence a year later, creating a permanent demand for pupil places in SPA West. These housing developments are located within Manor CE Academy's priority admissions area. Historical data shows the 3-year weighted average percentage for 1<sup>st</sup> preferences from children living in this priority area is 79%. It is expected that the majority of 1<sup>st</sup> preferences from this development will also be for Manor CE Academy. The proximity of this development to the school could mean the percentage of 1<sup>st</sup> preferences will be higher still. The additional classroom created for the temporary 3-year bulge would become a permanent classroom once the demand for places begins to come through from the Civil Service housing development, and in the future, the British Sugar housing development.
22. **Option 3**
23. Creation of additional teaching and circulation space

This option creates the same teaching facilities as option 2, however it will also address the severe pressures on circulation spaces. This impacts on safety and behaviour within school due to the number of pupils moving around the building, crush-point areas, toileting, lunchtime periods, intervention and break out provision and class cross-over periods.

## **Analysis**

### 24. **Option 1**

#### 25. Do Nothing

26. It is not possible to accommodate any more pupils at Manor CE Academy without addressing issues of health and safety caused by the increasing movement of large numbers of people in a building not designed for more than 900 pupils and associated staff.

### 27. **Option 2**

#### 28. Creation of additional teaching accommodation only

29. Additional teaching accommodation would fulfil the SPA West area's (excluding Millthorpe School's catchment) temporary 3-year bulge curriculum requirement, but would not resolve the existing issue of circulation space, which would be compounded by additional pupils.

### 30. **Option 3**

#### 31. Additional teaching and circulation space

32. In order to ensure the safe movement of pupils and staff during lunchtime periods, it is proposed to infill the area called the 'Rotunda' at the school and for this existing external and unused area to become an internal, roofed space. This will resolve the issue of the lack of dining and circulation space. Pupils and catering staff will no longer need to carry hot food up stairs, as the first floor servery will be able to provide the full menu due to the installation of a dumb waiter.

33. The servery area will be adapted to enable a better queueing and paying system. The first floor servery will be re-positioned next to

the new dumb waiter to allow catering staff to transfer food between ground and upper floors without using a staircase or the lift.

34. Opening up this rotunda area will eliminate circulation crush-points, enable pupils to congregate safely and allow the queue for both serveries to keep moving. It will create space for essential additional seating that will allow staff to better supervise pupils. It will also provide an additional staircase, critical for resolving fire egress issues that have developed due to the greater numbers of pupils and staff moving around the building.
35. Resolving these dining and circulation issues by September 2022 will resolve the existing pressures that will be made worse by the expected temporary 3-year demand for pupil places. It will also create the space needed if the yield from the Civil Service and British Sugar housing developments results in a need for further additional places at Manor CE Academy. If required, this will be addressed as part of a potential phase 2 scheme.
36. Resolving these particular circulation issues by September 2022 has been anticipated and referenced in the S106 agreements from future housing developments.
37. Pressures currently being experienced throughout the construction industry means it is far better to resolve these circulation issues now rather than delaying as it will risk further increases in prices for critical materials, such as steel.
38. **Implications**

#### **Financial**

39. This former Civil Service site is ST2 in the Local Plan. Work will need to take place during the summer term and holiday periods in 2022. The proposal is being developed and is estimated to cost approximately £1,100,000. S106 funding of £899,592 (index linked) has already been identified and requested in anticipation of the Civil Service housing development. This S106 funding is linked to an anticipated need to infill the rotunda area of the school. This will significantly reduce the contribution of Basic Need funding required.

40. Currently, it is anticipated that the housing developments will begin at the Civil Service site during 2022/2023. The first payment of approximately £783,130 is expected before the occupation of 50 dwellings at the site.

### **Risk Management**

41. Manor CE Academy is best placed to meet the requirement for additional pupils within the SPA West area (excluding Millthorpe catchment). Failure to secure these places could result in the Local Authority not meeting its statutory duty to secure sufficient secondary school places for the children in York.
42. The works will be carried out during the summer term and summer holiday in 2022. Work must be carried out while pupils are not on site and must be completed on time. An early decision on funding is therefore needed to ensure the timescales can be met.
43. Due to a lack of supply and an increase in demand, the cost of some materials has risen. Once the supply of materials recovers, the increased costs for materials are unlikely to reduce.
44. As a result of the market conditions and the increasing pressures on building and construction, a substantial contingency has been included within the budget estimate for this scheme.

### **Council Plan**

#### **Well paid jobs and an inclusive economy**

45. Additional pupils would receive a place at an outstanding school.

#### **A greener and cleaner city**

46. The adaptations at Manor CE Academy will be created using the existing footprint.

#### **Getting around sustainably**

47. A travel plan will be devised to scrutinise the movement of people and vehicles and to develop ideas to resolve this. This will be provided alongside the planning application.

### **A better start for children and young people**

48. The spaces being created at Manor CE Academy will provide the pupil places needed to fulfil the expected, forecasted demand within the SPA West area (excluding Millthorpe catchment).

### **Legal**

49. Section 13 of the Education Act 1996 imposes a duty on the council as local education authority to “contribute towards the spiritual, moral, mental and physical development of the community by securing that efficient primary, secondary and further education are available to meet the needs of the population in their area.” Section 14 of the Act expands on this duty by requiring the council to secure sufficient schools in “number, character and equipment” to provide all pupils with appropriate education.
50. The school site is currently leased to Hope Sentamu Learning Trust for 125 years from 1 April 2011. Officers will work closely with Legal Services to identify whether there are any implications for the lease associated with the building works and ensure any risks arising from such implications are mitigated as much as possible.
51. Any proposed works will need to be commissioned via a compliant procurement route under the Council’s Contract Procedure Rules and the Public Contract Regulations 2015. The value of the works outlined above falls significantly below the relevant threshold for the procurement of works under the Regulations (i.e. £4,733,252), therefore a full procurement exercise under the Regulations will not be required in this instance. However, a competitive process for quotations will still need to be advertised and run under the Contract Procedure Rules.
52. It is understood the funding for the construction will be provided to Hope Sentamu Learning Trust through a grant agreement, with the works to be procured and managed by the Trust. The grant agreement will contain obligations governing the use of the funding to ensure all relevant legal requirements and compliance is achieved, along with claw back provisions for breach of those obligations.

**Other**

53. None.

**Good health and wellbeing**

54. A travel plan will be developed where students, staff and visitors will be encouraged to use public transport, local cycle routes and walk to the site wherever possible.

**Human Resources (HR)**

55. There are no HR implications.

**Equalities**

56. The schemes will maximise pupils' opportunities, provide support and enable staff to carry out their duties efficiently.

**Crime and Disorder**

57. There are no crime and disorder implications.

**Information Technology (IT)**

58. There are no IT implications.

**Property**

59. Manor CE Academy is leased to the Hope Sentamu Learning Trust Multi Academy Trust for 125 years.

**Contact Details**

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**Chief Officer Responsible for the  
report:**

**Amanda Hatton  
Director of Children Education and  
Communities**

**Report  
Approved**

**Date**

**Specialist Implications Officer(s)**

Implication i.e. Financial  
Mike Barugh  
Principal Accountant  
01904 554573.

Legal  
Cathryn Moore  
Legal Manager  
01904 552487

**Wards Affected:** *List wards or tick box to indicate all*

**All**

*tick*

**For further information please contact the author of the report**

## City of York Council Equalities Impact Assessment

### Who is submitting the proposal?

<b>Directorate:</b>	People Directorate		
<b>Service Area:</b>	Education Support Services		
<b>Name of the proposal :</b>	Manor CE Academy - <i>School Capital Works at Manor CE Academy to Accommodate the Expected Demand for Pupil Places in the West of York by September 2022</i>		
<b>Lead officer:</b>	Claire McCormick		
<b>Date assessment completed:</b>	21-09-21		
<b>Names of those who contributed to the assessment :</b>			
<b>Name</b>	<b>Job title</b>	<b>Organisation</b>	<b>Area of expertise</b>
Claire McCormick	Planning & Policy Officer	CYC	Project Executive for CYC for the development of the project working in tandem

			with Manor CE Academy and HOPE Sentamu Trust
Simon Barber	Head teacher	Manor CE Academy	Head teacher at Manor Ce Academy for the development of the project working in tandem with CYC.

## Step 1 – Aims and intended outcomes

<b>1.1</b>	<b>What is the purpose of the proposal?</b> Please explain your proposal in Plain English avoiding acronyms and jargon.
	1. The report provides details about the capital work needed to create additional accommodation to fulfil an expected temporary 3-year demand for pupil places in the west of York's Secondary Planning Area (SPA).

<b>1.2</b>	<b>Are there any external considerations?</b> (Legislation/government directive/codes of practice etc.)
	N/A

1.3	<b>Who are the stakeholders and what are their interests?</b>

	<p>The stakeholders are:  CYC to fulfil the forecasted demand for additional places within the area.  Manor CE Academy who are unable to accommodate additional pupils without adaptations.  HOPE Sentamu Trust of which Manor CE Academy is a part.</p>
1.4	<p><b>What results/outcomes do we want to achieve and for whom?</b> This section should explain what outcomes you want to achieve for service users, staff and/or the wider community. Demonstrate how the proposal links to the Council Plan (2019- 2023) and other corporate strategies and plans.</p>
	<p>As above, the outcomes are for the pupils attending the school and the staff that teach and supervise those pupils.</p> <p>Links to the Council Plan:  <b>Well paid jobs and an inclusive economy</b>  Additional pupils would receive a place at an outstanding school.</p> <p><b>A greener and cleaner city</b>  The adaptations at Manor CE Academy will be created using the existing footprint.</p> <p><b>Getting around sustainably</b></p>

	<p>A travel plan will be devised to scrutinise the movement of people and vehicles and to develop ideas to resolve this. This will be provided alongside the planning application.</p> <p><b>A better start for children and young people</b>  The spaces being created at Manor CE Academy will provide the pupil places needed to fulfil the expected, forecasted demand within the SPA West area (excluding Millthorpe catchment).</p>

## Step 2 – Gathering the information and feedback

2.1	<p><b>What sources of data, evidence and consultation feedback do we have to help us understand the impact of the proposal on equality rights and human rights?</b> Please consider a range of sources, including: consultation exercises, surveys, feedback from staff, stakeholders, participants, research reports, the views of equality groups, as well your own experience of working in this area etc.</p>	
	<p><b>Source of data/supporting evidence</b></p>	<p><b>Reason for using</b></p>
Feedback from stakeholders – school and trust.		Helps to demonstrate the full and wider impact of the proposed works.

### Step 3 – Gaps in data and knowledge

3.1	What are the main gaps in information and understanding of the impact of your proposal? Please indicate how any gaps will be dealt with.	
	Gaps in data or knowledge	Action to deal with this
	N/A	

### Step 4 – Analysing the impacts or effects.

4.1	Please consider what the evidence tells you about the likely impact (positive or negative) on people sharing a protected characteristic, i.e. how significant could the impacts be if we did not make any adjustments? Remember the duty is also positive – so please identify where the proposal offers opportunities to promote equality and/or foster good relations.		
<b>Equality Groups and Human Rights.</b>	<b>Key Findings/Impacts</b> More pupils means increased diversity. Increased diversity means adapting spaces to meet requirements.	<b>Positive (+)</b> <b>Negative (-)</b> <b>Neutral (0)</b>	<b>High (H)</b> <b>Medium (M)</b> <b>Low (L)</b>
<b>Age</b>			
<b>Disability</b>	CYC is asking Manor CE Academy to take more pupils from its catchment due to the increased popularity of the school and the forecasted requests for places. The UK/York is seeing a significant increase in pupils with SEMH. Adding more pupils into a school building creates		

	<p>increased levels of anxiety for some pupils due to pupils the dining being impacted by long queues, over-crowding and noise. There is currently no space to support pupils with varying levels of SEMH. However, the pastoral team, student support and welfare staff will have their base in the newly created space and will therefore become much more accessible for pupils.</p> <p>Mobility/physical disability: Manor CE Academy is host to a number of Applefields pupils. Applefields pupils have been unable to integrate into some areas of school, however the changes proposed will allow pupils to use the created space for teaching.</p> <p>The opened out and newly created space will also impact upon some staff with disabilities, making it safer for them to move around this over-crowded central area.</p> <p>All spaces in school have been adapted for teaching and intervention. There is a lack of multi-functional space which the new area will provide.</p> <p>Sensory disabilities: An increase of pupils to the school may include pupil/s with sensory disabilities where currently crowded corridors, noise levels, long dining queues, not enough areas to sit and time to eat erodes choices and independence.</p>		
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	Resolving some of the issues of over-crowding before additional pupils arrive from September 2022 through this project will reduce risks, triggers of stress and anxiety and increase independence.		
<b>Gender</b>			
<b>Gender Reassignment</b>			
<b>Marriage and civil partnership</b>			
<b>Pregnancy and maternity</b>			
<b>Race</b>			
<b>Religion and belief</b>	Pastoral care is extremely important at Manor CE Academy. The created space will allow pastoral staff to be visible and accessible to those requiring support as pupils numbers increase.		
<b>Sexual orientation</b>			
<b>Other Socio-economic groups including :</b>	<b>Could other socio-economic groups be affected e.g. carers, ex-offenders, low incomes?</b>		
<b>Carer</b>			
<b>Low income groups</b>	The dining operation will be adapted to allow pupils to purchase lunch from either the ground floor or the first floor. Adapting the dining operation and seating set up will allow		

	shorter queuing times and so promote affordable, healthy eating for pupils from lower income families who may increase as a result of additional pupils accessing the school.		
<b>Veterans, Armed Forces Community</b>			
<b>Other</b>			
<b>Impact on human rights:</b>			
List any human rights impacted.			

**Use the following guidance to inform your responses:**

Indicate:

- Where you think that the proposal could have a **POSITIVE** impact on any of the equality groups like promoting equality and equal opportunities or improving relations within equality groups
- Where you think that the proposal could have a **NEGATIVE** impact on any of the equality groups, i.e. it could disadvantage them
- Where you think that this proposal has a **NEUTRAL** effect on any of the equality groups listed below i.e. it has no effect currently on equality groups.

It is important to remember that a proposal may be highly relevant to one aspect of equality and not relevant to another.

<p><b>High impact</b> (The proposal or process is very equality relevant)</p>	<p>There is significant potential for or evidence of adverse impact The proposal is institution wide or public facing The proposal has consequences for or affects significant numbers of people The proposal has the potential to make a significant contribution to promoting equality and the exercise of human rights.</p>
<p><b>Medium impact</b> (The proposal or process is somewhat equality relevant)</p>	<p>There is some evidence to suggest potential for or evidence of adverse impact The proposal is institution wide or across services, but mainly internal The proposal has consequences for or affects some people The proposal has the potential to make a contribution to promoting equality and the exercise of human rights</p>
<p><b>Low impact</b> (The proposal or process might be equality relevant)</p>	<p>There is little evidence to suggest that the proposal could result in adverse impact The proposal operates in a limited way The proposal has consequences for or affects few people The proposal may have the potential to contribute to promoting equality and the exercise of human rights</p>

**Step 5 - Mitigating adverse impacts and maximising positive impacts**

5.1	<b>Based on your findings, explain ways you plan to mitigate any unlawful prohibited conduct or unwanted adverse impact. Where positive impacts have been identified, what is been done to optimise opportunities to advance equality or foster good relations?</b>
As step 4.	

## Step 6 – Recommendations and conclusions of the assessment

6.1	<b>Having considered the potential or actual impacts you should be in a position to make an informed judgement on what should be done. In all cases, document your reasoning that justifies your decision. There are four main options you can take:</b>
- <b>No major change to the proposal</b> – the EIA demonstrates the proposal is robust. There is no potential for unlawful discrimination or adverse impact and you have taken all opportunities to advance equality and foster good relations, subject to continuing monitor and review.	

- **Adjust the proposal** – the EIA identifies potential problems or missed opportunities. This involves taking steps to remove any barriers, to better advance quality or to foster good relations.
- **Continue with the proposal** (despite the potential for adverse impact) – you should clearly set out the justifications for doing this and how you believe the decision is compatible with our obligations under the duty
- **Stop and remove the proposal** – if there are adverse effects that are not justified and cannot be mitigated, you should consider stopping the proposal altogether. If a proposal leads to unlawful discrimination it should be removed or changed.

**Important:** If there are any adverse impacts you cannot mitigate, please provide a compelling reason in the justification column.

<b>Option selected</b>	<b>Conclusions/justification</b>
No major change to the proposal.	The project will enhance equality, choice and independence.

## Step 7 – Summary of agreed actions resulting from the assessment

<b>7.1 What action, by whom, will be undertaken as a result of the impact assessment.</b>			
<b>Impact/issue</b>	<b>Action to be taken</b>	<b>Person responsible</b>	<b>Timescale</b>
Additional pupils causing overcrowding.	Make adaptations to resolve issues of overcrowding.	Claire McCormick/HOPE Sentamu Trust.	To be complete by September 2022.

## Step 8 - Monitor, review and improve

<b>8.1</b>	<b>How will the impact of your proposal be monitored and improved upon going forward?</b> Consider how will you identify the impact of activities on protected characteristics and other marginalised groups going forward? How will any learning and enhancements be capitalised on and embedded?
	Over-crowding causes anxiety, and additional pupils in school from September 2022 will enhance this issue for everyone. Long lunchtime queues mean some pupils often decide to skip lunch leading to tiredness and poor performance in the afternoons. All pupils, but in particular those with anxiety/SEMH/disabilities and those receiving free school meals will benefit from being able to spend a longer amount of time eating and digesting food, leading to more nutritious choices and ultimately better levels of concentration in lessons during afternoons.

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