
Education Capacity - Judgemeanow Temporary Modular Buildings

Executive Decision

Decision to be taken by: City Mayor

Decision to be taken on: 24 July 2025

Lead director/officer: Sophie Maltby

Useful information

- Ward(s) affected: All
- Report author: Michael Wilsher, Head of Education Sufficiency and Admissions
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- Report version number: 1.0

1. Summary

Leicester City Council has a statutory responsibility to ensure there are sufficient school places for pupils in the area. This includes places for mainstream and special school places and to meet demand and fluctuations in migration levels into the city.

In 2020, the council took action to purchase Temporary Modular Buildings (TMBs) to support Secondary expansion of places. These modules were purchased with a sell back clause built into the Purchase Agreement. However, as demand for places has increased and free schools have been delayed, extending the use of TMB's to meet this demand has been required. Several secondary schools have continued to offer bulge classes across their year groups.

Some schools wish to retain the additional capacity to support places, whilst some TMB's can be sold back or relocated to improve capacity in high demand areas.

This report considers to use of the TMBs at the Judgemeadow Community College site for education capacity.

2. Recommended actions/decision

The Executive are recommended to approve the following:

1. The transfer of 13 TMBs to St Johns the Baptist Primary School and Glebelands Primary School as per option 2 and add £0.7m to the capital programme funded from Basic Need Grant.
2. Approve the addition of £0.5m to the current TMB capital budget for the reinstatement of remaining sites to be funded from the Basic Needs Grant.

3. Background and options with supporting evidence

3.1 Background information

Leicester City Council (LCC) made the decision to install TMBs at six secondary schools across the city in 2017, their expansion in 2019 and the purchase of the modules in 2020. This was to support increased demand for secondary school places and as an interim measure whilst the DfE delivered additional Free Schools. The purchase of the TMBs modules were programmed to be removed and sold back before the Summer 2027. The Purchase Agreement places a contractual responsibility on LCC to cover the costs of the removal of the modules and re-instatement of the land, capping of services etc.

The TMBs are owned by LCC and are managed as assets by Estates and Building Services (EBS). Their monetary value is pre-determined by the Purchase Agreement. However, due to delays to Free Schools and increased demand for specialist and mainstream school places there is a need to review TMBs use across the educational estate and opportunities to continue their use.

This report focuses on the relocation of the majority of the TMBs at Judgemeanow Community College, however, it is recognised that a further report will be provided to consider strategic options for all the remaining TMB secondary school sites.

3.2 Cost of Providing Capacity

Hampshire County Council in collaboration with other councils and the DfE produce a National Benchmarking Study regarding the Cost of School Buildings. This takes account of recent developments nationally to deliver new school places.

Table 1: The national average cost of a school place

Avg. Cost Per Pupil by Education Type	NEW	Re-Build/Ext	Refurbish
Primary	£25,378	£20,946	£18,253
Secondary	£23,094	£21,235	£21,678
SEND	£91,960	£96,806	£31,539

3.3 TMBs at Judgemeanow Community College

Judgemeanow Community College has accommodated 30 TMB modules which provided additional capacity. Since September 2021 the school's intake has returned to 240 and the TMB capacity is no longer required in this area. Recently, the Judgemeanow TMBs were used to educate Mayflower Primary School pupils when Reinforced Autoclaved Aerated Concrete (RAAC) was discovered in their school.

There is a contractual agreement to reinstate the land back to its original condition when the TMBs are removed. The cost of this removal will be paid for through the Future Years TMB Capital project.

Any remaining TMB units that are not required at other educational sites, will be sold back through the Purchase Agreement. If there is a capital income from the sale of the TMBs, if approved, this will be added to the Future Years TMB budget.

3.4 Relocation of TMBs at Judgemeanow

Whilst some of the modules are planned to be sold back to Portakabin, plans are in place to relocate modules to other education sites. 6 modules have been relocated to Rushey Mead Academy to create their 20 place DSP provision and for 4 modules to be relocated to Willow Bank School to create a 16 place DSP. Both these projects will be funded through the approved DSP Phase 2 capital project.

In addition, approval is sought to fund the relocation of 13 modules from the Judgemeanow TMBs to support demand for short-term capacity for mainstream places at the following sites:

1. **St John the Baptist Primary School** – (4 modules) The school have offered to provide needed additional capacity to accommodate two bulge classes (a temporary creation of an additional class, typically to create 30 additional places, to support demand for places in the area) to meet demand for Key Stage 2 places in the south planning area of the city, as all schools have limited places available. This extra capacity is best suited through temporary accommodation, as the extra capacity is not forecasted to be required after the bulge classes have left the school

(July 2027) and TMBs provide a value for money for the short-term demand required, rather than investing in more expensive permanent capacity.

The school capacity is 630 with 90 planned places for each year group. The planned bulge class in year 5 and year 6 will provide 30 additional places per year group (from 90 to 120 places) and will be in place over the 2025/2026 academic year and maintained for year 6 in 2026/2027. This will increase sufficiency of school places in the area to meet forecasted demand.

The total cost for transport, installation and fittings is £0.4m and approval is sought to fund this project from the Basic Needs Capital.

2. **Glebelands Primary School** – (9 modules) The school was originally a 210 place primary school, but in line with the growing local housing development the school increased its number of places to 315 (45 places per year group) to provide additional places. As the school has grown, there is a need to provide sufficient class space and reconfigure areas of the school to ensure suitability, but this will not expand the number of pupils at the school above their current places. The total cost for transport, installation and fittings is £0.3m and approval is sought to fund this project from the Basic Needs Capital, and £90k Education Revenue for non-capital costs.

To provide the required capacity over the summer, 4 modules will be installed. The remaining 5 modules (which could provide an additional 2 classrooms and a staircase module) will be stored by Portakabin until Summer 2026. These modules can provide additional capacity at Glebelands, should this be required for September 2026; or used for other education sites; or sold back as part of the purchase agreement, if no longer required. This will provide flexibility to use TMB stock at education sites whilst the long-term strategy decision for the remaining TMBs and expansion of Glebelands is secured.

Permanent expansion plans at Glebelands Primary School to support demand from the local housing development will require careful planning and consultation and, if approved, would mean significant capital investment to design and remodel the school to increase capacity. Therefore, TMBs are an ideal solution to provide the required capacity in the short-term, whilst larger plans for expansion are developed.

3. **Judgemeadow Community College** – (30 modules) These modules are no longer required and the trust and the Local Authority are in agreement to remove these TMBs. 23 of these units will be relocated to use at other educational sites, with any remaining units sold back to Portakabin as within the Purchase Agreement. The cost of removal and reinstatement of the site is £0.5m which will be funded through Basic Needs Capital.

Details of these projects have been shared with the Local Authority Planning team and based on the proposed plans for the sites and locations are considered within the permitted developments of the school sites. It has been agreed that the planning officer will issue a letter confirming both sites are within the permitted development scope.

3.5 Timeline

Due to delays and constraints around the removal of the TMBs at Judgemeadow, it will only be possible to remove the TMBs, refurbish and install the modules to St John the

Baptist School before the start of the 2025 academic year. Therefore, it is planned that the modules required for Glebelands will be rented for 6 months to ensure the buildings are in place for the start of term, and these modules will be swapped on paper with the modules owned by the Council once removed off the Judgemoor site. The cost for rental of the units for 6 months is £90k. The rental costs are in line with other modules rented by the Authority.

Legal and procurement have confirmed that Purchase Agreement constitutes a live contract with Portakabin for these units until such a time as the last units are sold back to Portakabin. Because the condition of the buildings is important to their buy back value, Portakabin is the preferred provider for the installations and costs have been checked by Estates and Buildings to be in line with market expectations. The Purchase Agreement reflects this with an obligation to offer Portakabin first refusal to carry out any relocation of modules.

Based on these projects, of the 30 TMB modules at Judgemoor, 23 modules will be used at other education sites, which will provide up to 150 additional mainstream places and 36 new specialist DSP places. The 7 remaining modules are intended to be sold back to Portakabin as per the purchase agreement. If any projects are unable to be delivered, the modules will be sold back as per the purchase agreement.

3.6 Options

Option 1 – Approve to remove and sell back all Judgemoor modules.

This option would sell all 30 Judgemoor TMB modules providing income from the sale. The cost of removal and reinstatement would be £0.5m.

However, this would not provide the planned specialist or mainstream places required. If the LA sought to provide these planned places through new permanent extensions on these sites, they would cost an estimated £7.59m to provide the same capacity based on national average referenced in section 4.2, Table 1, of this report.

Option 2 – Approve to; relocate required TMBs to other education sites and sell or store remaining modules.

This option would remove the TMB modules from the Judgemoor site; and approve the relocation and funding for 13 modules to support places at Glebelands and St Johns with £0.7m funding from Basic Needs Capital and Education Revenue of £90k.

10 modules would be used to deliver DSP places at Rushey Mead Academy and Willow Bank School which will be funded through the approved DSP Phase 2 Project capital budget. This would support demand for mainstream and specialist places for the period required, and provides significant value for places, well below national benchmarks if built permanently.

In total 23 modules would be relocated for education purposes with 7 TMB modules from Judgemoor planned to be sold back to Portakabin as per the purchase agreement or stored for future use.

4. Financial, legal, equalities, climate emergency and other implications

4.1 Financial implications

There is an approved TMB Future Capital budget of £1.55m for the removal of TMBs and reinstatement of sites to their original condition across several schools.

The proposals in this report are to relocate TMB units from Judgemeanow Community College to St John the Baptist Primary School at a capital cost of £0.4m and to Glebelands Primary School at a capital cost of £0.3m plus £90k rental upfront. This proposal will cost a total of £0.7m and will be funded from Basic Need Grant. The revenue implications of this decision will be funded DSG Growth Fund.

A review of all TMB sites has been completed and additional budget of £0.5m is required above the current available budget of £1.55m due to increased costs. This report proposes to add this £0.5m to the capital programme funded from Basic Need Grant.

Any capital receipts from the sale of TMBs will be available to fund future capital programmes.

The TMBs will be utilised to provide planned short-term specialist or mainstream places that are required. Using the national benchmarking given in Table 1 of the report, the cost of providing the same number of places through a re-build or extension is estimated to be £7.59m. This is obviously a much higher cost than the £1.2m proposed in this report.

Signed: Mohammed Irfan

Dated: 27 June 2025

4.2 Legal implications

Commercial:

Based on Recommended Option 2 only

Option 2 envisages multiple uses of the Temporary Modular Buildings (TMBs), each having its own considerations as detailed below.

Rental and storage of TMBs: the proposal is to rent some new TMBs as an interim measure. The proposed rental of the TMBs is likely to be governed by the Procurement Act 2023 and therefore the basis of award will need to be assessed ensuring compliance with the Procurement Act 2023. The directorate should engage both Procurement and Legal Services for advice on this, and gain necessary approvals, where relevant, under the Council's Contract Procedure Rules.

Subject to the above, any rental and storage agreements must include robust terms on delivery, installation, liability, maintenance, and clear arrangements for swapping in the Council's own TMB units once available. In addition, the Council must demonstrate compliance with its Best Value duty under the Local Government Act 1999.

Selling TMBs: the proposal to sell the remaining TMBs situated at Judgemeanow Community College back to the Supplier, must be considered in line with the terms of the existing Purchase Agreement with the Supplier under which the TMBs were originally purchased. The report notes that there are obligations under the Purchase Agreement which includes a first refusal clause and that which requires the Council to offer the remaining TMBs for sale back to the Supplier before exploring other disposal options. The recommended sale is therefore a contractual obligation and ensures compliance with the agreed terms.

A new contract should be put in place to govern the terms of the sale and the process followed under the Purchase Agreement. Any such sale arrangement should clearly set out the responsibilities for removal and transport, timescales, and any associated warranties or liabilities. Legal Services should be involved in drafting or reviewing the agreement to ensure it protects the Council's interests.

The TMBs must be sold back to Supplier at market value and there is a process to agree the price within the Purchase Agreement. If the sale is made at below market value, Subsidy Control Rules may be triggered and will need to be considered. Legal advice should be sought as necessary.

Relocation of TMBs: In relation to the TMBs being relocated to Glebelands and St Johns, this too will be subject to the Council's existing Purchase Agreement and therefore obligations under that will need to be followed prior to committing to any relocation of the TMBs. Subject to this, appropriate agreements will need to be put in place with respective schools which needs to underpin responsibilities of the parties in relation to the TMBs ensuring clarity and accountability for all parties involved.

If external contractors are engaged for the removal, relocation, or reinstallation of the TMBs, the Council must ensure compliance with the Procurement Act 2023 and the Council's internal Contract Procedure Rules.

Officers should seek advice and support as required on an ongoing basis.

Signed: Seema Patel

Dated: 25 June 2025

Education:

Pursuant to Section 14 of the Education Act 1996, the local authority has the legal responsibility to ensure that there are sufficient schools to provide primary and secondary education within the local area. Schools must be sufficient in number, character and equipment to provide for all pupils the opportunity of appropriate education. When pursuing this duty, the local authority must have regard to the need for securing that special educational provision is made for pupils with special educational needs. The report details proposals to assist with ensuring the duty in Section 14 of the Education Act 1996 can be met.

Consideration has been given to the relevant obligations under The School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2013.

- In relation to the proposal for bulge classes at St John the Baptist Primary School, on the basis that the bulge classes are intended to be temporary and only in place for two academic years, there is no requirement to follow the statutory process.
- In relation to the proposal to increase the premises at Glebelands Primary School, on the basis that there is no proposal to increase the current pupil numbers at the school, there is no requirement to follow the statutory process.

The School Admissions Code 2021 also imposes consultation requirements for proposals to increase the Published Admission Number at an individual school. However, no increases to the PAN at either of the identified schools are envisaged as part of these proposals.

It is recommended that legal advice is sought on an ongoing basis.

Signed: Julia Slipper
Dated: 27 June 2025

4.3 Equalities implications

When making decisions, the Council must comply with the public sector equality duty (PSED) (Equality Act 2010) by paying due regard, when carrying out their functions, to the need to eliminate unlawful discrimination, harassment and victimisation, to advance equality of opportunity and foster good relations between people who share a 'protected characteristic' and those who do not.

Protected characteristics under the public sector equality duty are age, disability, gender re-assignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex and sexual orientation.

Schools are covered under Part 6 of the Equality Act 2010. Schools must not discriminate against a child by not offering a place or by only offering a place under specific terms and conditions. They must ensure that the child has full access to education, facilities and services. They must not subject 'the pupil to any (other) detriment' which means they must not subject the child to any form of disadvantage. Schools and education authorities have a duty to provide reasonable adjustments for disabled pupils. Equality covers all aspects of school life enjoyed by children – teaching and learning, special educational needs and disabilities can affect a child or young person's ability to learn.

The report is seeking approval for Option 2, for 23 modules to be relocated to other education sites to provide additional mainstream and specialist places to support demand. It will help towards meeting demand and our statutory obligations by ensuring there are sufficient school places in the area and enabling pupils to remain in their current school ensuring their education is not disrupted.

Signed: Equalities Officer, Surinder Singh, Ext 37 4148
Dated: 14 April 2025

4.4 Climate Emergency implications

There will be some limited, and unavoidable, carbon emissions arising from relocating the TMBs and potentially also from making good the Judgemeadow site.

In broader terms, the use of TMBs to manage accommodation needs arising from fluctuations in pupil numbers may have the following climate emergency implications:

- TMBs may be less well insulated than permanent classrooms, leading to greater energy use for heating and higher carbon emissions. This risk may be able to be mitigated by including thermal performance specifications (U-values) in any future procurement, subject to checking what the market can offer.
- If the use of TMBs avoids the need to build permanent new classrooms, which may subsequently become surplus to requirements, this avoids the significant 'embodied' carbon emissions created by new construction (although TMB manufacture will also have some embodied carbon).

The embodied carbon saved by using TMBs probably outweighs the extra carbon emitted due to their possible lower thermal performance.

Signed: Duncan Bell, Change Manager (Climate Emergency). Ext. 37 2249
Dated: 16 April 2025

7. Summary of appendices:

Appendix 1 – Commercially sensitive information

8. Is this a private report (If so, please indicate the reasons and state why it is not in the public interest to be dealt with publicly)?

No, except for confidential Appendix A

9. Is this a “key decision”? If so, why?

Yes, over £1m of Capital spend