

**ESTABLISHMENT OF A NEW SECONDARY SCHOOL IN NORTH WEST
CAMBRIDGE**

To: **Children and Young People Committee**

Meeting Date: **8 December 2015**

From: **Adrian Loades, Executive Director: Children, Families and Adults Services**

Electoral division(s): **Arbury; Bar Hill; Castle; Cottenham, Histon & Impington; Kings Hedges and Newnham**

Forward Plan ref: **N/A** *Key decision:* **No**

Purpose:

- a) To inform the Committee of the outcome of the process adopted by the Council to discharge the statutory requirement, under the Education Act 2011, to seek a sponsor for the secondary school to serve the North West Cambridge and Darwin Green developments;**
- b) to advise the Committee of the appeal lodged by the Cambridgeshire Meridian Academies Trust (CMAT) and of the outcome of the subsequent review undertaken by the Executive Director: Children, Families and Adults Services; and**
- c) to seek the Committee's endorsement of the proposal that following the Executive Director's review of and response to the appeal lodged by CMAT, all documentation, including the correspondence in respect of the appeal, be forwarded to the Regional Schools Commissioner accompanied by a letter confirming Chesterton Community College as the Council's preferred sponsor for the new secondary school.**

Recommendation: **Members are asked to:**

- a) **Note and comment on the outcome of the joint member/officer assessment panel process;**
- b) **Note the subsequent appeal request lodged by CMAT and that the Executive Director, Children, Families and Adults Services has undertaken a review of this and reached the conclusion that, whilst there had been some administrative errors, these had no material effect on the outcome of the assessment process; and**
- c) **Endorse the proposal that following the Executive Director's review of and response to the appeal lodged by CMAT, all documentation, including the correspondence in respect of the appeal, be forwarded to the Regional Schools Commissioner accompanied by a letter confirming Chesterton Community College as the Council's preferred sponsor for the new secondary school.**

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1.0 BACKGROUND

- 1.1 The Council as the local Children's Services Authority, has a statutory duty to provide a school place for every child living in its area of responsibility who is of school age and whose parents want their child educated in the state-funded sector. To achieve this, the Council has to keep the number of school places under review and to take appropriate steps to manage the position where necessary. The Education and Inspections Act 2006 also requires local authorities to adopt a strategic role, with a duty to promote choice, diversity and fair access to school provision.
- 1.2 In response to the Cambridgeshire & Peterborough Structure Plan in 2005, a number of strategic development sites were identified to meet demand for housing across the Cambridge sub-region and released from the Green Belt.
- 1.3 The North West Fringe, bounded by the M11 to the west and the A14 to the north, is made up of three development sites. These are:
- Darwin Green 1 (formerly known as NIAB 1) between Huntingdon Road and Histon Road in Cambridge City (1,593 homes);
 - Darwin Green 2 between Huntingdon Road and Histon Road in the administrative district of South Cambridgeshire (1,000 homes); and
 - North West Cambridge (University of Cambridge) between Madingley Road and Huntingdon Road, which spans the City and South Cambridgeshire boundary (3,000 homes).
- 1.4 The Council has identified the need to establish three primary schools with early years' facilities and one secondary school to serve the developments. The first primary school opened as a University Training School, a free school, on the North West site in September 2015 run by the University of Cambridge. The secondary school is planned to open in September 2020.
- 1.5 The 2011 Education Act sets out the following requirements for local authorities with regard to the establishment of new schools:
1. To seek proposals for the establishment of an Academy or Free School and specify the date by which proposals must be received.
 2. Following the published closing date by which proposals should have been submitted, to contact the Secretary of State for Education, to outline the steps it has taken to secure applications for the establishment of an Academy or Free School, together with details of any which have been received.
- Only if no Academy or Free School proposals are received, can the Council seek the Secretary of State's permission to begin a competition process to establish a maintained school under the

provisions set out in the 2006 Education Act.

- 1.6 Under an amendment to the 2006 Education Act, approved under the 2011 Act (section 11 (1a)), proposals can be submitted to establish a new voluntary aided school in England as a permitted exemption to the presumption that all new schools should open as either Academies or Free Schools.
- 1.7 With effect from 1 May 2015, all new schools established to meet basic need (other than new voluntary aided schools) will be classified as free schools. This reflects the fact that “free school” is the Department for Education’s (DfE’s) term for a new provision academy. Academy is a legal term for state-funded schools that operate independently of local authorities and receive their funding directly from the Government. The schools established are not required to use the term Free School in their name.

2.0 NEED FOR A NEW SECONDARY SCHOOL

- 2.1 The North West Fringe developments are forecast to generate demand for around 900 secondary school places (the equivalent of 6 forms of entry (FE)). The table below shows the forecast demand for places for Year 7 children (11 year olds) in the first 5 years. It has been compiled using the latest data received for the new developments.

Demographic Forecast for number of Year 7 Places Required.					
	2020	2021	2022	2023	2024
Forecast Demand for Year 7 Places	64	84	98	110	118

- 2.2 The school will admit up to 90 Year 7 pupils in September 2020. The school will increase in size through the addition of a new Year 7 intake annually until the school is providing for all 5 year groups. It is intended that the school will eventually provide 180 places in Year 7 and a total of 900 places (6 Forms of Entry (FE)).

3.0 ACADEMY/FREE SCHOOL SPONSOR PROCESS AND OUTCOME

- 3.1 The Council’s sponsor selection process was initially established in response to the new school competition requirements of the 2006 Education Act. The process was reviewed and updated in 2012 to take account of the requirements of the 2011 Education Act, receiving Cabinet approval on 17 April 2012. More recently, some slight adjustments have been made to take account of the Council’s move from a Cabinet to a Committee system. The process consists of six main stages:
1. Development and publication of a specification detailing the requirements and expectations of the potential sponsor together

- with a background document which provides the context for the need for the school and the area in which it will be established.
2. Invitation to potential sponsors to submit applications within a set timeframe.
 3. Assessment and scoring of the applications.
Only applications deemed to have met a certain standard will be shortlisted and taken forward to the next stage.
 4. A public meeting at which the applicants are asked to present their proposals and answer questions from the audience.
Applicants are requested to prepare a presentation which should take no more than 15 minutes to deliver.
 5. Assessment and scoring of the way in which the applicant presented their proposals and responded to questions from the audience at the public meeting followed by an interview with a joint officer and Member Panel during which the applicants will be asked a series of questions. This usually lasts around 1 hour. The panel is also provided with a summary of any written comments or feedback received following the public meeting.

The Panel membership is drawn from the following:

- Members of the CYP Committee;
 - the local County Councillor(s) for the area in which the school will be established;
 - the Head of the Schools Intervention Service or a Senior Advisor;
 - the 0-19 Education Officer with responsibility for planning and reviewing provision in the area in which the school will be established; and
 - the Head of Service, 0-19 Place Planning and Organisation (Chair).
6. The Panel discusses each of the proposals in detail, taking account of what they have read, seen and heard to agree a combined score for each element of the process for each application.

- 3.2 On 12 June 2015, the Council published both a local and a national press announcement setting out the need for a new secondary school to serve the North West Fringe developments. Potential sponsors were invited to submit their proposals by 31 August 2015 to establish and run the school. The Background Information document and the detailed School Specification document produced to support potential sponsors in developing their proposals are available on the Council's website through the following link:

http://www.cambridgeshire.gov.uk/info/20059/schools_and_learning/347/school_changes_and_consultations/12

The documents were also sent to the Regional Schools Commissioner

and the Department for Education (DfE).

3.3 Three proposals were received by the 31 August 2015 deadline from:

- Cambridge Meridian Academy Trust
- Chesterton Community College
- Impington Education Trust

Copies of the executive summaries of the applications are available to either view or download from the Council's website through the above link.

3.4 A public meeting was held on 29 September 2015 when representatives from the three potential sponsors presented their proposals and answered a range of questions. The audience included local members and members of the Assessment Panel.

Questions raised related to:

- The sponsors' respective experience in running a new school;
- How sponsors would make their school inclusive and democratic;
- How the sponsors would manage the challenges involved in opening a new school in a new community and what community facilities they would provide;
- How the sponsors would provide for pupils with Special Educational Needs;
- The opportunities that a new school would bring.

3.5 The joint member/officer Assessment Panel met on the 20 October 2015 to interview and assess each potential sponsor against the criteria detailed in the School Specification document. The interview panel comprised two members of the CYP Committee, two local members and three officers. In addition, a DfE official was in attendance and contributed both in terms of asking questions and comments on the responses given. He did not participate in the actual scoring.

A copy of the assessment criteria used by the Panel, together with the details of the membership of the panel is provided in **Appendix 1**.

3.6 The Panel were unanimous in their assessment that all three potential sponsors had clearly demonstrated their commitment and capability to run and manage the new school successfully and to deliver a high quality teaching and learning experience. However, after very careful consideration of all that they had read and seen, the conclusion reached was that Chesterton Community College should be awarded the opportunity to establish and run the school in preference to the other two potential sponsors. The particular strengths of their proposal were:

1. They were able to clearly evidence their own continuous

- improvement journey and how they would apply the lessons learned in establishing and growing the new school.
2. They demonstrated a clear and up-to-date understanding of the local context and evidenced their on-going commitment to the role the new school would play in wider school-to-school support and partnership working in the locality and as a community hub, citing some relevant examples.
 3. They had established and were able to evidence the effectiveness of their systems and processes for monitoring pupil progress, including those pupils eligible for the pupil premium and of using the resulting data to support and improve attainment in the core subjects.
 4. They demonstrated that they had the necessary strength, depth and capability to make the transition from managing one school to managing a second.
- 3.7 The three potential sponsors were informed of the outcome of the Panel's assessment by the Panel Chair, the Head of 0-19 Place Planning and Organisation Service the following day and offered the opportunity for a more detailed feedback session.
- 3.8 Subsequent to this, the Executive Director, Children, Families and Adults Service received a letter dated 6 November from the Chair of CMAT lodging a request for a formal appeal of the Panel's recommendation.
- 3.9 The Council's process does not specifically provide for an appeal on the basis that it is not the decision-making body. However, the Executive Director undertook to review the Panel's recommendation but requested additional detail be provided by CMAT by Thursday 19 November in order for him to complete this by Friday 27 November to allow time, if necessary, to reconvene the Panel to review their scores in the light of his findings ahead of the Committee meeting on 8 December 2015.
- 3.10 On 20 November a letter was received from CMAT's solicitors which raised some additional points but did not provide the detail requested. The matter was referred to the Head of LGSS Law for advice and response. An exchange of emails and provision of the following documents and information by the Council, concluded in receipt of a second, detailed, letter from CMAT's solicitors on Friday 27 November:
- Assessment scores together with an explanation of the percentages awarded to each of the three elements.
 - Notes of the public meeting and of the Panel's interviews with the three potential sponsors.
 - The questions posed by the Panel.
- 3.11 The Executive Director, having read all the documentation which informed the Panel's recommendation, and received responses from the officers involved to questions over points raised in the appeal letter requiring clarification, has concluded that, whilst there was evidence of

some administrative errors during the process (these are set out below), these had not had a material effect on the Panel's recommendation of Chesterton Community College as the Council's preferred sponsor.

1. CMAT had included in their application reference to the catchment area the new school would serve based on the map provided as part of the Council's documentation. The map had, however, proved misleading as it gave the impression that the school would serve a wider area than the new housing developments. When this error came to light, CMAT had been assured that this would be brought to the attention of the Panel. This did not happen. The Executive Director concluded that the failure to produce a key for the map had resulted in potentially contradictory information being produced. However, as the problem had been identified prior to the presentation and assessment process and, the background document correctly described the catchment area, there was no evidence that CMAT had been placed at a material disadvantage. He did accept that error should have been brought to the attention of the Panel and that CMAT should receive a formal apology for this omission.
2. An email sent by one of the Council's officers to the members of the Panel concerning the potential opportunity to visit the potential sponsors prior to the Panel interviews had made specific reference to the offer having originated from Chesterton Community College. The Executive Director concluded that, whilst the need to ensure that all potential sponsors were offered the opportunity of a visit was recognised, it would have been more appropriate if all three had been consulted prior to the email being sent. However, there was no evidence that the way the correspondence had been worded had a material impact on the outcome of the process.
3. The assessment weightings were changed during the process, but prior to the Panel interviews. Whilst accepting CMAT's concerns that in effect, this change could have impacted differentially on their application, the Executive Director concluded that this was equally true for the other two potential sponsors. Having re-run the scores using the original percentage weightings, officers were able to confirm that the outcome would have been the same.

The Committee is being asked, therefore, to endorse the Panel's recommendation that Chesterton should be named as the Council's preferred sponsor. The next step will be to refer all the documentation, including CMAT's appeal and the Executive Director's response to this to the Regional Schools Commissioner immediately following the expiry of the call-in period following the Committee meeting to avoid any further delay in concluding the award of the sponsor process.

4.0 ALIGNMENT WITH CORPORATE PRIORITIES

4.1 Developing the local economy for the benefit of all

4.1.1 Providing access to local and high quality education and associated children's services will enhance the skills of the local workforce and provide essential childcare services for working parents or those seeking to return to work. The school is a provider of local employment.

4.2 Helping people live healthy and independent lives

4.2.1 If pupils have access to local schools and associated children's services, they are more likely to attend them by either cycling or walking rather than through local authority-provided transport or car. They will also be able to more readily access out of school activities such as sport and homework clubs and develop friendship groups within their own community. This will contribute to the development of both healthier and more independent lifestyles.

4.3 Supporting and protecting vulnerable people

4.3.1 Providing a local school will ensure that services can be accessed by families in greatest need within its designated area.

5.0 SIGNIFICANT IMPLICATIONS

5.1 Resource Implications

5.1.1 New academy schools receive a combination of Council and Education Funding Agency (EFA) funding. The main funding will be based on the local formula applied to all schools, but will need to include diseconomies funding to reflect the costs incurred whilst the new school fills to capacity.

5.1.2 In the limited number of circumstances under which new maintained schools are established and opened (those which received approval under the 2006 Education Act competition arrangements and, where agreed in response to evidence of need, Voluntary Aided schools) will be funded directly by the Council as per the local funding arrangements and funding formula. Academy schools will receive a combination of local authority and EFA funding. The table below shows the key areas of funding and the appropriate funding body

5.1.3

Funding:	Funding Body:	Detail:
Local Formula Funding	EFA	Based on the Council's local formula. Funding recouped from the Council and allocated by EFA (some factors based on county averages in initial years)
16-19 Formula Funding	EFA	Based on National 16-19 Formula
Pupil Premium	EFA	Based on National Pupil Premium funding rates
Funding for Education Services	EFA	Based on National Education Services Grant (ESG) funding rates
Insurance Grant	EFA	Additional funding available to support

		insurance costs
Diseconomies Funding	Local Authority	Funding from the Growth Fund to recognise costs whilst the school fills to capacity.
Pre-opening Revenue	Local Authority	Funding from the Growth Fund prior to opening to support costs
High Needs Pupil Top-Up Funding	Home Local Authority	Top-Up funding for pupils with statements of SEN

5.1.4 Where a new school (other than a free school established in response to basic need) is opening, local authorities are required to estimate the pupil numbers expected to join the school in September to generate funding through the Authority Proforma Tool (APT). Local authorities should also estimate pupil numbers for all schools and academies, including free schools, where they have opened in the previous seven years and are still adding year groups. These estimates should be adjusted each year to take account of the actual pupil numbers in the previous funding period. For academies an allocation of funding is recouped from each local authority and following formula replication by the EFA an annual grant allocated.

5.1.5 Alongside the main formula funding, the Council is required to have a centrally-retained Growth Fund to fund post start-up costs and any diseconomy of scale costs for new schools provided to meet basic need and to support schools anticipating growth, including academies.

The fund has been created from a top-slice from the schools block distribution total prior to budget setting. The amount in the fund and the criteria for its allocation are agreed by Schools Forum. The EFA will continue to fund start-up and diseconomy costs for new free schools, where these are not being established to meet basic need.

5.1.6 Pre-opening funding for secondary schools is currently £150,000 and is calculated on the basis of two terms prior to the date of opening. Post-opening diseconomies funding is provided at the rate of £250 for each new mainstream place created in the secondary phase on an annual basis, plus an additional allocation to reflect the number of year-groups that the school will ultimately have that do not yet have pupils.

5.1.7 Following review of the levels of post-opening diseconomies funding for secondary schools at its meeting on 16 October 2015, Schools Forum agreed to increase the post-opening diseconomies funding rate to £500 for each new mainstream place created and provide an additional £312,000 spread over four years to reflect the number of year groups that do not yet have pupils.

5.1.8 Final revenue funding amounts for new schools will vary depending on numerous factors. As the majority of the funding will come directly from the EFA their application of the local formula factor and national factors is key to determining these amounts.

- 5.1.9 The methodology for funding new schools is subject to change dependent on local and national policy changes and as such will be reviewed on an annual basis.
- 5.1.10 Section 106 funding has been secured from the developers to meet the capital costs of building the new school.

5.2 Statutory, Risk and Legal Implications

5.2.1 There are specific statutory requirements which have been followed in seeking a sponsor for the new secondary school under the provisions of the Education Act 2011. The process adopted by the Council is compliant with the requirements of the Act.

5.2.2 The Council will grant a standard 125 year Academy lease of the school site to the successful sponsor based on the model lease prepared by the DfE as this protects the Council's interest by ensuring that:

- The land and buildings would be returned to the Council when the lease ends;
- Use is restricted to educational purposes only;
- The Academy is only able to transfer the lease to another educational establishment provided it has the Council's consent;
- The Academy (depending on the lease wording) is only able to sublet part of the site with approval from the Council.

5.2.3 As detailed in section 3, an appeal has been lodged by CMAT against the Assessment Panel's recommendation of Chesterton Community College as the Council's preferred sponsor. The Head of LGSS Law has provided advice on the response to this. It is proposed that the matter be referred to the Regional Schools Commissioner for review and decision.

5.3 Equality and Diversity Implications

5.3.1 The Council is committed to ensuring that children with special educational needs and/or disabilities (SEND) are able to attend their local mainstream school where possible, with only those children with the most complex and challenging needs requiring places at specialist provision.

5.3.2 The accommodation provided for delivery of secondary education will fully comply with the requirements of the Public Sector Equality Duty and current Council standards.

5.4 Engagement and Consultation Implications

5.4.1 The process adopted by the Council for consideration of Academy or Free School proposals makes provision for a public meeting at which members of the local community can meet the potential sponsors and ask them questions about their proposals. The public meeting took place on Tuesday 29 September 2015. It was attended by around 60 people.

5.5 Public Health Implications

5.5.1 The school will be accessible to pupils as either pedestrians or cyclists.

In the unlikely event that children had to attend schools some distance away (more than 3 miles) they would be provided with free transport by the Council in accordance with its statutory duty.

5.6 Localism and Local Member Involvement

5.6.1 Two local Members, Councillor Mike Mason (Cottenham, Histon and Impington) and Councillor Lucy Nethsingha (Newnham) participated in the joint officer/member panel interviews.

Source Documents	Location
<ul style="list-style-type: none"> • Assessment Panel Evaluation Document • Assessment Panel Interview Questions 20 October 2015 • Notes of Public Meeting 29 September 2015 • Cambridge Meridian Academy Trust Application • Chesterton Community College Application • Impington Education Trust Application • Background Information Document June 2015 • School Specification Document June 2015 • Cabinet Report – Establishing New School: New Legislation, Policy and Strategic Implication (17 April 2012) • Establishing a New Maintained Mainstream School – A Guide for Local Authorities (DCSF February 2010) • Cabinet Report - New Schools Competition Arrangements Policy and Decision-Making Process (11 September 2007) • New School Revenue Funding Policy 2015/16 	<p>OCT1213 Shire Hall Cambridge CB3 0AP</p>