

**NATIONAL FREE SCHOOL PROCESS**

*To:* **Children and Young People Committee**

*Meeting Date:* **12 July 2016**

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

*Electoral division(s):* **All but with specific relevance to Chatteris**

*Forward Plan ref:* **For key decisions**    *Key decision:*    **No**

*Purpose:* **To advise the Committee of the application submitted by the Active Learning Trust to the Regional Schools Commissioner to establish a primary free school in Chatteris, the outcome of the joint member/officer panel's evaluation of this proposal and of forthcoming proposals.**

*Recommendation:* **Members are asked to:**

- a) Approve the joint member/officer panel's recommendation set out in section 2.8 that the Council should endorse the Active Learning Trust's (ALT's) application to establish a new primary school as a free school in Chatteris; and**
- b) Note the proposals for two new specialist free schools which are anticipated to be submitted to the Regional Schools Commissioner in the September 2016 application round.**

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## **1.0 BACKGROUND**

- 1.1 With effect from 7 May 2015, all new schools established through the Academy presumption process (as opposed to applying directly to the Department for Education (DfE) to set up a free school) have been classified as free schools. This is known as the free school presumption and is intended to remove confusion around different routes for delivering new schools. It reflects the fact that “free school” is the DfE’s policy term for all new provision academies whereas “academy” is a legal term for state-funded schools that operate independently of local authorities and receive their funding directly from the government. This is part of the government’s wider programme and its policy objective to establish 500 new free schools by the end of this parliament. However, new schools established in this way are not required to use the term “free school” in their name.
- 1.2 On 24 May 2016, the Committee gave detailed consideration to a report on the national free school process in response to new advice issued by the DfE in February 2016. The Committee agreed that in future there would be a standing item on this matter in order to provide Members with a regular update on the progress of applications which potential sponsors have submitted directly to the Regional Schools Commissioner (RSC) to set up free schools in Cambridgeshire.
- 1.3 There are currently two free school application windows annually, in March and September for potential sponsors to submit their free school proposals.

## **2.0 CHATTERIS PRIMARY FREE SCHOOL APPLICATION**

- 2.1 The Active Learning Trust (ALT) submitted an application to establish a 420 place primary (2 form entry (FE)) primary school in Chatteris for consideration by the RSC in March 2016. On receipt of this, the RSC invited the Executive Director, Children, Families and Adults (CFA) to submit comments and views on the application and provide further information as part of the assessment process.
- 2.2 In response, the Council has confirmed the need for additional future primary school places in the town, but also commented that the proposed opening date of September 2017 was ambitious given the local experience of house building timescales and challenges around securing planning permission. In recognition of this, the Council has recommended a two stage building programme which would result in the school opening with 210 places (1FE) in September 2018 and a second phase of building taking it to 420 places (2FE) as and when required.
- 2.3 The Trust and the Council have been informed that the application has progressed to the next stage of the assessment process. A decision on whether or not the application will be approved by the RSC for implementation is expected by the end of the summer and no later than the deadline for submission of applications for the next round in September.
- 2.4 In keeping with the Committee’s decisions taken at its meeting on 24 May, an officer/member evaluation panel was convened to meet representatives from the ALT and agree a recommendation for consideration by the CYP Committee at its next meeting. The panel comprised:

- the Chair of the CYP Committee
- the local member for Chatteris
- the UKIP CYP Spokesperson
- the Head of 0-19 Place Planning & Organisation
- the Head of the Schools Intervention Service; and
- the 0-19 Planning and Sufficiency Officer with the detailed knowledge of the demographic need and planned housing development in the town,

2.5 The Panel met the Trust's Director of Finance and Operations and Director of School Improvement on 23 June. The discussion was structured and focussed around the following themes:

- the Trust's organisational capacity and staffing,
- its strategy for school improvement
- its strategy for inclusion
- its plans for delivering Early Years education
- its approach to partnership working
- the timing of delivery/school opening.

2.6 The Panel was positive about and encouraged by the Trust's openness and willingness to engage with the Council and answer questions. The following were identified as particular strengths:

- the commitment to working flexibly with the Council, in respect of pupil place planning and to ensuring that the demand and supply of places was managed appropriately (the Trust has already responded to a specific request for help by agreeing to run an additional class at Kingsfield Primary in Chatteris in September 2016)
- the robust strategies that are in place supporting teaching and learning and curriculum development
- the Trust's approach and commitment to staff development
- the experience, knowledge and commitment demonstrated both in their written submission to the RSC and by the two Trust representatives
- the support for and approach to securing as smooth a transition as possible between primary and secondary school
- the focus on working in and with the schools in the Trust directly.

2.7 The Panel also had the following concerns:

- that as the Trust grows its central staff team could become more remote and removed from their schools which could dilute their philosophy and partnership approach of close working relationships with those schools, which at present is a particular strength
- that the improvement of some of the schools in the Trust has not been as rapid as would be expected given the ethos and strategies that the Trust has in place.
- In addition, the Panel had a clear preference for the school to offer places for funded 2 year olds as part of its Early Years provision. Currently, this did not appear to be included within the Trust's plans.

2.8 Taking everything into consideration, the Panel concluded that overall the positive aspects of the proposal outweighed its concerns. The Panel agreed that the CYP Committee should be asked to endorse the recommendation that the Council should give its formal support to ALT's free school application and should not, therefore, engage in running a separate competitive tendering process for the new school in Chatteris.

- 2.9 The RSC and the ALT will be notified of the Committee's decision immediately following the meeting. The draft letter attached as Appendix 1 has been prepared to minimise delay.

### **3.0 FORTHCOMING FREE SCHOOL BIDS**

- 3.1 Although a formal application has not yet been made to the RSC, Meadowgate Special School is currently developing an application to establish a 50 place special free school (specialising in autism spectrum disorder) in Wisbech from September 2018. A full report on this proposal is a separate agenda item before the Committee at its July 2016 meeting. In addition, officers have had initial discussions with Impington Village College about a similar free school application for special school to be established on their site. Both these proposals would address a clear demand for places and work is progressing to enable these to be submitted in the September 2016 application round.

### **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 and early years and childcare services are providers 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 access more readily 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 Where new schools are commissioned via the free school presumption process local authorities are responsible for all start up and post-opening costs associated with new schools, including diseconomy of scale costs, funding for which may be needed over a number of years. Given this burden of revenue expenditure, the Council will only consider commissioning new schools where there is no possible alternative.
- 5.1.2 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. For primary schools the sums are £50,000 (calculated on the basis of 1 term prior to the date of opening) and £125 respectively.

5.1.3 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 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.

5.1.4 The Government has recently started a consultation process on the future funding arrangements for schools. Following the first stage of this process there are still significant areas of uncertainty in respect of funding for new schools and as such the implications detailed below are based on current legislation and processes.

5.1.5 Where new free schools are centrally delivered i.e. via application to the RSC, revenue start-up costs are met by the DfE. Construction costs are also met centrally by the DfE, with future local authority basic need allocations being adjusted accordingly.

## **5.2 Statutory, Risk and Legal Implications**

5.2.1 There are specific statutory requirements to be followed in seeking a successful sponsor for new schools under the provisions of the Education Act 2011. The process adopted by the Council is compliant with these.

5.2.2 Where the Council has negotiated the land through s106 agreements and/or the land is in the Council's ownership, the Council will grant a standard 125 year lease of the whole site (permanent school site) to the successful sponsor of a new basic need free school 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 Trust is only able to transfer the lease to another educational establishment provided it has the Council's consent.

5.2.3 The Trust (depending on the lease wording) is only able to sublet part of the site with approval from the Council.

5.2.4 If the Education Funding Agency (EFA) or the Trust acquires the land directly, the above approach would not apply.

## **5.3 Equality and Diversity Implications**

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

5.3.2 The accommodation provided for delivery of early years and childcare and

primary and secondary education will fully comply with the requirements of the Public Sector Equality Duty and current Council standards.

- 5.3.3 As part of the planning process for new schools, local authorities must also undertake an assessment of the impact of the proposal, both on existing educational institutions locally and in terms of impact on particular groups of pupils from an equalities perspective.

## **5.4 Engagement and Consultation implications**

- 5.4.1 All new school projects initiated by the Council are subject to a statutory process which includes public consultation requirements.

## **5.5 Public Health Implications**

- 5.5.1 It is Council policy that schools:
- should be sited as centrally as possible to the communities they serve, unless location is dictated by physical constraints and/or the opportunity to reduce land take by providing playing fields within the green belt or green corridors;
  - should be sited so that the maximum journey distance for a young person is less than the statutory walking distances (3 miles for secondary school children, 2 miles for primary school children)
  - should be located close to public transport links and be served by a good network of walking and cycling routes should be provided with Multi-use Games Areas (MUGAs) and all weather pitches (AWPs) to encourage wider community use There is a risk that sites acquired directly by the EFA or free school sponsor organisations may not meet some or all of these tests.

## **5.6 Localism and Local Member Involvement**

- 5.6.1 Local members are always invited to take part in the joint officer/member panel to assess new school proposals. As set out in section 2.4, the local member for Chatteris was one of the three members who met with the representatives of the ALT on 23 June 2016 to discuss their proposals in detail.

### **SOURCE DOCUMENTS**

<b>Source Documents</b>	<b>Location</b>
The Free School Presumption: Departmental advice for local authorities and new school proposers. February 2016 <a href="https://www.gov.uk/government/publications/establishing-a-new-school-free-school-presumption">https://www.gov.uk/government/publications/establishing-a-new-school-free-school-presumption</a>	Clare Buckingham  0-19 Place Planning & Organisation Service
New School Revenue Funding Policy 2015/16	Octagon 2 <sup>nd</sup> floor OCT1213 , Shire Hall, Cambridge