

Establishment of a new Primary School at Darwin Green

To: Children and Young People's Committee

Meeting Date: 8 March 2023

From: Executive Director: Children's Services

Electoral division(s): Castle

Key decision: No

Forward Plan ref: N/A

Outcome: As a result of this report, the Council will have a preferred sponsor for the new primary school at Darwin Green, endorsed by the Committee, thus enabling the Council to meet its statutory school place planning duty.

Recommendation: The Committee is recommended to endorse Discovery Schools Academy Trust as the Council's preferred sponsor for the new primary school at Darwin Green.

Voting arrangements: Co-opted members of the Committee are eligible to vote on these items.

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Member contacts:

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1. Background

- 1.1 In recent years, two large developments have been granted planning approval on the Northwest fringe of Cambridge City, on land between Huntingdon Road and Histon Road, which will increase the number of primary aged children living in the area. These comprise of Darwin Green 1 (DG1) (1,581 new dwellings), and Darwin Green 2 and 3 (DG2/3) (1,000 dwellings). The DG1 site falls within the existing catchment area of Mayfield Primary School, which is not expected to have sufficient capacity to meet the additional demand for places. It is for this reason that a new school is required to ensure that places are available for families moving into these developments. The school will have capacity to offer 2 forms of entry (FE) /420 places. While planning permission for the first primary school was granted in 2013, housebuilding on DG1 has been repeatedly delayed, and is only now approaching a stage that the community can be expected to produce sufficient demand for places to sustain its own school.
- 1.2 Early Years (EY) accommodation will also be provided on the school site. At the appropriate time, the Council will run a competitive tender process for interested parties in order to identify an EY service provider. The tender will be carried out via the Council's Pseudo Dynamic Purchasing System (PDPS). The timetable will be planned to ensure that EY provision is in place and operational from the day on which the school opens.
- 1.3 The new school will open to pupils in all primary-phase year groups. This is because houses on the DG1 development will have been coming to market for 3 years when the school is currently expected to open in September 2025, and this model reflects the expected need for places in the community. The opening date will be kept under review.
- 1.4 The Council has a well-established and DfE compliant process in response to the requirements for LAs of the 2011 Education Act regarding the establishment of new schools, which are as follows:
 - The Council must seek proposals for the establishment of an Academy or Free School and specify the date by which proposals must be received.
 - Following the published closing date, by which proposals should have been submitted, the Council must 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.
- 1.6 In accordance with the DfE Guidance, a pre-launch consultation commenced on 3rd May 2022 and ended on 10 June 2022. In July 2022, the Council published a local and national press announcement setting out the need for the new primary school. Potential sponsors were invited to submit proposals by 14 October 2022, to establish and run the school. A detailed School Specification document (see **Appendix 1**) was produced to support potential applicants/sponsors in developing their proposals. These were published on the Council's website and also sent to the DfE.
- 1.7 Five proposals were received by the 14th October 2022 deadline from the following multi-academy trusts (MATs):
 - Chancery Education Trust
 - Discovery Schools Academy Trust

- Eastern learning Alliance
- Meridian Trust
- United Learning Trust

- 1.8 Following a short-listing exercise against published criteria (see **Appendix 2**) which included visits to schools run by all of the long-listed MATS, the following 3 MATs were invited to attend a joint officer/member assessment panel as the final part of the competition process.:
- Discovery Schools Academy Trust (DSAT)
 - Meridian Trust
 - United Learning Trust

Copies of the executive summaries of the applications are available to view or download from the Council's website – <https://www.cambridgeshire.gov.uk/residents/children-and-families/schools-learning/school-changes-consultations/new-primary-school-in-cambridge>

2. Main Issues

- 2.1 The Assessment Panel met on 26th January 2023 to access each short-listed sponsor's application against the criteria detailed in the School Specification document. The interview panel comprised of 2 members of the Children & Young People's Committee, and the Local Member for the Castle ward, plus 4 Council officers. A copy of the assessment questions used by the panel, together with the details of the membership of the panel is provided in **Appendix 2**.
- 2.2 The recommendation of the Assessment Panel is that DSAT should be awarded the opportunity to establish and run the school.
- 2.3 DSAT was established in 2012 and runs 15 schools in total: 13 primary and 2 special schools. 9 of them are located in the Leicestershire County Council area, 5 in Leicester City and 1 in Rutland. Overall, all the schools in the trust are rated either good (12) or outstanding (3) by Ofsted. 9 of them were rated as Requiring Improvement (RI) in their previous inspection, including 5 that joined the Trust as RI and therefore, have been moved to good whilst within the trust.
- 2.4 The trust has a strong track record of developing and improving schools. Its performance, assessed through the competition process, has provided officers and members with strong, credible evidence that the new free school will raise the overall standard of education available in the local area, and will also add high quality places.
- 2.5 The particular strengths of DSAT's proposal were:
1. Its focus on professional development at all levels and associated impact on pupil outcomes
 2. Its focus on teaching quality
 3. Provision of central services which allows headteachers to focus on school improvement.
 4. Its passion for changing children's lives for the better, evident in the visits officers paid to trust schools and supported by a clear framework for school improvement.

- 2.6 The outcome of the Committee's consideration of the proposals will be forwarded to the DfE as soon as the Decision Summary of the Committee's meeting has been published, within a few days of the meeting taking place.
- 2.7 Officers have been advised that the proposals will be considered, and a decision made by the Regional Directors Advisory Board, at its meeting on 24 March 2022, regarding which potential sponsor he will recommend to the Secretary of State. If approved, this will culminate in a funding agreement between the DfE and the Trust.

3. Alignment with corporate priorities

3.1 Environment and Sustainability

The following bullet points set out details of implications identified by officers:

- Innovative design, supported by robust planning policy and expectations should ensure that new schools set an example and create communities that people will want to live, work and study in
- If pupils have access to local schools and associated children's services, they are more likely attend them by either cycling or walking rather than by car or public transport.
- This will contribute to the development of both healthier and more independent lifestyles and contribute to the overall impact of the Council's policy to reduce carbon emissions in Cambridgeshire by 2050.

3.2 Health and Care

The following bullet point sets out details of implications identified by officers:

- Providing access to local and high-quality education and associated children's services should enhance the life opportunities of the communities they serve.

3.3 Places and Communities

The following bullet points set out details of implications identified by officers:

- There is an expectation that schools will provide access to and use of the school's accommodation for activities e.g., sporting, cultural, outside of school hours.
- Schools are community assets; and
- Help to support the creation and development of new communities.

3.4 Children and Young People

The following bullet point sets out details of implications identified by officers:

- New primary schools designed and equipped for 21st century learning, including providing high quality EY provision should maximise educational opportunities for children.
- Schools are safe places in which to teach, learn and develop.

3.5 Transport

The following bullet point sets out details of implications identified by officers:

- Providing a local school will ensure that services can be accessed by local families in greatest need.

4. Significant Implications

4.1.1 Resource Implications

Where new schools are commissioned to meet basic need, LAs are responsible for the pre-opening start-up and post-opening diseconomy of scale costs. These are currently met from the Council's Growth Fund which is centrally retained Dedicated Schools Grant (DSG) funding. The amount in the fund and the criteria for its allocation are subject to annual Schools Forum approval. National policy changes have impacted on how growth funding is allocated to individual local authorities.

4.1.3 Where a new school is opening, LAs are required to estimate the pupil numbers expected to join the school in September to generate funding through the Authority Proforma Tool (APT). LAs 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 LA and following formula replication by the Education & Skills Funding Agency (ESFA) an annual grant allocated.

4.1.5 Pre-opening funding for primary schools is currently £50,000 and is calculated on the basis of 1 term prior to the date of opening. An academy sponsor would also be eligible for a one-off grant of £25,000 provided by the DfE to cover legal costs associated with establishing a Free School and will need to enter into a funding agreement with the Secretary of State for Education, effective from the date of the school's opening. Post-opening diseconomies funding is provided at the rate of £125 for each new mainstream place created in the primary 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.

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

4.1.7 The DfE have recently consulted on reforms to the National Funding Formula (NFF) for schools and how they transition away from local formulae to all schools' funding allocations being determined directly by the NFF in the years ahead. The proposals include potential changes to the way in which new schools and growth are funded, although there is limited detail at this stage. Therefore, if implemented this is likely to impact on both the funding methodology and local flexibility for new and growing schools. Officers are expecting the next stages of the DfE consultation on future funding arrangements later this year which might give a clearer idea on the direction of travel, longer term role of the LA and timescales for implementation.

https://consult.education.gov.uk/funding-policy-unit/completing-our-reforms-to-the-nff/supporting_documents/Fair%20Funding%20For%20All%20Consultation.pdf

4.1.8 The site for the new school was secured as part the Section 106 (S106) agreement for the DG1 / National Institute for Agricultural Biology (NIAB) site. Funding for the build is included within the Council's Capital Programme. This includes £90,000 basic need funding, and

£9,082,000 in S106 contributions from the developer of the NIAB site. The balance, in the region of £10,577,000, will be met by the Council from prudential borrowing.

4.2.1 Procurement/Contractual/Council Contract Procedure Rules Implications

The Council delivers the capital projects where new schools are commissioned under the presumption process and these schools are designed and built under its framework arrangements. This project was awarded under a previous iteration of Cambridgeshire's Design and Build Framework to Kier Group plc.

4.2.2 The Council will grant a standard 125-year Academy lease of the whole site (permanent 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 if it has the Council's consent.
- The Academy (depending on the lease wording) is only able to sub-let part of the site with approval from the Council.

Such lease arrangements fall outside the scope of the Public Contract Regulations (2015) and therefore the Council's own Contract Procedure Rules.

4.3 Statutory, Legal and Risk Implications

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

4.4.1 Equality and Diversity Implications

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.

4.4.2 The accommodation provided for delivery of early years and childcare and primary education will fully comply with the requirements of the Public Sector Equality Duty and current Council standards.

4.4.3 As part of the planning process for new schools, LAs must also undertake an assessment of the impact, both on existing educational institutions locally and in terms of impact on particular groups of pupils from an equality's perspective.

4.5 Engagement and Communications Implications

The process adopted by the Council for consideration of new school presumption 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. This was held on 12 January 2023, with approximately 20 members of public in attendance. All new school projects are subject to a statutory process which includes public consultation at various stages e.g. prior to the launch of the competition process, and at pre-planning application stage.

4.6 Localism and Local Member Involvement

All CYP Spokespersons were invited to participate in the assessment panel stage of the sponsor selection process. The local Member for Castle, Councillor Catherine Rae, participated in the joint officer/member panel with Councillors Bryony Goodliffe, Chair of the CYP Committee, and Simone Taylor. Councillors Maria King, Vice Chair of the CYP Committee, and Samantha Hoy were invited but unable to attend.

4.7 Public Health Implications

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 and support wider community use.

New schools will have an impact on the Public Health commissioned services such as school nursing, vision screening, National Childhood Measurement Programme, school-based immunisation programmes.

4.8 Environment and Climate Change Implications on Priority Areas

4.8.1 Implication 1: Energy efficient, low carbon buildings.

Neutral Status

The design of the building was approved in 2013 as part of the planning application, prior to the introduction of the Council's ambitions for Nearly Zero Energy Buildings (NZEB). While the Council is limited in the retrospective changes it can ask for, it should be noted that the chosen school provider will want to minimise their energy consumption to reduce energy bills. On balance, this is a neutral status.

4.8.2 Implication 2: Low carbon transport.

Neutral Status

Schools on new developments are located to be accessible by walking and cycling. Where families express a preference to attend a school outside their catchment they are encouraged, where possible, to travel by sustainable means including public transport.

4.8.3 Implication 3: Green spaces, peatland, afforestation, habitats and land management.

Neutral Status

The planning applications for new schools include landscape designs and will be in line with planning policy to create green space and biodiversity net gain requirements of at least 10%. Any trees removed and replanted as part of site clearance will be addressed through the planning application process and will be in line with current policy.

4.8.4 Implication 4: Waste Management and Tackling Plastic Pollution.

Negative Status

The construction process will generate some unavoidable waste; however, this will be minimised as far as possible and robust waste management strategies implemented

throughout the construction process. Waste generated by new schools will be subject to normal recycling facilities being provided on site. Other services operating from the school, e.g. early years provision by a third party, will adhere to policies on recycling.

4.8.5 Implication 5: Water use, availability and management:

Neutral Status

The planning application for any new school will be submitted in line with planning policy. The statutory consultees include the Council's Floods team.

4.8.6 Implication 6: Air Pollution.

Neutral Status

The planning application for any new school will be submitted in line with planning policy. Air pollution will be addressed as part of this process.

4.8.7 Implication 7: Resilience of our services and infrastructure and supporting vulnerable people to cope with climate change.

Neutral Status

Any new school proposal is designed to deliver education provision in the local community but will also facilitate community activities, e.g. sport and other activities by community organisations through the school's letting policy. The services provided are not specific to climate change, however, local provision makes access easier. On balance, the impact on this implication is neutral.

Have the resource implications been cleared by Finance? Yes

Name of Financial Officer: Martin Wade

Have the procurement/contractual/ Council Contract Procedure Rules implications been cleared by the LGSS Head of Procurement? Yes

Name of Officer: Clare Ellis

Has the impact on statutory, legal and risk implications been cleared by the Council's Monitoring Officer or LGSS Law? Yes

Name of Legal Officer: Linda Walker

Have the equality and diversity implications been cleared by your Service Contact? Yes

Yes

Name of Officer: Faye McCarthy

Have any engagement and communication implications been cleared by Communications? Yes

Yes

Name of Officer: Simon Cobby

Have any localism and Local Member involvement issues been cleared by your Service Contact? Yes

Name of Officer: Jonathan Lewis

Have any Public Health implications been cleared by Public Health? Yes

Yes

Name of Officer: Raj Lakshman. Public Health Consultant

If a Key decision, have any Environment and Climate Change implications been cleared by the Climate Change Officer

Yes

Name of Officer: Emily Bolton

5. Source documents guidance

5.1 Source documents

- Assessment Panel Evaluation Document
- Assessment Panel Interview Questions
- Chancery Education Trust Application
- Discovery Schools Academy Trust Application
- Eastern Learning Alliance Application
- Meridian Academies Trust Application
- United Learning Trust Application
- School Specification Document July 2022*
- *The free school presumption: DfE advice for local authorities and new school proposers* (November 2019)*
- New School Revenue Funding Policy June 2021*

5.2 Location

* These documents are available at the following links:

School Specification Document July 2022 [New primary school in northwest Cambridge - Cambridgeshire County Council](#)

The free school presumption: DfE advice for local authorities and new school proposers (November 2019) [Academy and free school presumption departmental advice \(publishing.service.gov.uk\)](#)

New School Revenue Funding Policy June 2021 [A guide to new mainstream free school revenue funding 2021 to 2022 \(publishing.service.gov.uk\)](#)

The remaining source documents are available at:

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Alconbury Weald Civic Hub,

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