

**FREE SCHOOL PROPOSALS**

**To:** Children & Young People Committee

**Meeting Date:** 12 March 2019

**From:** Wendi Ogle-Welbourn, Executive Director: People & Communities

**Electoral division(s):** All

**Forward Plan ref:** n/a **Key decision:** No

**Purpose:** **To:**

1. Advise Members on the latest position regarding:
  - a) Wave 11 and Wave 12 free schools in Cambridgeshire approved to pre-implementation stage by the Department for Education (DfE)
  - b) applications to establish new free schools in Cambridgeshire under Wave 13 of the DfE's central free school programme
  - c) the launch of Wave 14 of the DfE's central free school programme
2. Advise Members of the DfE's Capital Fund for establishing new Voluntary Aided schools

**Recommendation:** The Committee is recommended to note:

- a) the latest position regarding Wave 11 and Wave 12 free schools in Cambridgeshire
- b) the applications to establish new free schools in Cambridgeshire under Wave 13 of the Department for Education's (DfE) central free school programme
- c) the launch of Wave 14 of the DfE's central free school programme
- d) the launch of a capital fund to support the establishment of new Voluntary Aided Schools and the known level of interest shown in this in Cambridgeshire

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## **1. BACKGROUND**

- 1.1 “Free school” is the Department for Education’s (DfE) policy term for all new provision academies whereas “academy” is a legal term for state-funded schools that operate independently of local authorities (LAs) and receive their funding directly from the government. They are established by one of two routes, via:
- potential sponsors applying directly to the Department for Education (DfE) or
  - the Council’s established sponsor selection process (known as the free school presumption).
- New schools established under the presumption route are not required to use the term “free school” in their name.
- 1.2 Until September 2016 (Wave 12) there had been two application windows annually, in March and September respectively, for potential sponsors to submit free school proposals directly to the DfE. Wave 13 (the first since the general election in June 2017) was announced in May 2018.

## **2 WAVE 11 CENTRAL FREE SCHOOL PROGRAMME**

- 2.1 Alconbury Weald Secondary School (Diocese of Ely)  
No new information

## **3 WAVE 12 OF CENTRAL FREE SCHOOL PROGRAMME (see Appendix 1 for details)**

- 3.1 Godmanchester Secondary Academy (The Cambridgeshire Educational Trust)
- 3.1.1 Officers met with representatives of the Trust and the DfE on 20 December 2018. In preparation for that meeting officers had reviewed the forecast data which indicated that an additional two forms of entry (2FE) would meet the need for secondary places in Huntingdon catchments over the next 10 years, rather than 3FE as previously thought. A school to serve the secondary age population of Godmanchester would need to offer 5FE (750 places), which has the potential to create a surplus of 3FE across Huntingdon.
- 3.1.2 LocatED (the property arm of the DfE) is currently considering whether or not to seek further pre-planning advice from the planning authority, Huntingdonshire District Council (HDC). This will inform the DfE’s final decision as to whether this proposed new free school will continue through to pre-implementation stage.
- 3.2 St Bede’s Inter-Church School
- 3.2.1 At a meeting with representatives of the St Bede’s Inter-Church School Trust on 20 December 2018, officers were informed by the DfE representatives that the new secondary school, to be located on the Eastern Gateway development area of Soham had been approved to pre-implementation stage (see definition in Appendix 1). The proposed opening date of the school is September 2021. As a faith designated school, if oversubscribed, 50% of places would be allocated on the basis of faith. During this initial pre-implementation stage feasibility work will also be undertaken on the proposed site.
- 3.2.2 In advance of the meeting officers had provided a summary to the Regional Schools Commissioner (RSC) setting out the Council’s position:

- whilst a modest increase in secondary school places equivalent to 3FE is required across the East Cambridgeshire district over the next 10 years the Council do not believe it is of a sufficient scale to justify a further new secondary school, in addition to the one recently opened in Littleport
- if the new school is to be of a size to make it viable it has the potential to create surplus capacity to the detriment of existing schools in the district but also in Cambridge City where St Bede's is located and to which families seeking an education in a faith based school currently send children from a wide area.
- the option to expand existing schools incrementally and in a phased way will better match the supply of places with projected demand
- the Council's clear preference is to continue to work in partnership with our existing schools and academy trusts on small scale expansions when and where the pupil population justifies it.

3.2.3 At the meeting officers questioned the value for money, sustainability and the impact on the Council's basic need allocation of a group of pupils which the forecast data suggests could be accommodated through expansion of existing schools.

3.2.4 The Principals of schools who oppose the proposal have been advised to work with their respective MPs. Officers will provide them with information/data they require to support their case.

3.3 St Neots Secondary Academy (Advantage Schools Trust)

The DfE has taken the decision not to proceed any further with this free school application. Approval for this free school, originally granted in April 2017 has now been withdrawn by the DfE. Now that the uncertainty around this Wave 12 free school has been resolved, it will be possible to move forward with developing an education strategy for St Neots. To this end officers are working with representatives of Astrea, the Multi Academy Trust (MAT) which now runs Ernulf and Longsands Academies in St Neots. Following a meeting in February with representatives of Astrea, officers will be commissioning an updated feasibility study to scope out the possible options for delivering the increased number of secondary places required to meet the impact of the Eastern Expansion development in the town.

3.4 Cambridge Post-16 Maths School (The Cambridgeshire Educational Trust)  
No new information.

3.5 Wing Primary (Anglian Learning Trust)  
No new information.

3.6 Cambridge City Free School (Knowledge Schools Trust)  
No new information.

3.7 The Cavendish Special School (Morris Education Trust)  
On track to open in September 2020.

3.8 Northstowe Special Academy (Cambridge Meridian Academies Trust)  
The DfE has approved the business case to enable the Council to draw down funding which will bridge the capital funding gap between the developer contributions secured through the s106 negotiations and the cost of building the school. It is expected that the new school building will be available for occupation in January 2020. Unlike all

other schools, special schools are allowed to open at a time other than the start of a new school year.

#### **4 WAVE 13 OF CENTRAL FREE SCHOOL PROGRAMME**

12 applications received from six MATs to establish free schools in Cambridgeshire. Not all will have progressed to interview/assessment panel stage. Our understanding is that two applications for one free school have progressed to the final assessment stage. An announcement of which application has been approved to pre-implementation stage is not expected before May 2019.

#### **5 WAVE 14 OF CENTRAL FREE SCHOOL PROGRAMME**

Wave 14 was launched on 31 January 2019 and the deadline for submitting applications is 30 September 2020. Announcement of approved Wave 14 applications is expected in Spring 2020. The Wave 14 criteria targets areas with the lowest educational performance and a demonstrable basic need for a high proportion of the additional school places a proposed new free school would provide.

#### **6 VOLUNTARY AIDED SCHOOLS**

6.1 Any person or organisation, for example a local authority or diocese, may publish a proposal for a new voluntary-aided school. In December 2018 the DfE launched a capital scheme to fund new voluntary aided schools. Where applications are successful 90% of capital costs will be funded centrally. Whilst the application process is similar to that for applying to open a free school through the DfE's central programme, officers understand that the application evaluation process will not include an interview/assessment panel.

6.2 Criteria against which applications will be assessed include:

- there is basic need for a high proportion of the places which the new school will provide
- there is parental demand for the type of school proposed and that it will bring added diversity and choice to the area
- the school will be welcoming and address the needs of pupils from all faiths and none, and from different backgrounds and communities in a way that meets the DfE's integration and community cohesion objectives and is in line with the requirements of the Equality Act 2010
- the proposers have the appropriate education, finance and governance capacity and capability to set up and run a successful and viable school
- the proposed site represents good value for money and can be delivered in a timely manner

6.3 Officers are aware that one such bid has been submitted to establish a VA primary school in Cambridgeshire. An announcement is expected in Spring 2019 as to which bids for capital have been approved in principle. This will be followed by site feasibility studies and a four week period of representation during which any person may submit objections or comments via the Local Authority. The Secretary of State will decide on the successful bids for capital funding through this scheme.

6.4 The DfE will not provide revenue funding to meet the cost of setting up new schools under this scheme. The local authority will be required to meet this cost.

## **7 ALIGNMENT WITH CORPORATE PRIORITIES**

### **7.1 A good quality of life for everyone**

Providing access to local and high quality education and associated children's services should enhance the skills of the local workforce.

### **7.2 Thriving places for people to live**

Schools and the early years and childcare services associated with them are providers of local employment and also provide essential childcare services for working parents or those seeking to return to work. Children are readily able to access out of school activities such as sport and homework clubs and develop friendship groups within their own community.

### **7.3 The best start for Cambridgeshire's Children**

New primary schools will provide early years provision allowing children to access their entitlement to early years education.

## **8 SIGNIFICANT IMPLICATIONS**

### **8.1 Resource Implications**

8.1.1 Where new schools are commissioned to meet basic need local authorities are responsible for the pre-opening start-up and post-opening diseconomy of scale costs. These are currently met from centrally retained Dedicated Schools Grant (DSG) funding which is subject to annual Schools Forum approval. Recently announced national policy changes have impacted on how growth funding is allocated to individual local authorities, but the mechanism for the funding of new schools has not been addressed. Given this current burden of revenue expenditure, the Council will only consider commissioning new schools where there is no possible alternative.

8.1.2 The Education Skills Funding Agency (ESFA) will continue to fund start-up and diseconomy costs for new free schools where they are not being opened to meet the need for a new school as referred to in section 6A of the Education and Inspections Act 2006. Construction costs are also met centrally by the ESFA, although future basic need allocations will be adjusted to take account of the additional capacity created.

8.1.3 Where schools are to be established where there is no identified basic need for places, this will have a significant impact on the rolls of existing schools and the funding they will receive.

### **8.2 Procurement/Contractual/Council Contract Procedure Rules Implications**

8.2.1 All new free schools which are designed and built by the Council are done so under its framework arrangements. The DfE require to Council to complete a business case for each of these.

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

Where the Council has negotiated the land for a new school through s106 agreements and/or the land is in the Council's ownership, 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 Trust is only able to transfer the lease to another educational establishment provided it has the Council's consent.

The Trust (depending on the lease wording) is only able to sublet part of the site with approval from the Council. If the ESFA or the Trust acquires the land the above approach would not apply.

### **8.4 Equality and Diversity Implications**

8.4.1 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.

8.4.2 The accommodation provided by the Council will fully comply with the requirements of the Public Sector Equality Duty and current Council standards.

8.4.3 As part of the planning process for new schools, local authorities 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 equalities perspective.

### **8.5 Engagement and Communications Implications**

All new school projects, whether initiated by the Council or via the central DfE process, are subject to a statutory process which includes public consultation requirements.

### **8.6 Localism and Local Member Involvement**

The Trust or VA sponsor who will run any new school are required to carry out a consultation with the community in which the school will be sited. In addition, officers encourage school sponsors appointed through the central free school programme to engage with the local Member(s).

### **8.7 Public Health Implications**

8.7.1 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 of school

8.7.2 There is also an expectation that schools will provide access to and use of the school's accommodation for activities, for example sporting and cultural use outside of school hours.

8.7.3 New schools will have an impact on the Public Health commissioned services such as school nursing, vision screening, National Childhood Measurement.

<b>Implications</b>	<b>Officer Clearance</b>
<b>Have the resource implications been cleared by Finance?</b>	Yes Name of Financial Officer: Martin Wade
<b>Have the procurement/contractual/ Council Contract Procedure Rules implications been cleared by the LGSS Head of Procurement?</b>	Yes Name of Officer: Paul White
<b>Has the impact on statutory, legal and risk implications been cleared by LGSS Law?</b>	Yes or No Name of Legal Officer:
<b>Have the equality and diversity implications been cleared by your Service Contact?</b>	Yes Name of Officer: Jonathan Lewis
<b>Have any engagement and communication implications been cleared by Communications?</b>	Yes Name of Officer: Jo Dickson
<b>Have any localism and Local Member involvement issues been cleared by your Service Contact?</b>	Yes Name of Officer: Jonathan Lewis
<b>Have any Public Health implications been cleared by Public Health</b>	Yes or No Name of Officer:

<b>Source Documents</b>	<b>Location</b>
Information and guidance relating to Wave 13 of the government's free school programme	<a href="https://www.gov.uk/government/publications/free-school-application-guide">https://www.gov.uk/government/publications/free-school-application-guide</a>
Information and guidance relating to applications to open new special or alternative provision free schools	<a href="https://www.gov.uk/government/publications/special-free-school-applications">https://www.gov.uk/government/publications/special-free-school-applications</a>

National List of Wave 13 free school applications	<a href="https://www.gov.uk/government/publications/free-schools-application-information-for-wave-13/wave-13-free-school-applications">https://www.gov.uk/government/publications/free-schools-application-information-for-wave-13/wave-13-free-school-applications</a>
The Free School Presumption: Departmental advice for local authorities and new school proposers. May 2018	<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>
Guidance and criteria for proposers bidding for capital funding to support the establishment of a new voluntary aided school. December 2018	<a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/761880/VA_capital_scheme_guidance.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/761880/VA_capital_scheme_guidance.pdf</a>
<i>Growth Fund &amp; New Schools Funding Criteria 2019/20</i> - Schools Forum 14/12/2018	<a href="https://cambridgeshire.cmis.uk.com/ccclive/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/979/Committee/22/SelectedTab/Documents/Default.aspx">https://cambridgeshire.cmis.uk.com/ccclive/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/979/Committee/22/SelectedTab/Documents/Default.aspx</a>



**List of the Wave 12 applications from sponsors to open new free schools in Cambridgeshire announced by DfE on 13 April 2017.**

<b>Name of school</b>	<b>Type of school</b>	<b>Location</b>	<b>Trust</b>	<b>Size</b>	<b>Basic Need</b>
Godmanchester Secondary Academy	Mainstream Secondary 11-16	No site	Cambs Educational Trust (Chesterton)	5 FE/750 places	No
St Bede's Inter-Church School	Mainstream Faith 11-16	Eastern Gateway. Soham	St Bede's	4FE/600 places	No
Cambridge Maths School	Post-16 specialist science, technology, maths (STEM)	Site identified	Cambs Educational Trust	Up to 300 places	No
Wing Primary	3-11 primary and early years	Wing development East Cambridge	Anglian Learning Trust	2FE/420 places	Yes
Cambridge City Free School	11-18 secondary and sixth form	Potentially in east of Cambridge City	Knowledge Schools Trust (formerly West London Free School Academy Trust)	840 places total	Yes 11-16 No 16-18
The Cavendish School	9-18 special school. Primary need autism	Impington Village College	Morris Education Trust	70 places	Yes
Northstowe Special Academy	Area special school	Northstowe Phase 2	Cambridge Meridian Academies Trust	110 places	Yes

These schools are now at the pre-implementation stage. This is the period between the approval of the free school application and when the free school opens. During this phase the free school proposer will finalise plans, develop policies (including admissions arrangements) and undertake a statutory consultation. The latter must happen before the Secretary of State for Education will enter into a funding agreement with the relevant Trust. It is for the respective Trust to determine at what point to commence consultation.

## Appendix 2

### **Wave 13 Free School Applications to open new schools in Cambridgeshire published by the DfE on 7 November 2018**

<b>Name of school</b>	<b>Phase</b>	<b>Faith</b>	<b>Basic Need</b>
Cornerstone Free School	Secondary	Designated (Christianity)	Not yet Clear
East Cambs Secondary School	Secondary	No	No
March Primary	Primary	No	Yes
Northstowe Primary Academy	Primary	No	Yes
St Neots Primary Academy	Primary	No	Yes
The Lantern Sixth Form College	16-19	No	Yes
Waterbeach Primary Academy	Primary	No	Yes
Waterbeach Primary School	Primary	No	Yes
Wisbech Free School	Primary	No	In the east of the Wisbech linked to the major housing site which is the most likely to come forward first, but not yet
The Octavia Hill (Wisbech) Free School	Secondary	No	Yes
Wisbech Free School	Secondary	No	Yes
Wisbech Secondary School	Secondary	No	Yes