

FREE SCHOOL PROPOSALS

To: Children and Young People Committee

Meeting Date: 12 June 2017

From: Wendi Ogle-Welbourn Interim Executive Director:
Children, Families and Adults Services

Electoral division(s): All, but of particular relevance to Cambridge City Divisions, Huntingdonshire Divisions, Alconbury and Kimbolton and Histon and Impington

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

Purpose: To update Members on:

- a) the outcome of Wave 12 of the central free school programme to open new free schools in Cambridgeshire, communicated by the Department for Education (DfE) on 12 April 2017
- b) the next steps with regard to both successful and unsuccessful applications;
- c) the proposal to launch a competition to seek a sponsor to run an area special school at Alconbury Weald;
- d) the outcome of the application made jointly with Peterborough City Council (PCC) to the Department for Education (DfE) to commission a special school focussing on the needs of 14-19 year old students with high functioning autism and complex emotional and mental health needs to serve the north of the county and Peterborough.

Recommendations: Members are asked to:

- a) note and comment on the outcome of applications to open new free schools in Cambridgeshire under Wave 12 of the Department for Education's centrally delivered free school programme and the identified options in those cases where there is an identified basic need and the associated applications were not approved for implementation;
- b) note and comment on the intention to launch a competition to seek a sponsor for a new area special school at Alconbury Weald;

- c) **note the Council's adopted process for competitions under the free school presumption process and the need to review this to align with the Council's new decision-making arrangements;**
- d) **note and comment on the outcome of the application made jointly with Peterborough City Council to establish a free special school provision;**
- e) **agree that, in addition to keeping Members informed of any implications for the local authority's statutory responsibilities of the free school applications where no basic need has been identified, that Officers should work with the St Neots Learning Partnership and the Regional Schools Commissioner's Office to develop a revised strategy for secondary school places in St Neots that will address 11-16 and sixth form provision.**

Officer contact:

Name:	Clare Buckingham
Post:	Strategic & Policy Place Planning Manager
Email:	Clare.buckingham@cambridgeshire.gov.uk
Tel:	01223 699779

1. BACKGROUND

- 1.1 “Free school” is the Department for Education’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.
- 1.2 Since May 2015 all new schools open as free schools. They are established by one of two routes, via:
- the Council’s established sponsor selection process (known as the free school presumption), or
 - potential sponsors applying directly to the Department for Education (DfE)

New schools established under the presumption route are not required to use the term “free school” in their name.

- 1.3 To date there have been two application windows annually, in March and September respectively, for potential sponsors to submit free school proposals directly to the DfE.
- 1.4 Since May 2016 an update of free school proposals has been a standing item on the Children and Young People (CYP) Committee meeting agenda.

2. OUTCOME OF WAVE 12

- 2.1 The DfE received 15 applications from potential sponsors to open new free schools in Cambridgeshire under Wave 12, which closed on 28 September 2016. Eight were successful as follows:

Name of school	Type of school	Location	Trust	Size	Basic Need
St Neots Academy	Mainstream secondary 11-16	No site	Bedford & Kempton Free School Trust	4 FE/600 places	No
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	To be confirmed	St Bede’s	6FE/900 places	Yes
Cambridge Maths School	Post-16 specialist science, technology, maths (STEM)	No site	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	West London Free School Academy Trust	840 places total	Yes

		City			
The Cavendish School	9-18 special school. Primary need autism	Impington Village College	Morris Education Trust	70 places	Yes
Northstowe Special Academy	4-19 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.

- 2.2 In the two cases where there is no identified site the property arm of the Education and Skills Funding Agency (ESFA), LocatED, is undertaking site searches. Officers understand that, to date, these have been unsuccessful.
- 2.3 Understandably the headteachers of existing schools in Huntingdon and St Neots are concerned about the potential impact of a new free school in the towns where there is no identified basic need requirement. Officers will work closely with these schools and will inform Members of any implications for the local authority's statutory responsibilities. In St Neots the changing yield from, and timing of, new developments and the need to secure high quality post 16 provision, in addition to the free school bid, requires a review of the current strategy for secondary school places. The local authority will work with the St Neots Learning Partnership, the academy trust that runs Longsands and Ernulf, and the Regional Schools Commissioner's Office to develop and present this strategy to the CYP Committee in the early autumn.
- 2.4 Of the seven unsuccessful applications, five were for schools in locations where there is a basic need as a result of new development, namely in Cambourne West (a primary and secondary school), Northstowe (second primary), Darwin Green on the north west fringe of the City (primary school) and Waterbeach (secondary school). All of them have identified sites, or site options. The basic need requirement at Waterbeach is several years into the future and therefore the decision not to approve any of the three applications submitted at this stage is one that officers support.
- 2.5 Officers have identified two possible alternative routes available to address the basic need for additional school places in these locations:
 1. launching a competition to identify a preferred sponsor in line with the provisions in the 2006 Education Act.
 2. approaching the respective Trust or Governing Body with proposals to extend an existing school to operate by establishing a 2nd campus on a site in the development area.

3 SPECIAL SCHOOL PROVISION AT ALCONBURY WEALD

- 3.1 The DfE had yet to publish the application deadline for Wave 13 of the central free school programme before the announcement of a general election was made. It was expected to have been March 2017 and the Spring Common Academy Trust (SCAT) was poised to submit an application to run the free special school required at the new development at Alconbury Weald. A site has been secured through negotiations with the developer but no Section 106 funding contribution. Officers had been supporting the Trust to compile their application. No other trusts have approached the Authority or the DfE expressing an interest in running this provision. The Diocese of Ely Multi Academy Trust (DEMAT), the approved sponsor of the secondary school in Alconbury Weald, is keen to work with SCAT to establish a co-located special school in the development.
- 3.2 In these circumstances and with little prospect of any information regarding the future arrangements for the establishment of centrally established free schools before the end of the current academic year, officers propose to launch a competition under the free school presumption process to identify a preferred sponsor for the area special school required at Alconbury Weald. With a proposed opening date of September 2020 there is a need to identify the sponsor so that they can be part of the emerging plans for the co-location of the special school with the secondary on this new development. There is provision within the free school presumption guidance for local authorities to halt a competition process if this proves appropriate/necessary once the arrangements for opening new free schools are clarified by the new government.
- 3.3 The Council's joint officer/Member process for selecting its preferred school sponsor is set out in Appendix 1. Previously there was a role for CYP Spokes in that process.

4 LOCAL AUTHORITY – COMMISSIONED SPECIAL FREE SCHOOLS

- 4.1 Under new Guidance issued by the DfE in October 2016, the Council submitted a joint application with Peterborough City Council (PCC) to commission a 50 place special school for young people with high end ability, autistic spectrum disorder and/or complex emotional and mental health needs to serve the north of Cambridgeshire. The DfE specifically encouraged collaborative bids between local authorities (LAs).
- 4.2 At the time the application was submitted, discussions were on-going over possible site options. Subsequently, Sawtry Village Academy was identified as a possible site for the school, making use of accommodation no longer required by the school for its 11-18 year old pupils as a result of falling rolls. Unfortunately, this possibility came too late in the process for it to be submitted as part of the application and we have been informed by the DfE that the application was unsuccessful. Officers have received advice about how to approve their bid but the DfE, because of election purdah, would not offer any advice about future free school programmes.

5 ALIGNMENT WITH CORPORATE PRIORITIES

5.1 Developing the local economy for the benefit of all

Providing access to local and high quality education and associated children's services

should enhance the skills of the local workforce and provide essential childcare services for working parents or those seeking to return to work. Schools and early years and childcare services are providers of local employment

5.2 Helping people live healthy and independent lives

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 should contribute to the development of both healthier and more independent lifestyles.

5.3 Supporting and protecting vulnerable people

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

6 SIGNIFICANT IMPLICATIONS

6.1 Resource Implications

- 6.1.1 Where new schools are commissioned via the free school presumption process local authorities are responsible for all the start-up and post-opening costs, 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.
- 6.1.2 Special Schools are funded on the Place-Plus methodology. This provides schools with £10,000 per commissioned place as agreed with the ESFA for Pre and Post-16 numbers. It is then the responsibility of the home local authority to provide Top-Up funding based on the individual needs of the learners in line with their Education Health and Care Plan (EHCP).
- 6.1.3 Once the number of places for each academic year has been agreed this provides a minimum core budget for the school and as such there is no diseconomies funding for Special Schools. The Top-Up funding is based on participation and as such will only be payable directly by the pupil's home local authority for the period of time each pupil is in attendance.
- 6.1.4 Prior to the dissolution of Parliament, the Government had commenced 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.
- 6.1.5 Where new free schools are centrally delivered via application to the DfE where there is no basic need requirement, revenue start-up costs are met by the DfE. Construction costs are also met centrally by the DfE although future basic need allocations will be adjusted to take account of the additional capacity created. Local authorities are still

required to meet the post-opening diseconomies funding.

- 6.1.6 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.

6.2 Procurement/Contractual/Council Contract Procedure Rules Implications

- 6.2.1 All new presumption free schools which are designed and built by the Council are done so under the Council's framework arrangements. The framework has recently been re-tendered.

6.3 Statutory, Legal and Risk

- 6.3.1 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 EFA or the Trust acquires the land the above approach would not apply.

6.4 Equality and Diversity

- 6.4.1 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.
- 6.4.2 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.
- 6.4.3 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.

6.5 Engagement and Communications

- 6.5.1 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.

6.6 Localism and Local Member Involvement

6.6.1 Local members are always invited to take part in the joint officer/member panel (see Appendix 1) to assess new school proposals when these are conducted under the Council's established new school sponsor selection competition process.

6.7 Public Health Implications

6.7.1 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

6.7.2 There is also 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.

6.7.3 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. Special schools will have an impact on the Clinical Commissioning Group (CCG) commissioned services such as special school nursing, therapies and other paediatric services.

Appendix 1

The Council's process for selecting its preferred school sponsor when the need for a new school has been identified.

The main elements of the sponsor selection process date back several years as they were established in response to the 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. Adjustments were made in 2014 to take account of the Council's new decision-making arrangements. The process consists of six main stages:

- Development and publication of a specification detailing the requirements and expectations of the potential academy/free school 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.
- Invitation to potential sponsors to submit applications within a set timeframe.
- 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.
- A public meeting at which the applicants answer questions from the audience about their proposals.
- Interview with a joint officer and Member panel during which the applicants will be asked a series of questions. This usually lasts around one 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 their representative;
 - the Head of Service, 0-19 Place Planning and Organisation (Chair)
 - the 0-19 Strategic Policy and Place Planning Manager; and
 - the 0-19 Area Education Officer
- The panel discusses each of the proposals in detail, taking account of what they have read, seen and heard from which a combined score for each application is derived.

Endorsement of the panel's recommendation is then sought by the Children & Young People's Committee. The Regional School's Commissioner (RSC) and his head teacher reference group take this into account when reaching a decision on which potential sponsor they

will recommend that the Secretary of State enters into a funding agreement with.

Implications	Officer Clearance
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 Finance?	Yes Name of Financial Officer: Chris Malyon
Has the impact on statutory, legal and risk implications been cleared by LGSS Law?	No response received:
Have the equality and diversity implications been cleared by your Service Contact?	Yes Name of Officer: Keith Grimwade
Have any engagement and communication implications been cleared by Communications?	No response received
Have any localism and Local Member involvement issues been cleared by your Service Contact?	Yes Name of Officer: Keith Grimwade
Have any Public Health implications been cleared by Public Health	Yes Name of Officer: Tess Campbell

SOURCE DOCUMENTS

Source Documents	Location
<p>The Free School Presumption: Departmental advice for local authorities and new school proposers. February 2016 https://www.gov.uk/government/publications/establishing-a-new-school-free-school-presumption</p> <p>Local Authority-Commissioned Special Free Schools. Departmental Guidance for local authorities interested in commissioning a special free school. October 2016 https://www.gov.uk/government/publications/special-free-schools-commissioned-by-a-local-authority</p> <p><i>New School Funding Policy 2017/18</i></p>	<p>Clare Buckingham</p> <p>0-19 Place Planning & Organisation Service</p> <p>Octagon 2nd floor OCT1213 , Shire Hall, Cambridge</p>