

FREE SCHOOL PROPOSALS

To: Children & Young People's Committee

Meeting Date: 9 July 2019

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

Electoral division(s): All

Forward Plan ref: n/a

Purpose: To advise Members on:

- a) the outcome of Wave 13 of the Department for Education's (DfE) central free school programme
- b) the outcome of its capital funding round for new voluntary aided schools

Recommendation: For Members to note:

- a) the outcome of Wave 13 of the DfE's central free school programme and Voluntary Aided Capital Funding scheme
- b) the consequent need for the Council to run a free school competition to establish new schools where there is basic need

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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 Currently the application window is open until 30 September 2019 for potential sponsors to submit free school proposals directly to the DfE under Wave 14 of its central free school programme.

2. Central Free School Programme

2.1 Wave 13

2.1.1 The outcome of Wave 13 of the central free school was announced by the DfE on 14 June. None of the applications made under Wave 13 to open new free schools in Cambridgeshire have been approved. Appendix 1 sets out the full list of applications

2.1.2 Where there is an identified basic need for a new school the Council will now follow the free school presumption route to secure a sponsor for those schools through the established competition process.

2.2 Wave 14

2.2.1 We are not supporting any multi academy trusts with Wave 14 bids (closing date for applications September 2019) as the demography does not indicate the need to do so at this stage.

3 New Voluntary Aided Schools

3.1 Also announced by the DfE on 14 June 2019 were the decisions regarding applications which had been made to its Capital Fund for the establishment of new voluntary aided schools.

3.2 Only one application was made in Cambridgeshire. This was by the Roman Catholic Diocese of East Anglia to establish a primary school at Northstowe which would be located on the education campus in phase 2 of the development. This application was unsuccessful. There will be a need for a primary school on this site and the Wave 13 application was also unsuccessful.

4. ALIGNMENT WITH CORPORATE PRIORITIES

Report authors should evaluate the proposal(s) in light of their alignment with the following three Corporate Priorities.

4.1 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.

4.2 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.

4.3 The best start for Cambridgeshire's Children

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

5. SIGNIFICANT IMPLICATIONS

5.1 Resource Implications

- 5.1.1 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.
- 5.1.2 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.
- 5.1.3 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.

5.2 Procurement/Contractual/Council Contract Procedure Rules Implications

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.

5.3 Statutory, Legal and Risk Implications

5.3.1 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 ESFA or the Trust acquires the land the above approach would not apply.

5.4 Equality and Diversity Implications

5.4.1 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.

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

5.4.3 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.

5.5 Engagement and Communications Implications

5.5.1 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.

5.6. Localism and Local Member Involvement

5.6.1 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).

5.7 Public Health Implications

5.7.1 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 (three miles for secondary school children, two 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

5.7.2 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.

5.7.3 New schools will have an impact on the Public Health commissioned services such as School Nursing, National Childhood Measurement Programme, Healthy Schools Support Service.

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 the LGSS Head of Procurement?	Yes Name of Officer: Gus de Silva
Has the impact on statutory, legal and risk implications been cleared by LGSS Law?	Yes or No Name of Legal Officer:
Have the equality and diversity implications been cleared by your Service Contact?	Yes Name of Officer: Jon Lewis
Have any engagement and communication implications been cleared by Communications?	Yes Name of Officer: Jo Dickson
Have any localism and Local Member involvement issues been cleared by your Service Contact?	Yes Name of Officer: Jon Lewis
Have any Public Health implications been cleared by Public Health	Yes Name of Officer: Tess Campbell

Source Documents	Location

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

Appendix 1

Wave 13 Free School Applications to open new schools in Cambridgeshire published by the Department for Education (DfE) on 7 November 2018

Name of school	Trust	Phase	Faith	Basic Need
Cornerstone Free School (St Ives)	Fulham Boys School Trust	Secondary	Designated (Christianity)	Not yet Clear
East Cambs Secondary School	Active Learning Trust (ALT)	Secondary	No	No
March Primary	ALT	Primary	No	Yes
Northstowe Primary Academy	Cambridge Meridian Academies Trust (CMAT)	Primary	No	Yes
St Neots Primary Academy	Crosshall Junior Trust	Primary	No	Yes
The Lantern Sixth Form College (Ely)	CMAT	16-19	No	Yes
Waterbeach Primary Academy	CMAT	Primary	No	Yes
Waterbeach Primary School	ALT	Primary	No	Yes
Wisbech Free School	ALT	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	Cambridgeshire Educational Trust	Secondary	No	Yes
Wisbech Free School	Brooke Weston	Secondary	No	Yes
Wisbech Secondary School	ALT	Secondary	No	Yes