

FREE SCHOOL PROPOSALS

To: Children & Young People's Committee

Meeting Date: 10 October 2017

From: Executive Director: People & Communities

Electoral division(s): All

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

Purpose: **To:**

- a) advise Members on the latest position regarding Wave 11 and Wave 12 free schools in Cambridgeshire approved to pre-implementation stage by the Department for Education (DfE);
- a) advise Members on the progress of the process adopted by the Council to discharge the statutory requirement, under the Education Act 2011, to seek an Academy or Free School sponsor for the new special school to serve the development of Alconbury Weald and the wider area of north Huntingdonshire

Recommendation: **The Committee is invited to:**

- a) note the latest position regarding Wave 11 and Wave 12 free schools in Cambridgeshire;
- b) note the progress of the competition to identify a preferred sponsor for the new special school required at Alconbury Weald.

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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 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 Until September 2016 there had been two application windows annually, in March and September respectively, for potential sponsors to submit free school proposals directly to the DfE.

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 WAVE 11 OF CENTRAL FREE SCHOOL PROGRAMME

2.1 Alconbury Weald Secondary School

Officers are awaiting a decision from the DfE regarding the opening date of the secondary school approved to pre-implementation stage under Wave 11 of the central free school programme. Both the DfE and the approved sponsor, the Diocese of Ely Multi-Academy Trust, recognise that it will not be viable to open the school before 2022. Secondary provision for the first residents at Alconbury Weald will be made at Sawtry Community Academy until the secondary school opens on the new development.

2.2 Chatteris Primary School

- 2.2.1 The Council worked with the DfE’s Free School Group (FSG) for 12 months following initial approval of the Free School bid in April 2016 on a proposal to deliver a new primary school in Chatteris. The Free School would be sponsored by the Active Learning Trust (ALT). The Council supported the Free School proposal on a number of counts:

- a major new development area in the town of 1100 new homes
- rising pupil numbers anticipated from other proposed developments in the town
- and demographic change as a result of rising birth rates within the existing community

The Council also supported the ALT as the sponsor and decided not to run a competition under the presumption process.

It was difficult to make progress on implementation during this period because of the project

management arrangements adopted by the FSG particularly around the identification of key risks and issues. In particular, the FSG considered that there was insufficient evidence of a “critical” basic need. (The DfE definition of basic need is where 60 places in Reception would be filled on opening). The Council sought to explain that its policy is to have primary provision available for the first residents in new housing developments and that pupil numbers would inevitably build over a number of years as housing completions continued. The Council was unable to persuade the FSG and it maintained that a lack of evidence regarding a critical basic need meant that it could not commit to the implementation of the Free School proposal.

- 2.2.2 In July 2017 the ALT withdrew its application to promote the new primary school in Chatteris as a Free School.
- 2.2.3 The Council is working on the acquisition of the site within the new development and a procurement programme to deliver a school to open in September 2019. It is about to enter discussions with ALT about running this “new” school as a second campus of Kingsfield Primary School. Kingsfield Primary School is a 420 place primary school in Chatteris already sponsored by ALT. This approach is considered consistent with the original decision of the CYP Committee not to run a presumption competition and support ALT as the sponsor of the new primary school places.

3 WAVE 12 OF CENTRAL FREE SCHOOL PROGRAMME

- 3.1 On 13 April 2017 8 new free schools were approved to pre-implementation stage by the DfE. Appendix 1 sets out the details of each school application.
- 3.2 Godmanchester Secondary Academy
No site was identified for this secondary school when the free school application from the Cambridge Educational Trust was approved in April 2017. LocatED, the property arm of the Education and Skills Funding Agency (ESFA), is undertaking site searches. Officers understand that, to date, these have not yet been concluded.
- 3.3 St Neots Academy
No site was identified for this secondary school when the free school application from Bedford and Kempston Academy Trust was approved in April 2017. Officers understand that the site search by LocatED is drawing to a close and wait to see whether or not the project is to remain at pre-opening stage.
- 3.4 St Bede’s Inter-church School
St Bede’s Inter Church School Trust has been approved to sponsor a free 11-16 secondary school under Wave 12, but not at Waterbeach Barracks the development site for which the Trust applied. The DfE is focussing the site search on Wisbech in order to review with the Trust whether there is a viable and acceptable site and whether or not the Trust would be content to pursue a school into pre-opening stage in Wisbech. As the Committee will be aware from the report presented on 12 January 2017, the Council has identified a basic need for additional secondary provision in Wisbech from 2019/20 in response to rising numbers of children in the primary sector and the adoption of a Local Plan to provide an additional 11,000 homes across the District by 2031.

3.5 Cambridge Maths School

The search for a site for this post-16 specialist provision is on-going. The DfE does not foresee it having an adverse impact on existing post-16 provision as the Trust's intention is to attract students from a wider area than that already covered by the Cambridge Area Partnership (CAP) which co-ordinates post-16 provision within Cambridge City and south Cambridgeshire. CAP draws students from Ely to the north and the Hertfordshire (Royston), Suffolk (Haverhill) and Essex (Saffron Walden) borders.

3.6 Wing Primary

Conversations between officers, the developers, Anglian Education Trust and representatives of the DfE, indicate that views are aligned on the need for a 2020/21 opening date for this school. This would be in line with the expected commencement of housing development on this site.

3.7 Cambridge City Free School

3.7.1 This free school has been approved on the basis of it providing a total of 840 places across the 11-18 age range, opening in September 2019. Officers are assuming this would be split as follows: 600 (4FE) 11-16 places and 240 post-16 places, but this has not yet been confirmed by the DfE.

3.7.2 Officers understand that the landowners appear willing to enter into an agreement for early release of the land. Officers have stressed to the DfE that the site is not included within the South Cambs and City local plans. The outcome of the Local Plan enquiry is awaited and, therefore, at this current time, there is not an identified site for the school.

3.7.3 Delivery of this free school by 2019 would create a surplus in provision, as there would not be a basic need case until the early part of the next decade. This would undermine the financial stability of existing schools. A refresh of the pupil modelling work is being undertaken which will confirm the date by when the new school, identified as necessary to meet basic need requirements, will be required in order to avoid creating over-capacity across the City. In advance of this work being completed, officers have been working on a 2021/22 date for the opening of the new school at the earliest.

3.8 The Cavendish Special School

This will be sited at Impington Village College, as part of the Henry Morris Academy Trust. The Trust is exploring with the DfE the possibility of a larger school than the 70 places proposed in the Trust's application. If agreed, the school would take children in Years 3 and 4, not just from Year 5 upwards.

3.9 Northstowe Special Academy

The design for the education campus is at an advanced stage and the Council is currently tendering the design and build contract for the secondary school to open in September 2019. At a meeting with representatives from the DfE in July, officers secured clarification and confirmation that the DfE will bridge the capital funding gap between the S106 the Council has secured for investment in the Northstowe Area Special School (for the 70 places expected to be required by families living in Northstowe) and the cost of building it. The DfE will require a completed business case in order for the County Council to draw down the funding. The Council is awaiting receipt of the template form from the DfE.

4 Competition for sponsor of Alconbury Weald Special School

In the absence of a Wave 13 of the central free school programme, a competition was launched on 16 June 2017 under the free school presumption process to identify a preferred sponsor for the area special school needed at Alconbury Weald by 2020/21. At the time of the closing date on 25 August, four applications had been received. A public event took place on 19 September at which the local community were able to meet representatives from the short-listed trusts and to question the potential sponsors about their proposals. A joint officer and member assessment panel met to interview the short-listed sponsors on 2 October in order to identify the preferred sponsor. The CYP Committee will be asked to endorse the panel's recommendation at its meeting on 14 November 2017. The final decision will then be made by the Regional Schools Commissioner and her head teacher reference group on which potential sponsor they will recommend that the Secretary of State enters into a funding agreement with.

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 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. This is currently met from centrally retained Dedicated Schools Grant (DSG) funding which is currently subject to annual Schools Forum approval. National policy changes are likely to impact on the current funding arrangements and clarity has been sought as to the mechanism for funding of new schools in future years. Given this current 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. The full response to the consultation and further guidance is due to be published in September 2017.
- 6.1.5 Where new free schools are centrally delivered i.e. 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

All new presumption free schools which are designed and built by the Council are done so under the Council's framework arrangements. A business case will be required for each of these using the DfE's template form, which is in the process of being finalised.

6.3 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.

6.4 Equality and Diversity Implications

- 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 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.

6.6 Localism and Local Member Involvement

Local members are always invited to take part in the joint officer/member panel (see Appendix 2) 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

Implications	Officer Clearance
Have the resource implications been cleared by Finance?	Yes Name of Financial Officer: Martin Wade 23/08/2017
Have the procurement/contractual/ Council Contract Procedure Rules implications been cleared by Finance?	Yes Name of Financial Officer: Paul White 22/08/2010
Has the impact on statutory, legal and risk implications been cleared by LGSS Law?	Yes Name of Legal Officer: Fiona McMillan 22/08/2017
Have the equality and diversity implications been cleared by your Service Contact?	Yes Name of Officer: Keith Grimwade 22/08/2017
Have any engagement and communication implications been cleared by Communications?	Yes Name of Officer: Joanne Dickson 23/08/2017
Have any localism and Local Member involvement issues been cleared by your Service Contact?	Yes Name of Officer: Keith Grimwade 22/08/2017
Have any Public Health implications been cleared by Public Health	Yes or No Name of Officer:

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>New School Funding Policy 2017/18</p>	<p>Clare Buckingham</p> <p>0-19 Place Planning & Organisation Service</p> <p>Octagon 2nd floor OCT1213 , Shire Hall, Cambridge</p>

Agenda Item No: 5 - Appendix 1

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

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 City	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.

Agenda Item No: 5 - Appendix 2

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 changes to the Council's 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 1 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.