

**FREE SCHOOL PROPOSALS**

*To:* **Children & Young People’s Committee**  
*Meeting Date:* **9 October 2018**  
*From:* **Executive Director: People & Communities**  
*Electoral division(s):* **All**  
*Forward Plan ref:* **n/a** *Key decision:* **No**

*Purpose:* **To advise Members:**

**(a) 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);**

**(b) of the levels of interest with regard to establishing new schools in Cambridgeshire via Wave 13 of the government’s central free school programme.**

*Recommendation:* **To note:**

**a) the latest position regarding Wave 11 and Wave 12 free schools in Cambridgeshire;**

**b) the level of interest with regard to establishing new schools in Cambridgeshire via Wave 13 of the government’s central free school programme.**

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<b>1.</b>	<b>BACKGROUND</b>
1.1	<p>“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. They are established by one of two routes, via:</p> <ul style="list-style-type: none"> <li>• potential sponsors applying directly to the Department for Education (DfE) or</li> <li>• the Council’s established sponsor selection process (known as the free school presumption).</li> </ul> <p>New schools established under the presumption route are not required to use the term “free school” in their name.</p>
1.2	<p>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.</p>
<b>2.</b>	<b>WAVE 11 CENTRAL FREE SCHOOL PROGRAMME</b>
	<u>Alconbury Weald Secondary School</u>
	The DfE has agreed an opening date of 2022 but will continue to monitor the pace of housing development. In the meantime, secondary provision for the first residents at Alconbury Weald will be made at Sawtry Community Academy.
<b>3</b>	<b>WAVE 12 OF CENTRAL FREE SCHOOL PROGRAMME</b>
3.1	<u>Godmanchester Secondary Academy</u>
3.1.1	<p>On 16 July, the chair of the Committee and lead Education Members met with the Principal of Chesterton Community College (who is also CEO of the Cambridgeshire Educational Trust (CET)) and three other members of the Trust including the Headteacher of Downham Market Academy which CET also runs. The school and Trust representatives explained their vision and proposed curriculum offer for the new free school and how sharing some staff across the two existing schools within the trust (Chesterton and Downham Market) has worked to date and could work at Godmanchester.</p>
3.1.2	<p>LocatED (commissioned by the DfE) has identified a potential site for the school in Godmanchester. However, it is not actively pursuing the site at present as it understands that, without support from the Council for the project on grounds of basic need, any planning application would be unlikely to be successful.</p>
3.1.3	<p>Members, including the local Member (who had been unable to make the 16<sup>th</sup> July meeting but had been briefed by officers in the meantime) held a follow up meeting with officers on 28 August to consider what they had heard from the Trust. Members concluded that there were not grounds to change the Council’s view, previously shared with the DfE, namely that there was not a need for a secondary school in Godmanchester at the present time or foreseeable future. In summary:</p> <ul style="list-style-type: none"> <li>• the forecast short term need for an additional 3FE around 2023/24 to meet catchment demand in Huntingdon can be met from existing capacity at St</li> </ul>

	<p>Peter's</p> <ul style="list-style-type: none"> <li>the establishment of a new secondary school at Godmanchester would result in surplus capacity which would pose a financial risk to existing local secondary schools and to the new school itself</li> <li>no <b>suitable</b> site has been identified</li> <li>a small secondary of 4 or 5FE being proposed, would not be able to offer the range of facilities and breadth of curriculum as its larger neighbours</li> </ul> <p>It was agreed that there was a need to keep the situation under review and for the demographic forecasts to be refreshed to take account of the revisions to the Huntingdonshire Local Plan.</p>
3.2	<u>Cambridge Post-16 Maths School (The Cambridgeshire Educational Trust)</u>
3.2.1	A site to the north of Cambridge (CB4) has been identified for this free school.
3.3	<u>St Neots Secondary Academy (Advantage Schools Trust)</u>
3.3.1	The search for a site for this free school by LocatED remains paused
3.3.2	The two existing secondary schools in St Neots, Longsands Academy and Ernulf Academy, previously part of the St Neots Learning Partnership, are now part of Astrea Academy Trust.
3.4	<u>St Bede's Inter-Church School</u>
	No new information.
3.5	<u>Wing Primary (Anglian Learning Trust)</u>
	No new information.
3.6	<u>Cambridge City Free School (Knowledge Schools Trust)</u>
	No new information.
3.7	<u>Northstowe Special Academy (Cambridge Meridian Academies Trust)</u>
	No new information.
<b>4</b>	<b>WAVE 13 OF CENTRAL FREE SCHOOL PROGRAMME</b>
<b>4.1</b>	<b>Mainstream schools</b>
4.1.1	<p>The DfE is looking to approve around 35 mainstream free schools in total in this new wave across all phases. It has set criteria targeting areas with the lowest educational performance:</p> <ul style="list-style-type: none"> <li>where there is demonstrable basic need for a high proportion of the additional school places that the free school will provide; and</li> <li>in a district identified by the DfE as having the lowest standards and lowest capacity to improve</li> </ul> <p>It is encouraging applications where there are not currently free schools established through the central free school programme. Maps published with the announcement of Wave 13 include Huntingdonshire, Fenland and East Cambridgeshire and Peterborough as 'target' areas.</p>

4.1.2	<p>Officers are keen to ensure that the right schools are built in the right places with strong sponsors running them. Therefore, on 3 July, the Service Director for Education led an event to which representatives from some 30 multi academy trusts (MATs) were invited as well as the New Schools Network and the DfE. The purpose of the event was set to:</p> <ul style="list-style-type: none"> <li>• share the joint vision of Cambridgeshire and Peterborough for school place planning and</li> <li>• to inform MATs of the requirements the two Councils face, in terms of new schools in the next 5 years, before they make Wave 13 bids</li> </ul> <p>The event was well attended and many of the trusts represented took the opportunity to discuss their plans with key officers.</p>
4.1.3	<p>As in previous Waves, the DfE will seek comments from the LA to determine whether there is basic need and to consider whether any application fits with any local school improvement strategies. The DfE has already sought the Council's comments on the expressions of interests it has so far received for Wave 13. These include interest in establishing a new secondary school in Wisbech (see section 4.2 below) and new primary provision in St Neots where two additional primary schools will be needed to mitigate the impact of the Eastern Expansion strategic development site.</p>
4.1.4	<p>The DfE has expressly stated: <i>Although we welcome your comments, we would ask that you do not share details of any individual application with anyone outside of that proposer group while the assessment is ongoing.</i></p>
4.1.5	<p>The closing date for applications is 5 November and an announcement of approved applications is expected early in 2019.</p>
4.2	<p><u>Need for additional secondary provision in Wisbech</u></p>
4.2.1	<p>At its meeting on 22 May 2018 the Children and Young People's (CYP) Committee re-considered and re-affirmed the decision it had made, at the conclusion of the review of secondary school provision in Fenland in January 2017, to establish a new secondary school in Wisbech. Committee authorised officers to launch a competition under the academy presumption process to invite proposals from potential sponsors to establish and run the new school.</p>
4.2.2	<p>Consequently in June officers launched a pre-consultation phase of a presumption process for the establishment of a new secondary school in Wisbech. This closed at the end of July 2018. As stated above, expressions of interest have now been lodged with the DfE to meet the LA's identified need for a new secondary school in Wisbech as part of Wave 13. In response, the LA has already acknowledged the need to suspend the presumption process and only reactivate it should none of the free school proposals gain approval. Consequently, this presumption process will remain on hold until the outcome of Wave 13 is known in 2019.</p>
4.3	<p><b>Special or alternative provision free schools</b></p>
4.3.1	<p>In August the DfE published guidance, assessment criteria and bid forms for local authorities seeking to establish new special or alternative provision free schools.</p>

	Councils are invited to submit specifications to the DfE by 15 October 2018, describing the new free special provision which they would like to commission. In early 2019 the DfE will invite applications from trusts to open around 30 special and AP free schools in total, in the successful local authority areas. This is in addition to the free school presumption route.
4.3.2	Any decision to pursue this would be taken following the outcome of the county-wide review of special provision which has not yet concluded.
<b>5.</b>	<b>ALIGNMENT WITH CORPORATE PRIORITIES</b>
<b>5.1</b>	<b>Developing the local economy for the benefit of all</b>
5.1.1	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
<b>5.2</b>	<b>Helping people live healthy and independent lives</b>
5.2.1	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.
<b>5.3</b>	<b>Supporting and protecting vulnerable people</b>
5.3.1	Providing a local school will ensure that services can be accessed by families in greatest need within its designated area.
<b>6</b>	<b>SIGNIFICANT IMPLICATIONS</b>
<b>6.1</b>	<b>Resource Implications</b>
6.1.1	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. National policy changes are likely to impact on 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	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.
6.1.3	New Special Schools are funded on the national Place-Plus methodology. This provides schools with £10,000 per commissioned place. 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).
6.1.4	Places for each academic year will be agreed between the school and the Council in advance on an annual basis. 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. The cost of these additional places falls on the High Needs Block of the DSG, and as such any increase in places is a pressure on this resource.
6.1.5	Following the implementation of the National Funding Formula for Schools and High Needs Funding for 2017/18, the DfE committed to reviewing the funding mechanism for growth. As part of the Schools revenue funding 2019 to 2020 Operational guide, published in July 2018, details of the new methodology were confirmed. The ESFA will allocate funding to local authorities based on the actual growth in pupil numbers they experienced the previous year. This will ensure that over time local authorities are funded on the basis of the actual growth they experience (albeit on a lagged basis), rather than historic spending decisions. Allocations for 2019-2020 will be confirmed later this year, based on the October 2018 census data.
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	<b>Procurement/Contractual/Council Contract Procedure Rules Implications</b>
6.2.1	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.
6.3	<b>Statutory, Legal and Risk Implications</b>
	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: <ul style="list-style-type: none"> <li>• the land and buildings would be returned to the Council when the lease ends;</li> <li>• use is restricted to educational purposes only;</li> <li>• the Trust is only able to transfer the lease to another educational establishment provided it has the Council's consent.</li> </ul> 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.
<b>6.4</b>	<b>Equality and Diversity</b>
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 by the Council 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.
<b>6.5</b>	<b>Engagement and Communications Implications</b>
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.
<b>6.6</b>	<b>Localism and Local Member Involvement</b>
6.6.1	Officers encourage school sponsors appointed through the central free school programme to engage with the local communities in which the school will be sited including with the relevant local member.
<b>6.7</b>	<b>Public Health Implications</b>
6.7.1	It is Council policy that schools: <ul style="list-style-type: none"> <li>• 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;</li> <li>• 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)</li> <li>• should be located close to public transport links and be served by a good network of walking and cycling routes</li> <li>• should be provided with Multi-use Games Areas (MUGAs) and all weather pitches (AWPs) to encourage wider community use of school</li> </ul>
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

<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 Name of Legal Officer:
<b>Have the equality and diversity implications been cleared by your Service Contact?</b>	Yes Name of Officer: Jon 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: Jon Lewis
<b>Have any Public Health implications been cleared by Public Health</b>	Yes Name of Officer: Tess Campbell

<b>Source Documents</b>	<b>Location</b>
<p>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></p> <p>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></p> <p>The Free School Presumption: Departmental advice for local authorities and new school proposers. February 2016  <a href="https://www.gov.uk/government/publications/establishi">https://www.gov.uk/government/publications/establishi</a></p>	<p>Clare Buckingham  0-19 Place Planning &amp;  Organisation Service  Octagon 2nd floor  OCT1213, Shire Hall,  Cambridge</p>

[ng-a-new-school-free-school-presumption](#)

New School Funding Policy 2018/19

## Appendix 1

### 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	Advantage Schools Trust (formerly 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	(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.