

FREE SCHOOL PROPOSALS

To: **Children & Young People's Committee**

Meeting Date: **4 December 2018**

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

Electoral division(s): **All**

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

Purpose: **To 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) and 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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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

2.1.1 No new information

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

3.1 Godmanchester Secondary Academy

No new information

3.2 Cambridge Post-16 Maths School (The Cambridgeshire Educational Trust)

A site to the north of Cambridge (CB4) has been identified for this free school.

3.3 St Neots Secondary Academy (Advantage Schools Trust)

The search for a site for this free school by LocatED (the property arm of the DfE) remains paused.

3.4 St Bede’s Inter-Church School

3.4.1 A site has been identified by LocatED at East Fen Common, Paddock Street in the Eastern Gateway development area of Soham. The local schools and officers have concerns over the location and the basic need case for a new secondary school in this part of the county. The DfE has confirmed that it is committed to exhausting all options to enable St Bede’s to replicate its outstanding offer in Soham but will take into account the latest updated forecast information and consider the impact of a new school on existing local schools before coming to a final decision. A meeting between officers, the Trust and DfE reps is scheduled to take place on 20 December to discuss the proposal further.

3.5 Wing Primary (Anglian Learning Trust)

No new information.

3.6 Cambridge City Free School (Knowledge Schools Trust)

No new information.

3.7 Northstowe Special Academy (Cambridge Meridian Academies Trust)

The Education campus which includes the special school, has been granted planning permission and work is now progressing at pace to ensure that the school opens in 2019/20.

4 WAVE 13 OF CENTRAL FREE SCHOOL PROGRAMME

4.1 The Department for Education (DfE) is looking to approve around 35 mainstream free schools in total, across all phases, in this latest wave. It has set criteria targeting areas with the lowest educational performance:

- where there is demonstrable basic need for a high proportion of the additional school places that the free school will provide; and
- in a district identified by the DfE as having the lowest standards and lowest capacity to improve

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.

4.2 As in previous Waves, the DfE indicated that they would seek comments from the Local Authority (LA) to determine whether there is basic need and to consider whether any application fits with any local school improvement strategies. Officers were invited to comment on 17 expressions of interest from 10 different multi academy trusts (MATs) most of which had attended the event held on the 3 July 2018 where the Service Director for Education had shared with them the Council's requirements for new schools in the immediate future.

4.3 Consequently there were fewer applications than in previous rounds to establish free schools in locations where there is not a basic need identified by the LA. The DfE has recently published the list of 124 applications received nationally by the closing date of 5 November. 12 of these (from 6 Multi-Academy Trusts (MATs) have been received for Cambridgeshire. Cambridgeshire received the most applications of any local authority. These applications are now being processed at the DfE and we expect to hear in early January which of them are to proceed to interview/assessment panel stage. Final decisions are expected to be announced by the DfE in late March/early April 2019.

4.4 The DfE has expressly stated: *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.* **Appendix 2** lists the 12 applications.

5. ALIGNMENT WITH CORPORATE PRIORITIES

5.1 Developing the local economy for the benefit of all

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

5.2 Helping people live healthy and independent lives

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.

5.3 Supporting and protecting vulnerable people

5.3.1 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 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.

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 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 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 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

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.

6.5 Engagement and Communications Implications

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 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.

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
Have the procurement/contractual/ Council Contract Procedure Rules implications been cleared by the LGSS Head of Procurement?	Yes Name of Officer: Paul White
Has the impact on statutory, legal and risk implications been cleared by LGSS Law?	Yes 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
<p>Information and guidance relating to Wave 13 of the government's free school programme https://www.gov.uk/government/publications/free-school-application-guide</p> <p>Information and guidance relating to applications to open new special or alternative provision free schools https://www.gov.uk/government/publications/special-free-school-applications</p> <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>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</p> <p>New School Funding Policy 2018/19</p>	<p>Clare Buckingham 0-19 Place Planning & Organisation Service Octagon 2nd floor OCT1213, Shire Hall, Cambridge</p>

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	Site identified	St Bede's	6FE/900 places	Yes
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

Name of school	Phase	Faith	Basic Need
Cornerstone Free School	Secondary	Designated (Christianity)	Not yet Clear
East Cambs Secondary School	Secondary	No	Not yet clear, review of secondary provision in this area pending
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