

Free School Proposal – Wisbech Secondary School

To:	Children and Young People's Committee
Meeting Date:	30 th November 2021
From:	Executive Director: People & Communities
Electoral division(s):	Wisbech East, Wisbech West, Soham North and Isleham, Soham South and Haddenham, St Neots East and Gransden, St Neots Eynesbury, St Neots Priory Park and Little Paxton, St Neots the Eatons
Key decision:	No
Forward Plan ref:	n/a
Outcome:	The secondary school in Wisbech continues to be delivered by the Department for Education (DfE). This paper provides clarity to the Children and Young People (CYP) Committee on the demographic and financial position as raised in the previous meeting.
Recommendation:	Recommend to the Strategy and Resources Committee that a risk is identified in the corporate risk register around the non-delivery of free schools and to agree to fund required school places if free school projects approved through the DfE's central Free School Programme were not to proceed and the Council has an identified basic need for places in the area that school would serve.

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1. Background

- 1.1 At the October CYP Committee meeting, a number of queries were raised in relation to the position around the Department for Education (DfE) led free schools projects in the county, which have been approved under the Government's central Free School Programme to pre-implementation stage. Members also asked specific questions with reference to Wisbech. This paper provides members with an overview of the free school situation and respond to the action points from the October meeting in relation to the financial considerations and the demographic position in Wisbech.

2. Establishing New Schools

- 2.1 Under Section 14 of the Education Act 1996, the Council, as the local Children's Services Authority, must ensure there are sufficient schools in their area, appropriate to the range of pupils' ages, abilities and aptitudes, with a degree of diversity in provision and promotion of opportunities for parental preference. This includes provision for children with special educational needs and disabilities (SEND). This is generally referred to as the place planning duty.

- 2.2 Following legislative changes introduced by Government, the role and responsibilities of Local Children's Services Authorities has changed from a direct provider of new schools and educational provision to being that of a commissioner.

- 2.3 There are three routes by which new schools can be established:

1. The Council identifies the need for a school in response to demographic changes and runs a competition for a potential sponsor for that school, which would open as an Academy. This is known as a presumption process. The final decision on who will run and manage the school rests with the Regional Schools Commissioner (RSC), not the Authority.

2. Multi-academy trusts and/or other potential sponsors apply directly to the Department for Education (DfE) to open, run and manage a new school under the Government's Free School programme. This could be in response to a need identified by the Local Authority for such a school, identified weaknesses in the educational standards in the area in which the school would be established, and/or the need identified by the potential sponsor to increase choice and diversity in a particular area.

3. The Council identifies the need for a school in response to demographic pressures and, in response, proposals are submitted to establish that school as a Voluntary Aided School with a religious designation. The final decision on whether to approve the establishment of such a school rests with the Authority as any school opened through this route would be a maintained school.

- 2.4 The Council delivers the capital projects where new schools are commissioned under the presumption process and these schools are designed and built under its framework arrangements.

- 2.5 As a Local Authority, we have followed an approach whereby we would seek to deliver projects only where the Department for Education is providing full cost of the school. We may choose to add to the scheme using section 106 (S106) or prudential borrowing in order to ensure that the Council is able to meet a statutory duty additional to the provision of school places or a planning requirement for the council, for example, community facilities early years and childcare, including before and after school provision.
- 2.6 The DfE assumption around free school delivery under their central Free School Programme is that they take on responsibility for the design, build and delivery of the project working with the Free School sponsor using their own frameworks. They may consider commissioning this through the Council or delivery directly through the school sponsor, if they consider there would be benefit in doing this.

3. A New School for Wisbech

- 3.1 As a result of a comprehensive review of education provision in Fenland which commenced in June 2014, on 9 February 2016 a decision was made by the CYP Committee to endorse the identified need for a new secondary school in Wisbech to enable the Council to meet its statutory responsibility for school places in this part of the county. On 22 May 2018 the CYP Committee:
- a) re-affirmed the decision it made in February 2016 at the conclusion of the review of secondary school provision to establish a new secondary school in Wisbech; and
 - b) authorised officers to launch a competition under the new school presumption process to invite proposals from potential sponsors to run the new school.
- 3.2 We launched our pre-consultation process for the presumption process on 3 July 2018. Information was then received from the DfE that a number of expressions of interest in promoting a new secondary school in Wisbech had been submitted in response to the launch of Wave 13 of their Free Schools Programme. Under education law, the Council had no option other than to halt its new school presumption process at this time. We were notified on 14 June 2019 that none of the applications had been successful but following clarification on pupil numbers the applications were re-entered into the Wave 14 process in August 2019. In January 2021 Brooke Weston Trust was confirmed as the sponsor of the new secondary school.
- 3.3 As a result of the outcome of the Wave 14 Free School application and approval process, responsibility for delivering the school reverted to the DfE.

4. Wisbech Secondary Provision and Forecast Future Need for Places

- 4.1 Thomas Clarkson Academy (TCA) is the secondary school which serves Wisbech as well as a large area of the north-east of Fenland district. The school is run by the Brooke Weston Trust, the same Trust which is the approved DfE sponsor of the new secondary school in Wisbech. In January 2020 TCA was rated "Good" by Ofsted (the Office for Standards in Education).

- 4.2 The school was rebuilt under the Government's Building Schools for the Future (BSF) programme as an 11 Form Entry (FE) (1,650 places) for 11-16 year olds. It currently operates with a Published Admission Number (PAN) of 240 providing a total of 1200 places 8 forms of entry (FE).
- 4.3 Since the school was rebuilt TCA has created its own small 6th form. There were 103 students recorded on roll in October 2021. The Academy Funding Agreement states that the school has a capacity of 1,500 places, of which 1,200 are for young people aged 11-16 (PAN 240 x 5) and 300 for those aged post-16. This is the capacity that is reported in the annual SCAP (School Capacity Assessment) return to the DfE. Although no formal assessment of capacity has taken place, given the small size of the sixth form, this would suggest that the remaining capacity will be between 9-10FE (1350-1500 places) for 11-16 year-olds at this point in time.
- 4.4 The January 2021 base catchment forecasts for TCA show that primary cohorts (those due to transfer to secondary school the following year) are fairly stable between 406 and 431, around 14FE over the forecast period. In contrast, intakes into Year 7 at TCA have been and are forecast to continue to be lower, around 8-9FE (see **Table 1** below). This is a reflection of long-established parental preference trends to secure places at alternative schools in the County (principally Neale Wade Academy in March, around 1FE (30 children) each year) and in the neighbouring counties of Lincolnshire and Norfolk (around 4FE 120 children) each year.
- 4.5 However, there are signs that demand for places at the school is increasing. In the last three years it has over-admitted into Year 7 in response to requests from the Authority to meet the need for places from children living in the catchment area. Also, for the first time in many years, the school has a waiting list for some year groups. In October 2021 there were a total of 19 children on the school's waiting list for places in Years 7, 8 and 9 and, of these, 12 children were being transported to other schools.

Table 1: Catchment Forecasts for Year 6 and Year 7 and the Intake in Year 7

	2019/ 20	2020/ 21	2021/ 22	2022/ 23	2023/ 24	2024/ 25	2025/ 26
Pupils in Y6	420	410	410	429	419	431	406
	2020/ 21	2021/ 22	2022/ 23	2023/ 24	2024/ 25	2025/ 26	2026/ 27
Pupils in Y7 living in the TCA catchment and attending a Cambridgeshire school (including special schools)	293	305	286	305	295	307	282
Y7 Intake at TCA	268	269	235	238	246	257	242

- 4.6 The January 2021 Base pupil forecasts for TCA are shown in **Table 2**. They are based on recent trends and show that the pupil roll is expected to increase in 2025/26 to reach 1,390. These forecasts were submitted to the DfE as part of the Council's SCAP return in July 2021.

Table 2: TCA Pupil Forecasts (SCAP) January 2021 Base

School Year	Y7	Y8	Y9	Y10	Y11	Y12	Y13	Total
2020/21	268	242	227	194	224	49	43	1247
2021/22	269*	270*	239*	230*	198*	57*	46*	1309
2022/23	235	270	268	240	221	45	48	1327
2023/24	238	235	272	266	238	53	43	1345
2024/25	246	240	239	272	266	61	53	1377
2025/26	257	248	244	239	272	70	60	1390
2026/27	242	254	247	239	234	69	64	1349

Note: Oct 2021 actuals

- 4.7 The SCAP forecast methodology is trend-based and assumes this will continue and attaches this trend to the rising cohort of children expected in future years. It is reviewed annually in light of the changing demographic position.
- 4.8 With regard to parents continuing to be able to take up places at alternative schools:
- the catchment forecast for Neale Wade Academy (March) indicates that places are likely to remain available for some Wisbech children to be able to take up places there in the future.
 - University Academy Long Sutton (formerly the Peele School) in Lincolnshire are able to offer places to Wisbech children in similar numbers to recent trends.
 - Fewer places may be available for children to transfer to Marshland High School in Norfolk from the TCA catchment area because of larger numbers in their own catchment. However, the school's admission criteria give higher priority to younger siblings, including those from out-of-catchment, than children attending their partner primary schools.
- 4.9 Between 2012 and 2020, 680 homes have been built in Wisbech at an average of 85 completions each year. This rate of build is already reflected in the trends within the forecasting models. Whilst land-supply / trajectory data show housing sites available in the area to accommodate an increase in building rate, particularly beyond 2021, the size of any possible increase would not justify any change to the secondary forecasting model at this point. Also, the current concept of 'Wisbech Garden Town' is not included in the modelling due to uncertainties around timing. Therefore, a cautious approach has already been taken to assessing the impact of new housing within these forecasts.
- 4.10 There are some early indications that Brexit and Covid may have impacted on local pupil numbers as the size of year groups in schools has fallen. We are currently analysing our demographic position to understand this impact at school level. Future forecasts may need to be adjusted in response to any identified long-term, sustained, trends.
- 4.11 There is regular and ongoing dialogue with the Chief Executive of the Brooke Weston Trust who is committed to offering places to all catchment children using the capacity at TCA until the new school is built. This commitment was made again on the 4th

November. We will continue to support the revenue costs via our growth fund. The award letter for the new school outlines that the new school must work in close collaboration with Thomas Clarkson.

5. Financial Implication of a DfE-Led Free School for Wisbech

- 5.1 The reduction in capital budget requirement enabled by the changed approach in the capital programme is a reduction in borrowing of £21.01m (the projected cost of the secondary school element of the education campus project was more than this but there have been increases in inflation and nearly zero building costs added for the Social Emotional & Mental Health (SEMH) element of the project). In the first year that a revenue provision for the principal and interest costs of this borrowing would be required, the revenue impact is £1.029m, decreasing each year thereafter.
- 5.2 Similarly, if the Council's risk had been contained at £6m for abnormalities associated with delivering the secondary school (piling the foundation, highways etc), the revenue impact would begin at £294k per annum.
- 5.3 In terms of our budgeting responsibilities, it is important under statute and the prudential code that we have robust and accurate estimates for budgeting and that, especially as we approach the advisory limit on debt charges in the next 3–4 years, we carefully consider the inclusion and affordability of all schemes with a prudential borrowing requirement.
- 5.4 As a result of the Council's work on the Wisbech project, both prior to the DfE's decision to grant approval to Brooke Weston under Wave 14 of its Free School Programme and to inform the DfE's consideration of the option of the Council self-delivering the project, there are "sunk costs" of up to £489k resulting from the scheme. The position is complicated as the Council continues to have a capital project proposal for an SEMH school at the same location and where costs can be apportioned to this they will be.
- 5.5 These are costs already incurred which will need to be paid either from revenue or capital. Sunk costs would normally be expensed to revenue (meaning that we do not borrow and incur interest for those costs). However, we will also consider whether the costs incurred are supportive of delivering an asset by a partner organisation. If we do not assess there is a reasonable basis for holding the sunk costs as an asset under construction at the end of 2021-22, we will show the revenue expense in the 2021-22 financial year, so it would not be added to a future year gap.

6. Other Free School Projects

- 6.1 The capital reports for both October and November CYP Committee have provided a consistent approach for approved free school projects. Where there is an approved free school bid, the Council adjusts its demographic requirements and in all cases this has led to the removal of capital funding.
- 6.2 The Council in responding to DfE consultations on the proposed free school in Soham, to be sponsored by the St Bede's Trust, outlined its preference for a local solution by expanding existing secondary schools within the East Cambridgeshire District in those catchment area(s) where there was a need for additional places. It did not support a new

secondary school located in Soham as demand for new places was distributed across the District. A proposal for providing the additional places in Soham was, therefore, included in the capital programme and approved by Council in February 2021. A sum of £5m was allocated for a 1 form entry (150 place) expansion of Soham Village College.

- 6.3 The St Bede's Trust were approved by the DfE in 2017 as a sponsor for a new secondary school to be established in Cambridgeshire on the basis that they were prepared to do so in an area of the County where there was an identified basic need. In 2018, the Council was advised by the DfE that two possible sites for a new 6FE secondary school had been identified in Soham and discussions were ongoing with the St Bede's Trust over their suitability for a Free School to be run by that Trust. Officers' understanding is that this project will now be delivered by the DfE and the Council's own scheme and capital funding has been removed from the programme, therefore. This was included in the report on the capital programme considered by the CYP Committee on 19th October 2021.
- 6.4 The DfE have not approached us to deliver the Free School. No development work has been undertaken on the expansion of Soham Village College, the local secondary school, so there are no revenue costs associated with the decision to remove the scheme from the capital programme.
- 6.5 The Council had made provision in the capital programme of £11.13m for the provision of additional places in St Neots by expanding the existing secondary schools, Ernulf Academy and Longsands Academy. The majority of this was planned to be funded through DfE basic need grant (£8.3m), S106 Contributions (£2.1m) with the remaining £664k being borrowing. Investment in additional capacity at these schools was the Council's preference as:
- Forecast numbers did not justify or support the basic need requirement for a third secondary school in the Town
 - The investment in additional capacity at the existing schools would provide an opportunity to also address significant condition and suitability issues at these schools
- 6.6 The DfE gave in principle approval for a Free School in St Neots in wave 12 of the programme in 2017. The project had not progressed to implementation and officers had understood that it would not be pursued. However, the Council received notification in March 2021 that the DfE had recommenced the search for a suitable site in the St Neots area.
- 6.7 An MS1 report (feasibility study) has been prepared for the expansion of the two secondary schools. The cost of this report was £66k.

7. Risk of Non-Delivery of Free School Projects

- 7.1 There remains a risk that a free school project (including those outlined above) might not be delivered. This could be as a result of government policy change, planning issues, land availability or demographic changes. In the case of non-delivery, our duties under the 1996 Education Act apply and it would be our intention to seek further Council funding to deliver our statutory duty for school places.

7.2 As a result of this risk, it is suggested the Committee makes a recommendation to the Strategy and Resources Committee to ensure that school place requirement would be met if an approved Free School was not be delivered. This would only be in cases where the Council has an identified statutory need for those places and this is judged that the provision of a new school would be the best option for meeting that need, both educationally and financially.

8. Alignment with corporate priorities

8.1 Communities at the heart of everything we do

- There is 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.
- Schools are community assets; and
- Help to support the creation and development of new communities

8.2 A good quality of life for everyone

This corporate priority is explicit throughout the report as it relates to ensuring that children and young people have access to high quality educational provision in the communities in which they live.

8.3 Helping our children learn, develop and live life to the full

This corporate priority is explicit throughout the report as it relates to ensuring that children and young people have access to educational provision which will support their learning and development in the communities in which they live. This is key to securing optimal outcomes for all children, as well as supporting their wellbeing and playing an important role in safeguarding them.

8.4 Cambridgeshire: a well-connected, safe, clean, green environment

- If pupils have access to local schools and associated children's services, they are more likely attend them by either cycling or walking rather than by car or public transport.
- This will contribute to the development of both healthier and more independent lifestyles and contribute to the overall impact of the Council's policy to reduce carbon emissions in Cambridgeshire by 2050.

8.5 Protecting and caring for those who need us

- Schools are safe places in which to teach, learn and develop
- Providing a local school will ensure that services can be accessed by local families in greatest need

9. Significant Implications

9.1 Resource Implications

The Council plans its capital programme over a five year period with a broader 10 year forward look. There is an expectation that services plan ahead and that significant new schemes should enter the programme in the new year 5 as part of the annual review of

the programme/business plan. This approach allows the Council to consider its overall financing of future commitments within the programme.

The need to respond to DfE decisions around the delivery of its own Free School programme is compromising this approach with the consequence that the Council is:

- Including schemes within the programme which may never progress to delivery or
- Removing schemes from the programme which then, potentially, have to be reinstated and funding sought much earlier than in year 5 of the programme. This is more difficult for the Council financially and would require re-prioritisation of existing schemes or additional funding.

Where a Free School is approved, the DfE directly funds its cost via a capital grant. The DfE then deducts the new places delivered by the Free School from the Council's annual school capacity return thereby reducing our annual formulaic capital allocations for Basic Need over a period of time. The DfE maintains that the financial impact of this would be neutral in the medium term. However, the formula underpinning the distribution of the annual basic need allocations is complex and it is difficult to make a direct comparison.

9.2 Procurement/Contractual/Council Contract Procedure Rules Implications

Where schemes are procured by the DfE through its own contractor framework, there are a suite of procurement and contractual documents in place and are used by the DfE across this national programme.

The Council will be required to enter into a non-legally binding development agreement with the DfE as a delivery partner. This sets out roles, responsibilities and expectations of the partner at the outset of the project.

The County Council has its own contractor framework recently re-procured in accordance with public sector procurement rules.

9.3 Statutory, Legal and Risk Implications

Any organisation taking responsibility for procurement and delivery of a new building is accepting a range of development risks eg planning permission, bad weather, performance management of designers and contractors, health and safety. These risks will sit with the DfE where it delivers Free Schools and with the County Council where it self-delivers, on behalf of the DfE, or delivers its own capital schemes

9.4 Equality and Diversity Implications

The Council is committed to ensuring that children with special educational needs and/or disabilities (SEND) are able to attend their local mainstream school where possible, with only those children with the most complex and challenging needs requiring places at specialist provision.

9.5 Engagement and Communications Implications

The free school sponsor have undertaken consultation as part of their bid. We expect further engagement sessions to take place.

9.6 Localism and Local Member Involvement

Papers have been brought to previous committee meetings on the situation around free schools. Briefings are held locally where appropriate.

9.7 Public Health Implications

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

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.

New schools will have an impact on the Public Health commissioned services such as school nursing, vision screening, National Childhood Measurement

9.8 Environment and Climate Change Implications on Priority Areas

9.8.1 Implication 1: Energy efficient, low carbon buildings.

Positive/neutral/negative Status: Neutral

Explanation:

9.8.2 Implication 2: Low carbon transport.

Positive/neutral/negative Status: Neutral

Explanation:

9.8.3 Implication 3: Green spaces, peatland, afforestation, habitats and land management.

Positive/neutral/negative Status: Neutral

Explanation:

9.8.4 Implication 4: Waste Management and Tackling Plastic Pollution.

Positive/neutral/negative Status: Neutral

Explanation: The construction process will generate some unavoidable waste; however, the Council would expect this to be minimised as far as possible by the DfE and their contractors, and robust waste management strategies implemented throughout the construction process.

Waste generated by new schools will be subject to normal recycling facilities provided on site.

9.8.5 Implication 5: Water use, availability and management:

Positive/neutral/negative Status: Neutral

Explanation: The planning application for any new school needs to conform to planning policy. The statutory consultees include the Council's Floods team.

9.8.6 Implication 6: Air Pollution.

Positive/neutral/negative Status: Neutral

Explanation: The planning application for any new school will need to conform to planning policy. Air pollution will be addressed as part of this process.

9.8.7 Implication 7: Resilience of our services and infrastructure and supporting vulnerable people to cope with climate change.

Positive/neutral/negative Status: Neutral

Explanation: Schools not only provide education but facilitate community activities e.g. sport and other activities by community organisations through the school's letting policy. The services provided are not specific to climate change, however local provision makes access easier.

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: Henry Swan

Has the impact on statutory, legal and risk implications been cleared by the Council's Monitoring Officer or LGSS Law?

Yes

Name of Legal Officer: Fiona McMillan

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: Simon Cobby

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: Raj Lakshman

If a Key decision, have any Environment and Climate Change implications been cleared by the Climate Change Officer?

N/A

8. Source documents guidance

8.1 None

9. Accessibility

9.1 An accessible version of this report is available on request from
Jonathan.lewis@cambridgeshire.gov.uk