

FREE SCHOOL PROPOSALS

To: Children & Young People's Committee

Meeting Date: 21 May 2019

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

Electoral division(s): **All**

<i>Forward Plan ref:</i>	For key decisions	<i>Key decision:</i>	No
	Democratic Services can provide this reference		

Purpose: To advise Members on the latest position regarding:

- a) Wave 11 and Wave 12 free schools in Cambridgeshire approved to pre-implementation stage by the Department for Education (DfE)
- b) Wave 13 of the DfE's central free school programme
- c) Wave 14 of the DfE's central free school programme
- d) the DfE's capital funding for new voluntary aided (VA) schools

Recommendation: 1) For Members to note:

- a) the latest position regarding Wave 11 and Wave 12 free schools in Cambridgeshire approved to pre-implementation stage by the DfE
 - b) the latest position regarding Wave 13 of the DfE's central free school programme
 - c) the latest position regarding Wave 14 of the DfE's central free school programme
- 2) For Members to agree the arrangements for managing the consultation and representation processes if the Department for Education decides to award funding for a new Voluntary Aided (VA) school in Cambridgeshire.

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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. WAVE 11 CENTRAL FREE SCHOOL PROGRAMME

- 2.1 Alconbury Weald Secondary School (Diocese of Ely Multi-Academy Trust (DEMAT))
- 2.1.1 The project remains in pre-opening stage and the DfE is working towards confirming a likely opening date, reviewing when there will be sufficient basic need to ensure that the school will be viable from its first day of opening.
- 2.1.2 Officers are currently working with the DfE/Education Skills and Funding Agency (ESFA) and DEMAT to confirm the timing of the various elements of the education strategy for this phase of the development which includes special and sixth form provision as well as secondary. Although the establishment of the special school is the result of a free school presumption competition rather than the DfE’s central free school programme, because it will be co-located with the secondary school the timing of its opening cannot be determined in isolation.

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

- 3.1 Godmanchester Secondary Academy (The Cambridgeshire Educational Trust)
The project remains in pre-opening stage, but the DfE is considering its future. The Trust is aware of the options available, and the DfE will continue to work with them until a final decision is made.
- 3.2 St Bede’s Inter-Church School
This secondary school project remains in pre-opening stage and the DfE is continuing to explore the feasibility of it opening in Soham.
- 3.3 Cambridge Post-16 Maths School (The Cambridgeshire Educational Trust)
No new information.
- 3.4 Wing Primary (Anglian Learning Trust) (Cambridge City)
It has been agreed between the Trust and the DfE that the opening of this school will now be September 2021 rather than 2020, as the pace of the development has been

slower than originally anticipated.

3.5 Cambridge City Free School (Knowledge Schools Trust)

No new information.

3.6 The Cavendish Special School (Morris Education Trust), Impington

The DfE has advised that following some recent delays with the build timetable, a September 2020 opening date is no longer achievable. Therefore, having consulted with the trust, the DfE is now aiming for a revised opening date of September 2021

3.7 Northstowe Special Academy (Cambridge Meridian Academies Trust (CMAT))

The project remains on target for opening in the last term of 2019/2020 academic year in line with the expectations of the school's sponsor, CMAT.

4 WAVE 13 CENTRAL FREE SCHOOL PROGRAMME

Decisions on applications submitted under Wave 13 are not expected to be announced by the DfE before May 2019 at the earliest. See Appendix 2 for complete list of applications.

5 NEW VOLUNTARY AIDED SCHOOLS

5.1 On 26th March, the DfE published the list of 14 applications which had been received to establish new voluntary aided (VA) schools in 11 different Local Authorities. One of these is to establish a roman catholic primary school at Northstowe which would be located on the education campus in phase 2 of the development alongside the secondary school and the special school, both of which will be run by Cambridge Meridian Academies Trust (CMAT).

5.2 For the successful applications the DfE will fund 90% of the capital cost. If the application is successful we would expect the remaining 10% to be funded through the s106 contribution already negotiated with the developer.

5.3 The outcome of applications bidding for capital funding to establish new voluntary aided schools is expected at the same time as the Wave 13 outcomes, in late May.

5.4 If the DfE approves funding, a statutory process will be triggered under section 11 of the Education & Inspections Act 2006 (EIA) which will include a consultation and representation period.

5.5 Officers propose the following arrangements for managing the consultation process:

- The Council publishes the sponsor's proposal on its website and there will be a six week consultation period during which anyone may comment on the proposal
- Feedback from the consultation will be shared with the CYP Committee so that Members can decide whether or not to proceed to the next stage which would be to publish a statutory notice with the formal proposal to establish the new VA school

5.6 If the Committee decides to proceed,

- the statutory representation period will last for 4 weeks during which time any person can send objections or comments to the Local Authority (LA).
- The Children and Young People Committee will then take the final decision whether or not the new VA school will be established.

If it does not decide within two months of the end of the four week statutory representation period the proposal must be referred to the Schools Adjudicator for decision.

6 DARWIN GREEN SECONDARY SCHOOL (CMAT)

- 6.1 This planned new school to serve the Cambridge north west fringe development is a presumption free school i.e. the sponsor was appointed through the Council's established completion process rather than via the government's central free school programme.
- 6.2 Building has now started on the development and the trigger for transfer of the school site to the LA is at 450 occupations. The housing trajectory will indicate the time parameters for the design and build project for the school.

7 ALIGNMENT WITH CORPORATE PRIORITIES

7.1 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.

7.2 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.

7.3 The best start for Cambridgeshire's Children

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

8 SIGNIFICANT IMPLICATIONS

8.1 Resource Implications

- 8.1.1 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.
- 8.1.2 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.

- 8.1.3 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.

8.2 Procurement/Contractual/Council Contract Procedure Rules Implications

- 8.2.1 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.

8.3 Statutory, Legal and Risk Implications

- 8.3.1 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.

8.4 Equality and Diversity Implications

- 8.4.1 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.
- 8.4.2 The accommodation provided by the Council will fully comply with the requirements of the Public Sector Equality Duty and current Council standards.
- 8.4.3 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.

8.5 Engagement and Communications Implications

- 8.5.1 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.

8.6 Localism and Local Member Involvement

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).

8.7 Public Health Implications

8.7.1 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

8.7.2 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.

8.7.3 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: Paul White
Has the impact on statutory, legal and risk implications been cleared by 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: Jonathan 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: Jonathan 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 Wave 14 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>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>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</p> <p>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</p> <p>Link to <i>Growth Fund & New Schools Funding Criteria</i> 2019/20- Schools Forum 18/12/2018</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
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	Eastern Gateway. Soham	St Bede's	4FE/600 places	No
Cambridge Maths School	Post-16 specialist science, technology, maths (STEM)	Site identified	Cambs Educational Trust	Up to 300 places	No
Wing Primary (Cambridge)	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.

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 (St Ives)	Secondary	Designated (Christianity)	Not yet Clear
East Cambs Secondary School	Secondary	No	No
March Primary	Primary	No	Yes
Northstowe Primary Academy	Primary	No	Yes
St Neots Primary Academy	Primary	No	Yes
The Lantern Sixth Form College (Ely)	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