

FREE SCHOOL PROPORALS

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

Meeting Date: **5 December 2017**

From: **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)**

Recommendation **To note the latest position regarding Wave 11 and Wave 12 free schools 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 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. No new waves of the programme have been announced since the general election of June 2017.
- 1.4 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 CENTRAL FREE SCHOOL PROGRAMME

2.1 Alconbury Weald Secondary School

- 2.1.1 Officers and the school sponsor, the Diocese of Ely Multi-Academy Trust, are still 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. All parties 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. Officers have indicated to the DfE that the Council would be interested in procuring the design and build project.

2.2 Chatteris Primary School

There is a separate agenda item on this as it is no longer a free school project.

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 new information available
- 3.3 St Neots Secondary Academy
No new information available

3.4 St Bede's Inter-Church School

Officers have a meeting scheduled with representatives from the DfE and the Trust and will provide a verbal update at the Committee meeting.

3.5 Cambridge Post-16 Maths School

No new information available.

3.6 Wing Primary

3.6.1 Officers and Anglian Learning Trust are working on the basis of a September 2020 opening for this primary school. Officers will work closely with the Trust to ensure that it opens with an appropriate number of places to minimise the risk of destabilising neighbouring primary schools. Officers are in the process of compiling the business case for the Education & Skills Funding Agency (ESFA) to reflect the Council's intention to deliver the capital project through its design and build framework contract.

3.7 Cambridge City Free School

3.7.1 The Trust appointed by the DfE to run this school, formerly the West London Free School Academy Trust, has recently be renamed and is now known as the Knowledge Schools Trust.

3.7.2 The school has been approved to pre-implementation stage as a 4FE (600 places) providing for the 11-18 age range. Officers have confirmed that there is no basic need for post-16 provision in the City. The Trust indicated that it is flexible as to whether or not the school should have a sixth form. ESFA agreed to take a final decision about this element so that there would be clarity going forward.

3.7.3 With regard to opening date, analysis undertaken as part of the review of secondary provision in the City (reported to Committee in February 2017) suggested that the combination of existing demographic pressures and the build out of the proposed Local Plan allocations, would mean that additional secondary education capacity would be required in the south and east of the City by around 2023/24. Ultimately, this could require at least 4 to 5 FE (750 places) of secondary provision.

3.7.4 The Council does not consider 4FE to be financially viable. Nor would it provide any flexibility for the Council in meeting its statutory duty to ensure sufficient school places are provided to meet the demand that will arise from future housing developments in the south of the City. The ability to deliver a 6FE secondary school would be the preferred solution in this location as it would provide the flexibility to respond to changes in demography. The Trust has indicated that it is happy to operate a school that is larger than 4FE. The Council would have to fund the additional site area. A significant proportion of funding towards the capital costs will come from developer contributions, from this development and neighbouring ones which the school will serve. However, s106 will not cover all capital costs because this school will also deliver places in response to existing some basic need.

3.7.5 At the most recent meeting between officers, the Trust, developers and representatives of the DfE/ESFA the latter agreed to take the necessary action to gain formal agreement from the Regional Schools Commissioner to amend this free school project to become a 6FE, 11-16 school with an opening date of September 2023.

- 3.7.6 If the Council wishes to deliver the capital scheme for this school it would need to submit a business case to the ESFA.
- 3.7.7 The Trust acknowledged that it needs to develop and implement a comprehensive communications strategy aimed at both the local community and existing Trusts who deliver secondary education in the surrounding area. Representatives from the Trust were also keen to meet with lead and local members.
- 3.8 The Cavendish Special School
No new information available
- 3.9 Northstowe Special Academy
- 3.9.1 The tender process was concluded in October through the Council's design and build contract framework and was awarded to Kier Eastern.
- 3.9.2 The Council expects to submit its business case to draw down funding from the DfE by the last week in November. This funding will bridge the capital funding gap between the developer contributions secured through the s106 negotiations and the cost of building the school.

4. ALIGNMENT WITH CORPORATE PRIORITIES

4.1 Developing the local economy for the benefit of all

- 4.1.1 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

4.2 Helping people live healthy and independent lives

- 4.2.1 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.

4.3 Supporting and protecting vulnerable people

- 4.3.1 Providing a local school will ensure that services can be accessed by families in greatest need within its designated area.

4. SIGNIFICANT IMPLICATIONS

4.1 Resource Implications

- 4.1.1 Where new schools are commissioned to meet basic need local authorities are responsible pre-opening start-up and post-opening diseconomy of scale costs. This is

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.

- 4.1.2 The 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.
- 4.1.3 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).
- 4.1.4 Places for each academic year will be agreed between the school and the LA 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.
- 4.1.5 The Government have recently published their responses to the consultations on the National Funding Formula for Schools and High Needs Funding. The full details of the final announcements are currently being assessed, and although no immediate amendments to new schools funding are proposed for 2018/19 it must be noted that the methodology for funding new schools is subject to change dependent on local and national policy changes.
- 4.1.6 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.

4.2 Procurement/Contractual/Council Contract Procedure Rules Implications

- 4.2.1 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.

4.3 Statutory, Legal and Risk Implications

- 4.3.1. 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.

4.4 Equality and Diversity Implications

4.4.1 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.

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

4.4.3 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.

4.5 Engagement and Communications Implications

4.5.1 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.

4.6 Localism and Local Member Involvement

4.6.1 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.

4.7 Public Health Implications

4.7.1 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

4.7.2 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.

- 4.7.3 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 31/10/2017
Have the procurement/contractual/ Council Contract Procedure Rules implications been cleared by Finance?	Yes Name of Financial Officer: Paul White 30/10/2017
Has the impact on statutory, legal and risk implications been cleared by LGSS Law?	Yes Name of Legal Officer: Fiona McMillan 30/10/2017
Have the equality and diversity implications been cleared by your Service Contact?	Yes Name of Officer: Keith Grimwade
Have any engagement and communication implications been cleared by Communications?	Yes or No Name of Officer:
Have any localism and Local Member involvement issues been cleared by your Service Contact?	Yes Name of Officer: Keith Grimwade 2/11/2017
Have any Public Health implications been cleared by Public Health	Yes Name of Officer: Tess Campbell 30/10/2017

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>

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	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.