

FREE SCHOOL PROPOSALS

To: Children & Young People's Committee

Meeting Date: 22 May 2018

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

| <i>Officer contact:</i> | | <i>Member contacts:</i> | |
|--------------------------------|--|--------------------------------|--|
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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.

2. WAVE 11 CENTRAL FREE SCHOOL PROGRAMME

2.1 Alconbury Weald Secondary School

The decision with regard to the opening date of this school rests with the DfE. The DfE has acknowledged that the opening of the school should be in line with the triggers set out in the Section 106 agreement between Huntingdonshire District Council, the County Council and the developer Urban & Civic. Whilst all parties recognise that it will not be viable to open the school before 2022, the DfE will not agree an opening date until the build out rate of the development is clearer. To inform this, the developer is currently testing out both the housing trajectories and also the planning and infrastructure timetable required to support the school building project. In the meantime, secondary provision for the first residents at Alconbury Weald will be made at Sawtry Community Academy.

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

- 3.2.1 The Cambridgeshire Educational Trust held a public engagement event on 20 February 2018 to seek the views of the local community. Evidence of parental support for the free school is required for any future planning application.

- 3.2.2 LocatED, commissioned by the DfE to identify a site for this free school, is continuing its search which, so far, has been unsuccessful.

- 3.2.3 Officers are seeking clarification and confirmation from Huntingdonshire District Council over whether there is any substance to the rumours now widely circulating that there could be a second phase of the Bearscroft housing development in Godmanchester.

3.2.4 On Monday 30 April 2018, officers met with the Chief Executive (CEO) of the Trust and two members of the senior management team to discuss their assessment of the forecast need for secondary school places in the area and their planned response to it, based on available information. The CEO undertook to provide an information pack to include details of the curriculum and business plans for the school which, together with updated forecast data will form the basis of a briefing session for the Local Member and Children and Young People (CYP) Committee members. It is anticipated that this will take place in June 2018.

3.3 St Neots Secondary Academy

LocatED has currently paused its search for a site for this free school approved to pre-implementation stage with Advantage Schools Trust. Meanwhile, the St Neots Learning Partnership, the Trust which runs Longsands and Ernulf academies is seeking to merge with Astrea Academy Trust. Astrea currently comprises 20 schools, with academies in Cambridgeshire and South Yorkshire.

3.4 St Bede's Inter-Church School

The St Bede's Trust has confirmed to the DfE that it does not wish to pursue the option of opening a new secondary free school in Wisbech. The DfE will continue to work with the Trust to identify an alternative location where the Trust could sponsor a free school; this might not be in Cambridgeshire.

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

LocatED's search for a site for this free school continues.

3.6 Wing Primary (Anglian Learning Trust)

No new information.

3.7 Cambridge City Free School (Knowledge Schools Trust)

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

3.7.2 The school was originally approved to pre-implementation stage as a four form entry (4FE) (600 places) providing for the 11-18 age range. Approval has now been granted by the DfE for the school to operate with six form entry (6FE) (900 places). This will be a better size in terms of financial viability and will provide the flexibility to respond to changes in demography. The Council will have to fund the additional site area required.

3.7.3 With regard to the sixth form element, officers have confirmed that there is no basic need for post-16 provision in the City. The Trust has indicated that it is flexible as to whether or not the school should have a sixth form. The final decision on this has yet to be made and will rest with the DfE.

3.7.4 Apart from a meeting with the vicar of St Andrew's, Cherry Hinton, officers are not aware that the Trust has undertaken any stakeholder engagement.

3.8 The Cavendish Special School (Morris Education Trust)
The DfE has advised of a revised opening date of September 2020.

3.9 Northstowe Special Academy (Cambridge Meridian Academies Trust)

3.9.1 No formal outcome has been received yet in response to the Council's business case to draw down funding from the DfE to bridge the capital funding gap between the developer contributions secured through the s106 negotiations and the cost of building this school. The DfE is undertaking an efficiency review of delivery costs across the country which may have an impact on the Council's application to deliver this capital project.

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.

5 SIGNIFICANT IMPLICATIONS

5.1 Resource Implications

5.1.1 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.

5.1.2 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.

- 5.1.3 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).
- 5.1.4 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 Dedicated Schools Grant (DSG), and as such any increase in places is a pressure on this resource.
- 5.15 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 this work representation between the Council's Strategic Finance Business Partner and the DfE (via telephone discussions and attendance at a DfE workshop specifically focussed on growth funding) has been made that this review also needs to include funding for new schools so that it is on a fair and consistent basis across the country. The expectation is that further guidance will be published in the summer term for implementation from 2019/20. As such the future methodology for funding new schools is subject to change dependent on local and national policy changes.
- 5.1.6 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.

5.2 Procurement/Contractual/Council Contract Procedure Rules Implications

- 5.2.1 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.

5.3 Statutory, Legal and Risk Implications

- 5.3.1. 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 Education and Skills Funding Agency (ESFA) or the Trust acquires the land the above approach would not apply.

5.4 Equality and Diversity Implications

5.4.1 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.

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

5.4.3 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.

5.5 Engagement and Communications Implications

5.5.1 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.

5.6 Localism and Local Member Involvement

5.6.1 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.

5.7 Public Health Implications

5.7.1 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

5.7.2 There is also an expectation that schools will provide access to and use of the school's accommodation for activities, for example sporting, cultural, outside of school hours.

- 5.7.3 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 Finance? | Yes Name of Financial Officer: Paul White |
| | |
| Has the impact on statutory, legal and risk implications been cleared by LGSS Law? | Yes Name of Legal Officer: Shahin Ismail |
| | |
| Have the equality and diversity implications been cleared by your Service Contact? | Yes Name of Officer: Hazel Belchamber |
| | |
| 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: Hazel Belchamber |
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| Have any Public Health implications been cleared by Public Health | Yes Name of Officer: Tess Campbell |

| 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>New School Funding Policy 2018/19</p> | <p>Clare Buckingham</p> <p>0-19 Place Planning & Organisation Service</p> <p>Octagon 2nd floor OCT1213 , Shire Hall, Cambridge</p> |

Appendix 1

List of the Wave 12 applications from sponsors to open new free schools in Cambridgeshire announced by the Department for Education (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.