

North Somerset Council

REPORT TO THE CYPS POLICY & SCRUTINY PANEL

DATE OF MEETING: 27 FEBRUARY 2015

SUBJECT OF REPORT: NEW SCHOOL IN WESTON SUPER MARE – EXPRESSIONS OF INTEREST FOR A NEW SCHOOL ON THE ST MODWEN SITE AT LOCKING PARKLANDS

TOWN OR PARISH: WESTON SUPER MARE

OFFICER/MEMBER PRESENTING: SHEILA SMITH, DIRECTOR OF PEOPLE AND COMMUNITIES

KEY DECISION: YES

RECOMMENDATIONS

To support the submission of a recommendation to the Executive Member for Children & Young People's Services to ask for 'Expressions of Interest' to run a new 420-place primary school on the St Modwen's development site in Locking Parklands, Weston super Mare that is expected to open by 1 September 2017. In accordance with national regulations, all Expressions of Interest will be submitted to the Secretary of State for Education who will decide whether or not to enter into a Funding Agreement with any of the proposers.

1. SUMMARY OF REPORT

- 1.1 In response to the creation of up to 1,450 new homes, agreements are progressing between the developer St Modwen and the Council to provide a new 420-place co-educational primary school with a co-located pre-school on the Locking Parklands site in Weston super Mare (the former Weston Airfield). The school will be built with core facilities for up to 630 pupils in a manner that facilitates easy expansion in the future should demand dictate.
- 1.2 This report seeks support to the commencement of requests for Expressions of Interest from providers wishing to be the promoter for this new school.

2. POLICY

- 2.1 The Education Act 2011 reinforces the freedoms that Academies and Free Schools have in relation to the establishment of new schools. The legislation relevant to the provision of new schools is the Education Act 2011 (EA 2011) and the Education and Inspections Act 2006 (EIA 2006).

- 2.2 The Government's overarching ambition is for all schools to be academies so that "more children can benefit from the improved standards and autonomy that Academy status brings." To support this, the new academy presumption in the Education Act 2011, requires local authorities to first seek proposals for an academy (the legal term that includes Free Schools of all types, Enterprise Technical Colleges (ETCs) and most Studio Schools) where they consider there is a need for a new school (Section 14 of the Education Act 1996).

Local authorities must continue to plan for and secure sufficient schools for their area in line with their duties under section 14 of the Education Act 1996.

- 2.3 The process recommended in this report is based on current Department for Education guidance available at:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/364083/Academy_and_free_school_presumption_departmental_advice_Final.pdf

- 2.4 The Council must take all necessary steps to ensure that the widest possible range of groups or organisations that might be interested in establishing the new school are aware of the opportunity to do so and that they have sufficient time to develop proposals. Local good or outstanding schools that are interested in submitting a proposal to run a new school will need to have or will need to acquire both academy status and sponsor approval. The department's list of approved sponsors can be accessed on the internet.

The Department for Education (DfE) will also play a role in generating interest from high quality proposers – by posting details of new academy/free school proposals on its own website, encouraging key stakeholders to do the same and by sign-posting proposals to existing sponsors or potential sponsors who we are aware are keen to operate in that region.

- 2.5 Locally the Education Provision in North Somerset – A Commissioning Strategy 2012 – 2015 provides policy guidance. The document offers options for providing increased provision by:

- establishing new Academies and Free Schools via national guidelines;
- where appropriate, expanding already popular and successful schools. This may include moving and expanding these schools onto new sites;
- promoting collaborations, federations, shared trusts and/or multiple sites for popular and successful schools/academies;
- working in partnership with the Church of England Diocese of Bath and Wells, the Clifton Diocese Department for Schools and Colleges, the Methodist Ministry and local Baptist Churches to ensure that the range of provision across the district meets the needs of parents;
- working with existing Academy partners and identifying new partners to deliver Foundation/Trust/Academy/Free School arrangements;
- providing other forms of new 'community' schools – within competition parameters – if there is demand for this type of provision.

- 2.6 The decision to request Expressions of Interest will be made by the Executive Member for Children & Young People's Services, having regard to the recommendations of the CYPS Policy and Scrutiny Panel. In moving to a commissioning role it is not appropriate for any added members of the CYPS Policy and Scrutiny Panel to take part in the panel discussions and decisions. Added

members are however welcome to address the Panel within the arrangements made for public discussion (Standing Order SSO9).

The same will also apply to any Member who has a personal interest in providing a new school. If a personal interest, the Member may speak and vote on the matter. If a prejudicial interest is declared, the Member should leave the Chamber whilst the matter is being dealt with but may first make a personal statement on the matter as if they were a member of the public addressing the meeting under the Public Participation Procedure. The Member must immediately leave the meeting at the start of debate on the agenda item.

If the Member leaves the Chamber in respect of a declaration, he or she should ensure that the Chair is aware of this before he or she leaves because it should be recorded in the minutes.

3. DETAILS

- 3.1 When there is a need for a new school, Local authorities are required to seek Expressions of Interest from providers who may wish to run it. It is requested that officers of the Council are authorised to notify the Department for Education of the Council's intention to request an 'Expression of Interest' for a new school in Weston super Mare to open by September 2017.
- 3.2 Stakeholders will be invited to submit their interest in being the promoter of the new school on the St Modwen's Locking Parklands site in Weston super Mare. Invitations to make an Expression of Interest will be advertised in the local press and through the Council's internal Noticeboard publication. The DfE will be informed, signalling the start of possible national interest in the new school.
- 3.3 The Council will expect those expressing an interest in promoting the new school to:
 - 3.3.1 have the ability to operate a co-educational school of the size and admission level requested within the Expression of Interest
 - 3.3.2 provide an opportunity for a pre-school to operate from the site for at least up to 60 part-time learner sessions (30FTEs). (This may be run by the school or a private, voluntary or independent provider)
 - 3.3.3 be able to provide an inspiring, aspirational, clear and succinct vision clearly showing what the school's ethos and key features will be
 - 3.3.4 be able to provide a clear vision for teaching and learning and show how success will be measured
 - 3.3.5 have the capacity and capability to deliver the new school based on a proven record of delivering successful schools either independently or alongside other recognised stakeholder partners
 - 3.3.6 provide inclusive and improving education that can be proven to be financially viable and deliver value for money
 - 3.3.7 prove they will engage with, inspire and motivate pupils and staff so that they achieve the highest possible standards and outcomes

- 3.3.8 enable the full participation of all learners to ensure that the needs of our most vulnerable learners are met
 - 3.3.9 in meeting the terms of the s106 agreement, provide local school places, with particular regard to meeting the needs of potential residents from any new development
 - 3.3.10 in working in partnership with other local schools, not promote or encourage a large-scale relocation of existing pupils from another site
 - 3.3.11 where needed, provide high quality education for the residents generated from any new development before the opening of the new school buildings (for which funding in accordance with the s106 agreement may be available to assist with this provision)
 - 3.3.12 work with the Council and the Locking Parklands Community Interest Company to agree management and usage arrangements for the shared-use hall, meeting room and outdoor sports facilities and the availability of (where appropriate) pre-school facilities for at least 2 and 3 year olds
 - 3.3.13 work in positive partnership with North Somerset Council's People and Communities Directorate (P&C) to enable services to support families to be available in the locality
 - 3.3.14 attend Council meetings on request to report on the progress of the school(s) they are working with and provide data, as requested by the Council, to enable the LA to monitor performance
 - 3.3.15 demonstrate that they support UK democratic values including respect for the basis on which UK laws are made and applied; respect for democracy; support for individual liberties within the law; and mutual tolerance and respect
 - 3.3.16 cover all reasonable costs in relation to the transfer of land
- 3.4 All proposals received will be assessed and the Council will advise the DfE of their preferred sponsor. The Secretary of State for Education will take the Council's assessment into account, along with any additional relevant factors. The Secretary of State reserves the right to over-rule any local process and agree a sponsor from the department's list of approved sponsors on the basis that there may be further evidence about a proposer, or proposers, which means that none of those put forward are suitable. The national intention is to ensure that the school is always established by the best proposer possible.
- 3.5 As part of the planning process for new schools, the Council will also undertake an assessment of the impact of the proposal, both on existing educational institutions locally and in terms of impact on particular groups of pupils from an equalities perspective. This is to enable the Secretary of State to meet the duties under section 9 of the Academies Act 2010 and under section 149 of the Equality Act 2010. In the unlikely event that the Secretary of State has concerns about the level of analysis, the Council may be asked to undertake further work on their impact assessment.

In accordance with the regulations the Council will await the Secretary of State for Education's decision before formally making public the outcome of their assessment.

- 3.6 A Section 106 (s106) agreement has been signed with the developer to secure the construction of a 420-place school building with pre-school facilities and provide a financial contribution for fixtures, fittings and equipment. The school will be built with core facilities for 630 pupils and will be designed and constructed in a manner that facilitates efficient future expansion if required. The school is required to be provided prior to the occupation of 400 dwellings on the site, but the landowner and developer are currently working to secure forward funding to ensure delivery can be achieved for handover to the Council/Sponsor by March 2017.
- 3.7 The provisional site for the new school is as shown in appendix 1.
- 3.8 The School Organisation Team will lead the Expression of Interest process and will specify the date by which proposals must be submitted. A draft programme is attached in appendix 2. Whilst it is recognised that the Secretary of State is the Decision Maker, members of the People and Communities (P&C) Future Schools Service will review all submissions and make recommendations of support to the P&C Directorate Leadership Team and the Executive Member for Children's Services. This will enable details of the Council's preferred provider to be included with the submission of all Expressions of Interest submitted to the Secretary of State.

Secretary of State decisions are normally made in around 6 weeks. It is anticipated the whole process could take up to 12 months to complete.

4. CONSULTATION

- 4.1 Details of the potential need for promoters of new schools in Weston super Mare were included in the Education Provision in North Somerset ~ A Commissioning Strategy 2012 – 2015 that was circulated for public consultation between 14 January and 30 March 2012. It was debated by this CYPS Policy and Scrutiny Panel on 29 March 2012. In addition to two public meetings, a review by the Headteacher's Association of North Somerset (HANS) and circulation to all schools and governors via Noticeboard and the Governors Briefing Sheet, the strategy was published on the Council's e.consult facility, circulated to neighbouring Councils and published on the Council's website. The Strategy was approved (DS: CS19~2012/13) on 2 May 2013.
- 4.2 Members of the CYPS Policy & Scrutiny School Organisation Group met on 9 February 2015 to discuss the potential Expression of Interest. They have supported the submission of this report for consideration.
- 4.3 Invitations to make an Expression of Interest will be advertised in the local press and through the Council's internal Noticeboard publication. The Future Schools and School Organisation Teams will also ensure that those groups and organisations that might be interested in establishing the new school are aware of the opportunity.
- 4.4 Once the Council has notified the Department for Education of its intention to seek proposals for a new school/academy, the Department will include these details on its website. It will also alert the Independent Academies Association and the New Schools Network to the new school's requirements.

5. FINANCIAL IMPLICATIONS

- 5.1 The requirement of the Council to provide sufficient school places remains, although the duty no longer comes with guaranteed funding allocations. The Council is responsible for providing the site for the new school and for meeting all associated capital costs. The s106 agreement, due to be signed with developers, requests that St Modwen provides the infrastructure for a new 420-place school with the capacity to expand to 630-places (if needed in the future) prior to the occupation of 400 dwellings on the site. It is anticipated this will be by September 2017 at the latest.
- 5.2 The Council is also responsible for funding revenue start up costs of the new provision by making provision in its Dedicated Schools Grant (DSG) growth funds to support increases in pupil numbers relating to basic need. This is determined in accordance with the policy agreed by the North Somerset Strategic Schools Forum. This policy is available on request.

Local authorities are expected to work with selected proposers to agree a reasonable and mutually acceptable funding allocation to cover pre- and post-opening costs, in line with the policy agreed by the Strategic Schools Forum. Upon opening, the school will be funded by the Education Funding Agency on the same basis as other academies and free schools in the same area.

- 5.3 Other than providing officer support, whilst there are revenue funding implications for the DSG, there are no revenue implications for the Council.

6. RISK MANAGEMENT

- 6.1 Other organisations may note the need for a new school. Academies can submit requests for amendments to their Funding Agreements to the Education Funding Agency. Free Schools can ask the Secretary of State for approval to open (and fund) their school. The Diocese of Bath & Wells or Diocese of Clifton could decide to start consultations to open a new VA school (Section 11 of the Education Act permits the Diocese to follow the statutory process without the need for a competition). With the exception of the latter option (for which the Council is still the final decision maker) all decisions are outside the Council's control.
- 6.2 The s106 agreement requires the school to be available prior to the occupation of 400 homes. New places are normally created for the start of a new school year (September annually) to fit with the annual intake of new pupils. Whilst St Modwen are hoping to secure funding to enable the school's delivery to take place in the 2016/17 financial year in time for a September 2017 opening, there are risks around this date of delivery if sufficient early funding is not available or the sale of 400 homes takes place later than 2017.

7. EQUALITY IMPLICATIONS

- 7.1 Provided it meets the requirements of the Council in 3.3 above, the provision of a new school should have no affect on equality issues. An Equalities Impact Assessment is available on request.

In addition, DfE guidance published in October 2014 requires Council's to undertake an assessment of the impact of the proposal both on existing educational Institutions

locally and in terms of impact on particular groups of pupils from an equalities perspective.

8. CORPORATE IMPLICATIONS

8.1 Council policy is to support the provision of local schools for local children.

9. OTHER OPTIONS CONSIDERED

9.1 Locally, in accordance with the arrangements within the Education Provision in North Somerset ~ A Commissioning Strategy, the Council may have determined that new school places could be provided by expanding/ relocating/creating multiple sites for already existing schools. In these circumstances expansion regulations would be followed. For changes in school organisational structures/locations decisions are normally made by the Council's Executive Committee. In the case of changes in location/site/age ranges etc of academies, the Secretary of State would need to agree a revised academy funding agreement directly with the academy.

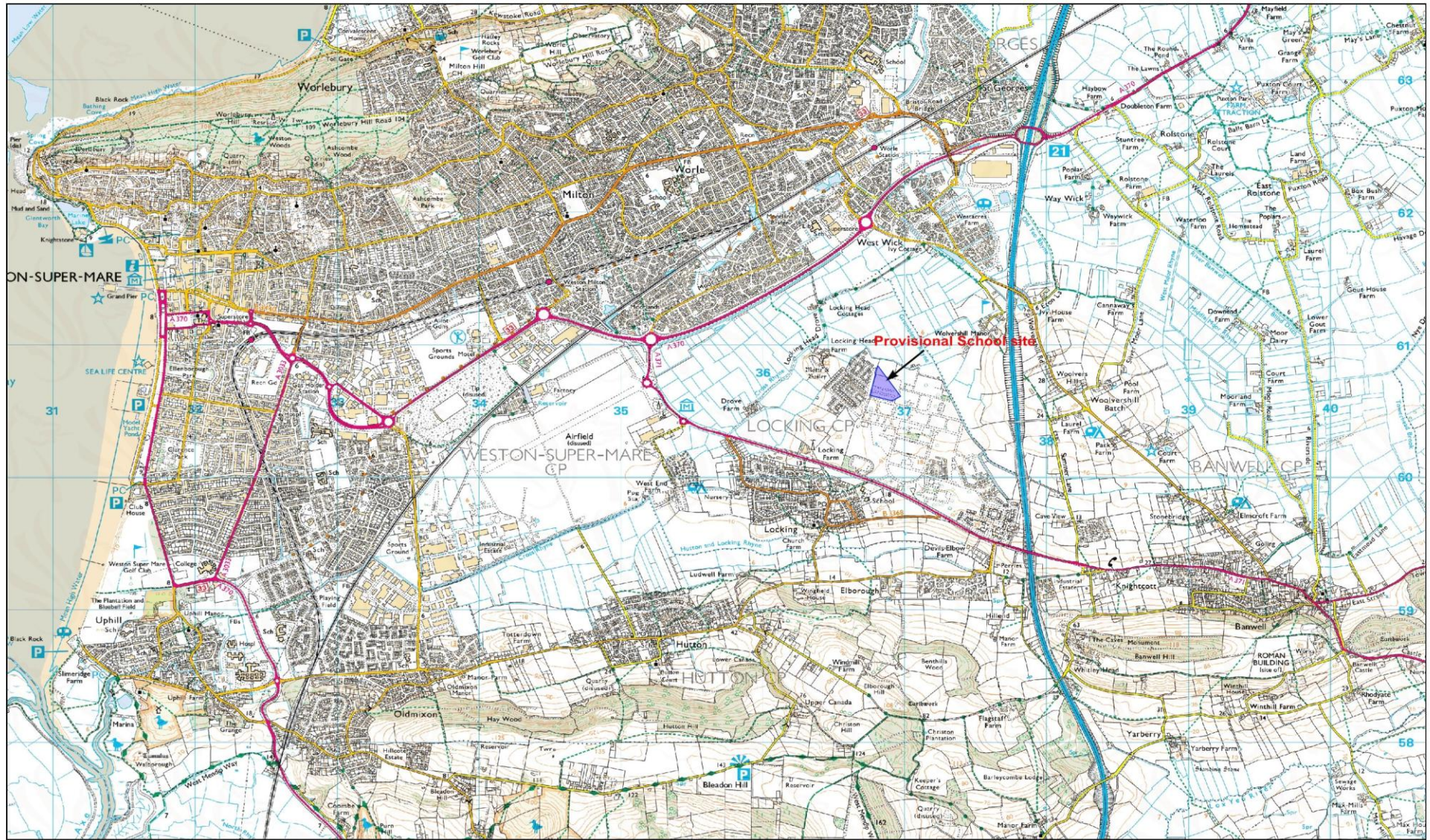
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BACKGROUND PAPERS

None

Location for the new school on the St Modwen Locking Parklands site in Weston super Mare



St Modwen Locking Parklands
Provisional School Site

Scale: 1:25000
Drawn by: Tony Pearle
Date: 19 January 2015
Time: 14:10:54



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Draft Timeline for the St Modwen New School

Competition Process	
Action:	Date:
Notified of opportunity to open a new school, potentially, in September 2017	8 January 2015
Draft Competition Scope agreed by Future Schools (P&C)	6 February 2015
CYPS Policy and Scrutiny School Organisation Group Review options	9 February 2015
CYPS Policy & Scrutiny Committee	27 February 2015
Final Scope agreed	March 2015
Executive Member for CS/Director of P&C approval to commence a competition given	March 2015
Purdah	26 March - 7 May 2015
Expressions of Interest Circulated	May 2015
Closing Date	Monday 14 September 2015
Papers reviewed	15 September - 25 September 2015
Officers, Elected Members and St Modwen representatives meet to arrange interview questions and score submissions based on written information	5 - 9 October 2015
Interviews take place	w/c 19 October 2015
Internal Reporting Protocols	October/November 2015
Preferred bidder determined	November 2015
All Expressions of Interest and preferred bidder submitted to DfE	December 2015
DfE Outcome announced	By January 2016
Build Process	
Planning Application for new school submitted	August/September 2015
On site	By Spring 2016
School build completed	By March 2017
Schools Opens	September 2017
Application Process	
Admissions process for new school determined	By March/April 2016
Applications available for new starters	From September 2016
Closing date for new starters	January 2017
Offers of new places are made	16 April 2017
New pupils start school	September 2017