



CABINET – 19 DECEMBER 2023

NEW FOREST PRIMARY SCHOOL TO SERVE THE COALVILLE AREA – EXPRESSIONS OF INTEREST FROM ACADEMY PROPOSERS (SPONSORS) AND PROPOSED DELEGATION TO DIRECTOR OF CHILDREN AND FAMILY SERVICES

REPORT OF THE DIRECTOR OF CHILDREN AND FAMILY SERVICES

PART A

Purpose of the Report

1. The purpose of the report is to advise the Cabinet of the Expressions of Interest received from academy proposers (also known as academy sponsors) to operate a new 420-place forest primary school (academy) to serve the southeast Coalville area of Leicestershire, and to seek approval for the Director of Children and Family Services to make a recommendation to the Secretary of State for Education regarding a preferred proposer for this new primary school.
2. The Cabinet is also asked to authorise the Director to recommend sponsors to the Secretary of State for Education in respect of future free school applications.

Recommendations

3. It is recommended that
 - a) It be noted that Expressions of Interest have been received from academy proposers to operate the new 420-place forest primary school (academy) to serve the southeast Coalville area;
 - b) The Director of Children and Family Services, following consultation with the Cabinet Lead Member for Children and Families, be authorised to
 - i. make recommendations to the Secretary of State for Education regarding the appointment of preferred proposers for the new forest primary school (academy) to serve the southeast Coalville area;

- ii. make recommendations to the Secretary of State for Education regarding the appointment of preferred proposers/sponsors for all future free school (academy) applications.
- c) It be noted that further information will be provided to the Cabinet and local members once the decision on a preferred sponsor has been taken and confirmed by the Regional Director, acting on behalf of Secretary of State for Education.

Reasons for Recommendation

4. The Education Act 1996 places a statutory duty on the County Council to ensure a sufficient supply of school places.
5. The new-420 place forest primary school to serve the Coalville area is scheduled to open in August 2024 (2024/2025 academic year).
6. Seeking Expressions of Interest from suitable academy proposers (sponsors) is in keeping with the requirements placed upon the County Council by Section 6A (the Free School Presumption) of the Education and Inspections Act 2006, as introduced by the Education Act 2011.
7. The process of assessing Expressions of Interest from academy proposers includes representation from the Department for Education (DfE) to ensure an alignment of views between the DfE and the County Council on the suitability and relative merits of applicants.
8. Upon completion of the Expressions of Interest process, the County Council will be able to assess the organisations which have applied and confirmed their expertise, capacity, experience and other credentials necessary to run the new school. A representative panel, comprising senior officers from the County Council, elected members and representatives from the DfE, supported by the School Organisation Service is expected to reach its decision of the preferred academy sponsor to operate the school by January 2024.
9. Delegation of authority to the Director of Children and Family Services will enable the recommendation of the chosen academy provider to be submitted promptly to the DfE to consider which provider will then be approved. As the school is proposed to open in August 2024 it is hoped to identify a provider as soon as possible.
10. The delegation to the Director of Children and Family Services to make recommendations to the Secretary of State in respect of future applications will expedite the process.

Timetable for Decisions (including Scrutiny)

11. Subject to approval by the Cabinet, the Expressions of Interest received for the new Coalville school, accompanied by the detailed evaluation undertaken by officers and the recommendation made by the Director of Children and Family Services would be forwarded to the DfE (Free School Presumption Team) to enable a decision to be taken by the Regional Director (RD) on behalf of the Secretary of State. It is hoped that the RD will advise the Council of the decision by February 2024 in order that early work with the selected academy proposer on the opening arrangements for the new school can begin.

Policy Framework and Previous Decisions

12. The obligation to provide a new primary school arises from a Section 106 (S106) developer agreement entered into on 26th September 2016 between the County Council, North West Leicestershire District Council, Davidsons Developments, Harworth Group PLC and other relevant organisations.
13. The proposal to establish the new school is in keeping with the statutory duty placed on the Council to maintain a sufficient supply of school places. The priorities previously set out in its school place planning strategy document, 'In the Right Place – Strategy for the provision of school and other educational places in Leicestershire', identify the provision of additional primary places arising because of changing birth rate, inward migration to catchment areas and new housing, as a key priority.
14. The Education Act 2011 changed the arrangements for establishing new schools and introduced section 6A, the Academy/Free School Presumption, (subsequently revised to the Free School Presumption) to the Education and Inspections Act 2006. In accordance with guidance subsequently issued by the DfE, where a local authority considers there is a need for a new school in its area, it must seek proposals to establish an academy (free school). This reflects the fact that 'free school' is the DfE's term for any new provision academy. 'Academy' is the legal term for state-funded schools that are independent of local authority control and receive their funding directly from the government. Schools established through the presumption process are not required to use the term 'free school' in their name.

Resource Implications

15. The site for the new school has been provided to the County Council by the landowners pursuant to the S106 agreement.
16. The construction of the new school commenced in October 2023. The new primary school has been designed by Harworth Group PLC, with construction work also being delivered by Harworth Group PLC. Due to the nature of this school, the land agent and developer chose to deliver the school themselves instead of following a more common route of providing the S106 contribution to the County Council for construction when triggers are met.

17. The County Council has contributed £3.2million, as part of the MTFs Capital Programme, to the delivery of this scheme to ensure there is sufficiency of school places in the area as the development progresses.
18. The County Council is responsible for meeting revenue costs that arise from commissioning new school places to meet the basic need for school places. This includes revenue funding for the additional September pupil intake in a new school until the pupils are reflected in the National Funding Formula for that school, pre-opening, and diseconomy costs. Funding to meet revenue costs is provided through the Dedicated Schools Grant (DSG) and is set aside in the DSG Earmarked Fund. The commissioning costs of a 420-place primary school are currently estimated at £580,000.
19. On completion the premises will be transferred to the successful academy trust on a standard 125-year lease, as required by the DfE.
20. The Director of Corporate Resources and the Director of Law and Governance have been consulted in the preparation of this report.

Circulation under the Local Issues Alert Procedure

21. The report will be circulated to Mr. K. Merrie CC, as the local member for Coalville South.

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PART B

Background

22. A development in southeast Coalville will deliver over 2,000 new homes in the National Forest Setting, creating a new community which includes the primary school, local centre (shops and other amenities) and new public open space with footpaths and cycleways.
23. Providing a new primary school (academy) will help best meet the demand for places whilst providing greater local choice for parents and pupils. A new school would also offer the opportunity to improve education generally by strengthening local partnerships and collaborative working and bringing new expertise and knowledge to the area.
24. The demand for additional places arises because of the proposals for the new homes, construction of which is now well underway.
25. A forest school is a child-centred learning process, providing learner inspired, hands-on experiences in the natural environment.
26. The terms 'academy proposer' and 'academy sponsor'- organisations which may apply to establish a new free school - are generally interchangeable in the context of this report.

Expressions of Interest for the Forest Primary School

27. Expressions of Interest to operate the new forest primary school were invited by the County Council over a seven-week period from 5th October to 22nd November 2023. To ensure a wide coverage, information was published on the DfE national list of local authorities seeking academy/ free school proposers, and on the County Council's school organisation webpage. To encourage interest from local academy proposers, information was directly sent to established Multi Academy Trusts (MATs) already operating in Leicestershire schools.
28. Each organisation expressing an interest was provided with access to an information booklet, 'Information for Academy Proposers', which is also published on the school organisation website, and a detailed application form. The information booklet, which covered the background, specification for the new school, the application process, timeline, assessment criteria and the Council's expectations of the selected sponsor, can be accessed via the following link -
<https://www.leicestershire.gov.uk/education-and-children/schools-colleges-and-academies/school-organisation/proposal-to-establish-a-new-forest-primary-school-to-serve-coalville>
29. As part of the Expression of Interest process, all applications have been submitted to the DfE. A DfE representative will observe the assessment panel's deliberations. The Regions Group delivery officer will be able to

provide the local authority with relevant evidence about the trust in line with the approach set out in 'Commissioning high-quality trusts', i.e. whether the trust applying to set up a new presumption free school is in a position to grow, and that its strengths are well matched to the type of school it is looking to open, or that it has a credible plan to get there. This information is shared with the panel to support deliberations.

30. The review panel's shortlisting process will take place on the 14th December 2023, shortly after which time all trusts will be notified to inform them whether their initial application has been progressed to interview stage.

The Assessment Process

31. In keeping with Department for Education guidance for the free school presumption, the County Council is required to assess all proposals received and forward these to the Secretary of State via the Regional Director for a decision. The fundamental purpose of the assessments undertaken has been to satisfy the County Council in relation to each Academy Trust of:
- The capacity to establish the new school based on high expectations and high performance to continue to drive up standards and excellence within the primary school system, in particular for the most vulnerable children.
 - A strong desire and vision to work closely with other education providers in the locality to promote partnership working and community cohesion.
 - Evidence of a proven track record of school improvement or sustained high standards and how the proposed governance model will drive and support high standards.
32. A detailed evaluation of each expression of interest will be undertaken in accordance with the assessment criteria provided within the 'Information for Academy Proposers' document. The intention is to follow a three-stage process, comprising the initial written application and a presentation and interview by the applicants, followed by a visit to one of each of the MAT's current schools if required. Each stage of the application process will be assessed using a weighted score as outlined in the table below. The total scores for each stage will be aggregated to determine an overall evaluation mark for each applicant.

Assessment Stage	Activity	% of total score
Stage 1	Completion of the application form and submission with any accompanying information.	40%
Shortlisting (if required)		
Stage 2	Short presentation by shortlisted applicants and interview by officer selection panel.	40%
Stage 3	Visit to an academy/free school currently operated by the shortlisted applicant, if required.	20%
Total Score	Addition of scores from Stages 1 and 2a/b.	100%

33. The assessment panel will consider whether the process undertaken has been sufficient to establish a clear outcome of a preferred sponsor. If required, the panel will carry out the third step of the process, eliminating the need for school visits. Hence, the assessment process may be adapted to suit being limited to two stages, and the scores from Stages 1 and 2 will be proportionately increased and weighted to generate the final scores.

Stage 1

34. The information provided on the application form and any supporting documents is assessed and scored against the following five key areas:
- i. Applicant's background details and general credentials.
 - ii. Applicant's proposals for the new school; including their understanding of the local context, their proposals for opening arrangements for the new school (with particular relevance to recruitment, staffing structures and admissions arrangements), and their plan for effective community engagement, with particular emphasis on partnership/collaborative working and involving parents and carers.
 - iii. The Applicant's Education Vision for the new school.
 - iv. The Applicant's Education Plan, which illustrates the capacity to deliver school improvement and high-quality outcomes for children and young people, underpinned by excellent teaching and learning practice.
 - v. Applicant's Capacity and Ability. This requires evidence of strong leadership and management, including good governance and financial expertise, and a demonstrable record of school sustainability and growth.

Stage 2

35. Shortlisted applicants will be invited to present their application at an interview with an assessment panel (currently comprising: the Cabinet Lead Member for Children and Families, the Head of Service for Education Sufficiency, the Service Manager for Admissions, a representative from the School Organisation Service, a Finance Business Partner, and a DfE representative who will observe the process). The purpose of the Panel is to probe deeply into specific aspects of the application and consider issues that may require more detailed answers than already provided within the application submission. The interview process also allows the successful trust to provide the panel with a better understanding of the personal qualities of each of the applicant teams.

Stage 3 (if required)

36. A visit is made to an academy/free school currently operated by the shortlisted applicant, if the Panel considers that this is required.

Proposed Delegation

37. It is proposed that with regard to future applications, in order to expedite the process, the Director of Children and Family Services, following consultation with the Cabinet Lead Member, is authorised to make the recommendations to the DfE.
38. Further information will be provided to the Cabinet and local members once decisions on a preferred sponsor have been taken and confirmed by the Regional Director, acting on behalf of the Secretary of State for Education.

Progress with Evaluation for the Forest Primary School

39. This process in relation to the new forest school will be complete in January 2024, following the interviews of all successful academies. As the assessment of applications is still underway it is not yet possible to confirm whether the academy trusts who have expressed an interest to operate the new school are considered suitable to be recommended to the Secretary of State for approval.
40. The evaluation process will provide a total for all three stages of the process as shown in the table above. If only Stage 1 and 2 assessments are required, the scoring will be proportionately enhanced in the absence of the Stage 3 site visits to show the overall score for each applicant.
41. The interviews in relation to the new forest primary school have been scheduled for the week commencing 8th January 2024.

Other Considerations - Funding Arrangements

42. As the new school will be an Academy, the successful Academy Trust will need to enter into a revenue funding agreement with the Secretary of State for Education and for the operation of the school, which will need to be effective

from the opening date. The annual revenue budget for the new Academy will be in accordance with the Council's formula for funding schools but may be subject to protection and additional payments set by the DfE, in accordance with the School and Early Years Finance (England) Regulations issued annually by the DfE.

43. The new school will be designed and built by contractors appointed by the housing developer/land agent. The construction contribution of the new forest primary school has been incorporated within the Children and Family Service's 2023/24 capital programme, and the scheme is partly funded from developer contributions.
44. In terms of revenue grant implications, local authorities receive funding only for the pupils on roll as recorded in the October school census immediately preceding the financial year and are required to set a policy for how school growth will be funded through a Growth Policy which, in accordance with current requirements, is agreed by the School's Forum.

Conclusions and Next Steps

45. Progress has been made over the last few months to keep the proposals moving forward to find a suitable academy sponsor in time for opening the new school at the start of the next academic year (2024/2025). This is an unusually short timeframe, which presents additional challenges to the academy trust, the County Council, the DfE and the construction team to open the school in time.
46. The process attracted a strong level of interest, and several bids have been received from academy trusts with well-established connections to local schools.
47. Further work will now be undertaken to complete the Free School Presumption process with the support of the Department for Education. Once the evaluation process is complete in January 2024, the Authority will be able to determine its recommendation of the suitable trust to operate the new forest primary school.
48. The DfE guidance makes provision for the Council, if considered appropriate, to recommend a preferred proposer. Subject to the Cabinet approving authority to the Director of Children and Family Services, the recommendation in respect of the new forest school will be provided to the DfE. The Secretary of State will take the Council's evaluation into account, along with any additional factors of which the Regional Director might be aware.
49. It should be noted that the Secretary of State reserves the right to agree a sponsor of their own choice (from the DfE list of approved sponsors) on the basis that the Regional Director may have further evidence about a proposer, or proposers, which mean that none of those put forward by the Authority are suitable. The intention here is to ensure that the new school is established by the best proposer possible.

Equality Implications

50. An Equalities Impact Assessment was completed for this scheme. The scheme was found to have a positive impact on the local community.
51. An assessment will be undertaken to assess the appropriateness of academy sponsors to run the new primary school in relation to Equality and Human Rights Implications. Previous assessments in similar processes have shown no adverse findings for further action. This helps ensure that the underlying purpose of the proposals to improve standards for all children and young people and offer greater choice and diversity of educational provision will be met.

Human Rights Implications

52. There are no human rights implications arising from the recommendations in this report.

Risk Assessment

53. The risks to the Council arising from the establishment of the new school and the appointment of an academy sponsor will be kept under regular review by the Children and Family Services Department, Education Sufficiency team, and when required will be reported to the Corporate Schools Group which maintains oversight of all school place planning matters.

Background Papers

None.