

# Free Schools – Wave 12 update

**Cabinet**

**Date: 19<sup>th</sup> October 2016**

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Author:	Cabinet Member for Children Services Head of Education
Wards:	All
Locality Affected:	All
Parishes Affected:	All

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## **1. Purpose and Reasons**

- 1.1 The purpose of the report is to update Cabinet on the applications for new free schools that were submitted by 28<sup>th</sup> September 2016.
- 1.2 The report brings together information from a range of education providers for a new primary school, special school and alternative provision.
- 1.3 This report supports the Priority Two of the Vision to “Offer education opportunities that lead to the right skills and right jobs in the right places” and in specifically pledge 15 “in addition to two new Free secondary schools, build one secondary and 12 primary schools to meet the needs of our increasing population”.

## **2. Recommendations**

Cabinet is recommended to:

- 2.1 Note the applications submitted in wave 12 for education provision opening from September 2018 and later;
- 2.2 Authorise the Head of Education to support the applications from Great Western Academy (Tadpole Farm), The White Horse Federation (SMEH School), Educate Together (Abbey Farm, and Badbury Park), Lydiard Park Academy (Abbey Farm), Blue Kite Academy (Badbury Park) and The River Learning Trust (NEV campus);
- 2.3 Authorise the principles that a new free school is supported through the allocation of Section 106 receipts when relevant to the location of new housing, type of school required and in compliance with the terms of the legal agreements.

## **3. Detail**

- 3.1 It is the Local Authority’s statutory duty to ensure there are sufficient school places in Swindon.
- 3.2 In September 2015 the Department for Education announced a new presumption that requires every new school to be a Free School. Swindon has had two

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successful bids for secondary free schools, two successful bids for primary schools and one successful bid for a secondary aged special school.

- 3.3 The Department for Education runs a process that has two application “waves” per year for sponsors wishing to set up a new free school. This process is determined by the Department for Education and is outside of Local Authority control. The current Wave (12) closed on 28<sup>th</sup> September 2016, for schools opening in September 2018, at the earliest.
- 3.4 Once an application from a sponsor has been submitted, it is assessed by the government on the need for places it meets. The sponsor is invited to interview and an announcement on approved new schools is expected in February/March 2017.
- 3.5 Swindon has adopted an approach to work with education providers to identify a need for places and support free school applications with access to data and hosted events at the University Technical College, Swindon. This is to advertise to potential academy and free school sponsors the characteristics of Swindon, the education strategy and our place planning pressures.
- 3.6 As a result of the engagement work that has been conducted there have been seven sponsors submitting free school applications for six schools during the recently closed wave. In some cases where there are two or more applicants for one school, the Council would support the applications, but not state a preference for one over the other, as the decision rests with the Department for Education. These are summarised below:

## Tadpole Farm Primary School

- 3.7 As reported to Cabinet in March 2016 an application for a second school at Tadpole Farm was expected in wave 11. However, the application was postponed until wave 12.
- 3.8 Great Western Academy submitted a successful application for a secondary free school to open for September 2018 in Tadpole Farm. The Swindon School Place Planning update identified a need for an additional primary school in North Swindon (Tadpole Farm) for 2018.
- 3.9 The application in wave 12 is to provide a 2FE primary school with nursery adjacent to the approved secondary school.

## Abbey Farm Primary School

- 3.10 Abbey Farm is a 370 home development in North Swindon adjacent to the Blunsdon Abbey Stadium, which has a 2FE primary school site included within the approved area.

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- 3.11 Through an increasing birth rate and continued infill development around north Swindon this school has been identified as a potential free school and applications have been sought for wave 12.
- 3.12 There are two applicants for the new primary school at Abbey Farm, they are:
- 3.12.1 Educate Together, is an educational charity in the Republic of Ireland which is the patron body to equality-based, coeducational, democratically-run and child-centred schools. It was founded in 1984. The Trust has established new schools in Bristol and North Somerset and has expressed an interest in expanding further along the M4 corridor.
- 3.12.2 Lydiard Park Academy is the local secondary school located in West Swindon which converted to become an academy school on 1 September 2011. It is currently seeking opportunities to develop a multi-academy trust.

### Badbury Park Primary School

- 3.13 Badbury Park is a 890 home development that is in progress between the Great Western Hospital and Day House Lane. The approved development includes a site and provision for a 1FE primary school to serve the needs of the residents in the new homes.
- 3.14 There is interest from two applicants for this school, they are:
- 3.14.1 Educate Together, as in 3.12.1 above
- 3.14.2 Blue Kite Academy, which is a local trust that comprise of two schools, Ferndale Primary and Nursery School and Ruskin Junior School.

### New Eastern Villages Learning Campus

- 3.15 As part of the large housing development to the East of Swindon a 2FE primary school and a 10FE secondary school as part of a joint learning campus is required to serve the needs of the new population.
- 3.16 There have been a number of sponsors interested in this opportunity and the Local Authority, in conjunction with the Regional School Commissioner identified the application wave in March 2017 (wave 13) to market this school for applications.
- 3.17 However, an application by the River Learning Trust has been submitted for wave 12 and is required to be considered by the Department for Education following the Free Schools Process.

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- 3.18 The River Learning Trust is a Multi-Academy Trust responsible for a number of schools and a school centred initial teacher training provider within Oxfordshire.

### Social, Mental and Emotional Health (SMEH) Special Secondary School

- 3.19 The White Horse Federation has notified the Local Authority of their intention to submit a free school application to the Department for Education in September 2016 (wave 12). The proposal is to establish a new setting that will offer places for secondary aged children with Social, Emotional and Mental Health difficulties.
- 3.20 The setting will also offer residential and respite facilities, in order to further reduce the number of Swindon children attending settings in other Local Authority areas and by offering the relevant provision within the town.
- 3.21 Included within the application is a proposal similar to the Oakfield Project with a registered alternative provision to support pupils as an alternative to mainstream secondary education.

### Section 106 funding

- 3.22 A number of the applications submitted for new Free Schools are located in areas of new housing development to serve the needs of the new residents of Swindon.
- 3.23 During the planning process, Section 106 funding is sought from developers to mitigate for the impact of the new housing on the levels of education provision in Swindon. This funding is requested for specific school aged infrastructure on specific school sites. This method has been approved for the two secondary free schools in North Swindon and Wichelstowe due to open in September 2018 and the Local Authority aim to use these signed agreements to assist with the delivery of the relevant Free School, directly linked to the reason for requesting the contribution. The area the school is located and other conditions in the agreement (eg. Section 106 funding secured for secondary school places at Tadpole Farm, can be used to support the Great Western Academy Free School which is located on the Tadpole Farm development).
- 3.24 For future housing developments (e.g., the New Eastern Villages), it is the intention to agree the principle of passporting relevant Section 106 funding to the Education Funding Agency at the appropriate trigger points to support Free Schools. The principle would be to negotiate with developers for future S106 commitments and to use them for new schools if appropriate. Any commitment to future developments would be subject to any final negotiation with the developer and signing of the legal agreement, which details the Section 106 contributions and conditions.

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## Summary

- 3.25 The information above provides a brief summary of the proposals. All seven applications meet either a basic need for places or a gap in the education offer in Swindon. Therefore, the recommendation above is to provide continual support to the providers through the application process.

## **4. Alternative Options**

- 4.1 Alternative options for school provision have been considered with the School Place Planning study.
- 4.2 In some new areas the location of a new school will be determined through negotiation with the relevant land owner or developer.

## **5. Implications, Diversity Impact Assessment and Risk Management**

### Financial and Procurement Implications

- 5.1 Government capital grant allocations for capital spending on schools have been significantly reduced in recent years and are highly unlikely to be sufficient to meet the needs of existing schools and the requirement to fund new ones. Any shortfall will result in the Council entering into additional borrowing to support identified needs, as has been the case over recent years. Options for expansion of schools should, therefore, consider all possible options in order to try to minimise the effect on the revenue budget of increased debt.
- 5.2 All capital proposals will affect the Dedicated Schools Grant (DSG) although DfE are recognising pupil growth in annual grant settlements albeit on a lagged basis for mainstream pupils. This means that the Local Authority has to top slice the DSG each year in relation to “pre-opening start-up costs”, “trigger” funding (the increased revenue funding provided to schools that have an in-year increase in pupil numbers over a certain threshold) and “set-up” costs (the provision of furniture and equipment for additional classrooms). As the number of new and growing schools increase, the amount of growth funding required increases and reduces the amount of funding that is available to be distributed to established schools.
- 5.3 As a consequence of the DfE’s school funding reform programme, the Local Authority need to consult formally with each sector of the Schools Forum to seek agreement to the policies by which funding is allocated and the levels of funding proposed in advance of each financial year.

### Legal and Human Rights Implications

- 5.4 The Council has a responsibility to ensure that there are sufficient school places available. The Education and Inspections Act 2006 requires Local Authorities to

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promote choice and diversity when carrying out their strategic duties in relation to the provision of new school places.

- 5.5 Human rights considerations have been taken into account fully in compiling this report. It is considered that the recommendations of this report are compatible with Convention rights.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.6 Implications relating to sustainability and health are included within the school site selection criteria.

Diversity Impact Assessment

- 5.7 A DIA for the School Place Planning Strategy was attached to February 2016 Cabinet report. No further implications have been identified.

## **6. Consultees**

- 6.1 The Board Director, Resources (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

## **7. Background Papers**

- 7.1 Swindon School Place Planning Study Update 2015.

## **8. Appendices**

- 8.1 None.

## **9. Key Decision/Decision in Cabinet Work Programme and Forward Plan**

- 9.1 This is a Key Decision and is included in the Cabinet Work Programme and Forward Plan for March 2016.