

**Open Report on behalf of Debbie Barnes,
Executive Director of Children's Services**

Report to:	Mrs P A Bradwell, Executive Councillor for Children's Services and Lifelong Learning
Date:	13 March 2013
Subject:	Proposal for a new primary Academy in Bourne (submission to Secretary of State of results and evaluation of process to identify an operator)
Decision Reference:	02108
Key decision?	Yes

Summary:

The County Council has a statutory duty to provide sufficient school places for all Lincolnshire children. There is expected to be a shortfall of required places in Bourne with sufficient local demand to justify the need for a new primary school which will serve the local community and meet parental demand.

This report follows on from the Executive Councillor report discussed at Children and Young People Scrutiny Committee (CYPSC) on 7 September 2012 when the committee resolved that support be given to the proposal for a new primary school in Bourne to open in September 2014. It was also proposed by the committee that in order to find a suitable operator to run the school in Bourne the process should be followed as detailed in the report to the Executive Councillor entitled "The process for setting up a new school/academy, including the assessment of potential operators, for future new academies/free schools in Lincolnshire" which was also considered by the CYPSC on 7 September.

This report is to update on the progress of the proposal for a new primary Academy in Bourne now that the evaluation process for finding a suitable operator has been completed.

A site for the school has been secured. The Section 106 agreement for an education contribution from the developer will provide a site on Elsea Park and a capital contribution towards the cost of creating a 1 Form Entry (1FE) primary school. Formal applications were submitted by three organisations who wish to become the operator of the new Academy. These have been assessed by an evaluation panel and further details of this assessment together with the results of the scoring process are included in this report.

This report seeks to advise the Executive Councillor on approving the assessment and evaluation of the proposals and the selection of the preferred

operator to be submitted to the Secretary of State who will make the final decision regarding the choice of operator of the new Primary Academy in Bourne.

Recommendation(s):

The Executive Councillor is recommended to approve the submission of the following to the Secretary of State as the Council's assessment of the proposals received in respect of the proposed operator of a new primary Academy in Bourne:-

The scoring of the proposals;
The comments of the CYPSC; and
Confirmation of the Council's preferred operator

Alternatives Considered:

1. Not to submit an assessment of the proposals received or the selection of a preferred operator, and to begin the process again for finding a suitable operator. This would perhaps only be appropriate if none of the applications were deemed to be suitable. This however is not the case as the assessment process demonstrated that there is at least one suitable operator from the applications received. To begin the process again would also take considerable time, and when an alternative operator were found they would have less time to plan for the opening of the new Academy in September 2014.
2. That the Secretary of State is forwarded the proposals, the scores and the scrutiny comments but no selection of a preferred operator by the Council. Departmental Advice (Appendix A) does not require the Council to state a preference. However, if a Local Authority (LA) does have a preference as a result of the assessment carried out then that preference will be taken into consideration by the Secretary of State when deciding whether or not to enter into a Funding Agreement with any of the proposers.

Reasons for Recommendation:

The recommendation recognises the advice on how to manage the selection process for an operator for a new school/Academy but widens the scope of the assessment to be submitted beyond that advised in the Departmental Advice to include additional criteria by which the operators were assessed, and to incorporate the comments of CYPSC. This is to ensure a full and robust process for the overall assessment of the proposals received and is in the interest of providing the Secretary of State with the fullest detail on which to base his decision.

1. Background

The LA is the commissioner of school places with a statutory duty to ensure that there are sufficient school places across the whole of Lincolnshire. National birth rates have been steadily rising in recent years having an impact on the demand for places in the primary sector. Bourne is an area of Lincolnshire that is experiencing similar pressure. The significant housing development of Elsea Park has also contributed to the rising pupil numbers in Bourne justifying the need for a new primary Academy of 1 FE (210 places/intake of 30 per year group).

On 1 February 2012 the Education Act 2011 introduced changes to the legislation relating to the process for establishing new schools including the Academy/Free School presumption. (Further details in Appendix A attached) Where a LA identifies the need to establish a new school, the new section 6A of Education and Inspections (EIA) 2006 places the authority under a duty to seek proposals to establish an Academy/Free School. Once the LA has identified an appropriate site and secured the funding through the capital programme the next step in the process is to seek proposals for an operator for the new Academy. This process, (attached as Appendix B), was set up following guidance issued by the Department for Education (DfE) and finalised as per the CYPSC report of 7th September 2012 referred to above. Full details of the process followed for the proposal for the new Academy in Bourne are provided in the Consultation section below.

2. Conclusion

A decision is required from the Executive Councillor to approve the submission of information to the Secretary of State as set out in this report regarding the proposed operator of the new Primary Academy in Bourne. This takes into account the non-binding advice of the DfE. The final decision of the choice of operator then rests with the Secretary of State.

3. Legal Comments:

The legal issues to be taken into account in the making of this decision, which is within the remit of the Executive Councillor, are fully set out in this report.

4. Resource Comments:

There are no significant financial implications arising from the recommendation in this report, i.e. to approve submission to the Secretary of State of the Council's assessment of the proposals for a new operator.

The building of a new school will have financial implications and will give rise to the capital costs being met in part from the s.106 arrangements, and the on-going revenue costs being funded from the Dedicated Schools Grant.

5. Consultation

The LA has co-ordinated the process throughout following guidance from the DfE.

The need for additional places in Bourne was consulted on with LA officers from Admissions, School Transport, Children's Services Directorate Management Team and the Executive Councillor for Children's Services. Head teachers from neighbouring primary schools in Bourne were also contacted to discuss the proposal to build a new school on Elsea Park.

The process to secure an operator for the Academy commenced on 1 October 2012 with letters being sent out to a wide range of interested parties (list attached as Appendix C) including all mainstream operators of education in Lincolnshire. (Letter attached as Appendix D) The information was also published on the Lincolnshire County Council website. The DfE passed on this information via the Independent Academies Association and the New Schools Network to an established list of potential operators and sponsors across the country. All individuals and organisations that expressed an interest in the proposal were provided with an application pack. (Appendix E)

After the closing of the application period on 16 November 2012 an evaluation panel was set up to consider the three applications that were submitted. The panel comprised the Assistant Director for Children's Services, a Lincolnshire County Councillor, a representative from the Lincolnshire CYPSC and two Head teachers of Lincolnshire LA maintained Primary Schools. The panel, which met on 20 December 2012, was also supported by an independent advisor from Children's Commissioning and officers from Children's Services.

The panel thoroughly discussed and scored each of the applications using a scoring and weighting system (copy attached as Appendix F) applied to the agreed criteria of G1 – G10 which were specified in the application pack provided to all applicants. The criteria G1 – G10 on which the scoring was based are listed in the attached Appendix G and a record of the scores awarded by the panel to each of the applicants is detailed in Appendix H.

All three applicants were judged to be potentially suitable operators and were therefore all invited to participate in the next round of the assessment process to enable them to clarify and/or expand on their submissions. Applicants were asked to prepare a presentation entitled *"If we visited the Academy in five years time please explain to us what would make the Academy special and stand out from other schools/Academies?"* and advised that in addition to questions arising out of their presentation the panel would also be asking further questions. These 5 questions were scored by the panel using the same scoring basis of 0 – 5 as in the initial evaluation (Appendix F) although no weighting was incorporated. Each of the questions was asked of all three applicants who were not given the questions until the day of the presentations (copy of questions attached as Appendix I). Scores were allocated by the panel to the presentations and the 5 additional questions (scores detailed in attached Appendix H).

The scores from the panel evaluation day and the presentation/interview day were combined to produce an overall score (Appendix H) which confirmed that the highest score was achieved by the CfBT Schools Trust in partnership with Bourne Westfield Primary Academy. The panel members were satisfied that either of the

2 highest scoring bids would be suitable operators of the new Academy but wished to nominate the highest scoring applicant, CfBT Schools Trust in partnership with Bourne Westfield Primary Academy, as the preferred operator to the Secretary of State. This operator met all of the criteria to a 'good' standard or better and was unanimously agreed by all panel members to be the best of three strong submissions.

a) Has Local Member Been Consulted?

Yes. The local member has been made aware of the proposal for a new Primary Academy in Bourne and has had discussions with the Executive Councillor and LA Officers.

b) Has Executive Councillor Been Consulted?

Yes. The Executive Councillor has been fully involved in the discussions regarding the proposal for a new Primary Academy in Bourne.

c) Scrutiny Comments

The CYPSC considered this report at its meeting on 1 March 2013. Comments from this meeting are included below to inform the Executive Councillor when making her final decision which is due on 13 March 2013:-

d) Policy Proofing Actions Required

An Impact Analysis regarding the selection of the preferred operator has been completed and is attached to this report as Appendix J. In summary the analysis is indicative of a positive impact in that the operator, as selected by the Secretary of State, will be one of the suitable applications which have been submitted by well established and successful organisations with proven background in educational provision to the highest standard, also having sound financial backing together with well resourced and experienced support teams.

6. Appendices

These are listed below and attached at the back of the report	
Appendix A	Departmental Advice
Appendix B	Process map to open a new Academy
Appendix C	List of Interested Parties
Appendix D	Letter to commence consultation
Appendix E	Application Pack
Appendix F	Scoring mechanism
Appendix G	Criteria G1 - G10
Appendix H	Scores awarded to each applicant
Appendix I	5 Questions asked at presentation/interview day
Appendix J	Impact Analysis of selection of operator

7. Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Proposed New Primary School for Bourne	Lincolnshire County Council CYPSC records 7 September 2012
The process for setting up a new school/Academy, including the assessment of potential operators, for future new Academies/free schools in Lincolnshire	Lincolnshire County Council CYPSC records 7 September 2012

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