

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

Report to:	Councillor Mrs P A Bradwell, Executive Councillor for Adult Care, Health and Children's Services
Date:	9 August 2013
Subject:	Proposal for a new primary Academy in Spalding (submission to Secretary of State of results and evaluation of process to identify an operator)
Decision Reference:	1004733
Key decision?	Yes

Summary:

This report follows the Executive Councillor report on 01 May 2012 identifying the need for additional primary school places in the Wygate Park area of Spalding. The decision taken at that time was to expand Spalding Primary School by 210 places. Due to a change in circumstances there has been a proposal to revoke that decision which is considered in the Executive Councillor report (ref 1004777) and presented for comment at the Children and Young People Scrutiny Committee (CYPSC) on 26 July 2013. If the proposed expansion of Spalding Primary School does not go ahead and additional primary school places are not made available then there is expected to be a shortfall of primary school places in Spalding.

The County Council has a statutory duty to provide sufficient school places for all Lincolnshire children. There is sufficient local demand to justify the need for a new primary school to serve the local community of Wygate Park and the surrounding residential area. The proposal is for a 1 Form Entry (1FE) primary school (210 places) with a Published Admission Number (PAN) of 30 per year group.

The building project will be delivered through the Children's Services Capital Programme. The Section 106 agreement for an education contribution from the housing developer of Wygate Park provides a site and approximately 50% of the capital contribution towards the cost of the building. The remaining capital will come from Basic Need funding.

Under the academy presumption arrangements the Local Authority (LA) has sought proposals to establish a new academy having identified the need for a new school. The process for finding a suitable operator has now ended. Formal applications were submitted by four organisations interested in becoming the operator of the new Academy. These have been assessed by an evaluation panel and further details of the 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 Department for Education (DfE). It is the Secretary of State who will make the final decision regarding the choice of operator for the new primary academy in Spalding. The Secretary of State will consider the LA assessment very carefully and the preference indicated by the LA will be a key factor in that consideration.

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 new primary Academy in Spalding:-

- This report including the scoring of the proposals and comments of the CYPSC
- Confirmation of the Council's preferred operator as Boston Witham Academies Foundation (BAAF)
- Confirmation of the Council's alternative preferred operator (if the operator above is not approved by the Secretary of State) as the David Ross Education Trust (DRET)

Alternatives Considered:

1. If none of the applications were deemed to be suitable the assessment process could begin again to find a suitable operator. To begin the process again would take considerable time. If an alternative operator were then found they would have less time to plan for the opening of the new Academy in September 2014. They would also potentially not be named until after the beginning of the 2013/14 admissions cycle which begins 18 November 2013.
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. Whilst departmental advice does not require the Council to state a preference, it does expect one to be indicated.

Reasons for Recommendation:

In accordance with the academy presumption for a new school, the recommendation recognises the advice on how to manage the selection process for an operator for a new academy. A thorough evaluation process has been carried out to determine which applicant(s) are suitable to operate the new academy and which is considered to be the preferred operator(s). Evaluation was carried out against a set of criteria determined by the Secretary of State and expanded on by Lincolnshire County Council, followed by interviews with all applicants and comments from 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. Spalding is an area of Lincolnshire that is experiencing similar pressure. The significant housing development of Wygate Park has also contributed to the rising pupil numbers in Spalding justifying the need for an additional 210 primary school places (1FE/PAN 30 per year group). The process by which the LA responds to the need for additional school places through expansions or new school proposals is set out in Appendix A.

It had initially been decided that this anticipated shortfall of primary school places would be addressed by the expansion of Spalding Primary School. Due to changes in circumstances at the school since that decision was made it has been proposed that the decision be revoked with the most appropriate solution to be a standalone 1FE primary school.

There has recently been a proposal for a 2FE Primary Free School for Spalding, but not specifically for the Wygate Park area. If the Free School find a suitable site and get formal approval from the Secretary of State it will help to address the shortage of primary school places in Spalding that are expected from September 2015 onwards. It is not expected to address the need for primary provision for the Wygate Park development. There is still a need for an additional 210 primary school places which is now proposed to be met by a new 1FE primary school on Wygate Park. The LA has secured an appropriate site and funding through S106 and Basic Need capital contributions.

On 1 February 2012 the Education Act 2011 introduced changes to the legislation relating to the process for establishing new schools including the Academy presumption. The new section 6A of the Education and Inspections Act (EIA) 2006 places the authority under a duty to seek proposals to establish an Academy. Details and guidance for this process were released by the DfE in May 2012 (Appendix B). This applies to any proposed new schools where the LA seek academy proposals before 16 May 2013. The process to seek an operator for the new primary Academy for Spalding began on 3 May 2013 to ensure that tight deadlines could be adhered to.

The process for seeking a suitable operator is set out in section 5 of this report (Consultation). It began with a letter sent to a wide range of interested parties. Full application packs included the specification for the new school and were made available to anyone who expressed an interest.

Four applications were received by the deadline of 31 May 2013 and assessed by an evaluation panel. The panel comprised of an 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 was also supported by an independent advisor from Children's Commissioning and officers from Children's Services.

The DfE guidance (Appendix B) states that the local authority should provide the Department with an assessment of the proposals it has received which should include certain criteria. The assessment carried out by Lincolnshire County Council incorporates those into a wider range of criteria by which all applications were scored. Full details of the criteria and scoring system used are shown in Appendix C.

All four proposers were judged to be potentially suitable operators following the evaluation and scoring of their written applications and were 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 10 minute presentation and advised that in addition to questions arising out of their presentation the panel would also be asking further questions. The presentation and interview questions (see Appendix C) were also scored by the panel. All applicants were asked the same five questions at interview which in some cases allowed them to expand on the areas that the evaluation panel had identified as the weaker sections in their written responses.

The scores for the written applications and the presentation/interview were combined to produce an overall score for each applicant. All of the scores are summarised in Appendix D which shows BWAf to have scored highest overall. BWAf also scored highest for the written applications, the presentation and the interviews. They scored 3 or above in all categories following interviews, as did the second highest scoring applicant DRET. BWAf demonstrated a very positive relationship between schools, very good school improvement background and centred children at the heart of their learning. There was also a clear demonstration of narrowing the gap.

The LA is required by the DfE to inform them of all proposers involved in the process once the application deadline has passed. This allows the DfE time to inform the LA of relevant information relating to any of the applicants that should be taken into consideration when putting forward a preferred operator. Due to the information received from the DfE regarding BWAf and DRET they advised that if either of these were to be selected as the preferred operator then an alternative preferred operator should be specified.

The DfE have informed the LA that BWAf are not currently registered as an 'Approved Sponsor'. The Secretary of State will not consider applications that are not from an approved sponsor. The DfE and BWAf have confirmed that they are in the process of becoming an approved sponsor, but at the time of publishing this report that process had not been completed. This must be completed before the Secretary of State can make a final decision and DfE officers are working with BWAf to move this process forward for them to have approved sponsor status.

The DfE have also informed the LA that as an existing approved sponsor DRET are currently being reviewed to determine if they will be allowed by the Secretary of State to take on any more than 30 academies. If it is decided that they have the capacity to do so then the DfE would allow DRET to take on the new academy for Wygate Park should they be the selected operator.

Following careful consideration and discussion regarding the entire evaluation process the panel unanimously agreed that the proposal submitted by BWAf met all of the criteria to a 'good' standard or better and wished to confirm them as the

preferred operator to the Secretary of State. They also unanimously agreed that should the Secretary of State see any reason not to proceed with that particular operator then DRET should be put forward as the alternative preferred operator as they also demonstrated their ability to deliver against all of the criteria to a 'good' standard or better.

The following summary outlines the reasons for the panel's selection against the relevant criteria. (and for ease of reference this summary is also attached to this report as Appendix E):

Vision and educational experience

BWAF is a multi-Academy Trust currently incorporating one secondary and two primary academies. Ofsted has rated the secondary academy and one of the primary academies as "good". The second primary academy was in special measures when it joined the Trust in 2009 but has been graded as "outstanding" following a recent Ofsted inspection. This has clearly demonstrated the educational experience available to be drawn on from within the Trust.

BWAF clearly demonstrated how their vision "Working in partnership to raise achievement for all" would promote high aspirations and opportunities for all the children at the new school. In sponsoring the new Wygate Park Academy BWAF set out how they would be building on their successful ethos of local people working in partnership together for the benefit of all local children and families. BWAF also demonstrated how they would be building on already outstanding standards and practices by applying the same to the new academy.

Capacity and capability

BWAF showed their capacity and capability to set up and lead the new academy within the Wygate Park community. Within the Trust, for the past here years, Carlton Road Academy has been one of the highest performing schools in Lincolnshire for the progress children make from Key Stage 1 to Key Stage 2. As detailed above, Staniland Academy has moved from "Special Measures" to "Outstanding" since joining the Trust and was also named in December 2012 as the 5th most improved primary school in England 2009 - 2012. BWAF recently worked closely with the LA to successfully merge two secondary schools in Boston. BWAF has developed strong links with primary provision through the Trust to offer a seamless transition from Year 6 to Year 7 and is already working closely with a secondary provider in Spalding to improve standards and link to the new primary academy. The Trust has clearly demonstrated that it has the leadership, management and governance to develop and run a new school in the Spalding Wygate Park community.

Partnership working

BWAF has a close working relationship with LCC, CfBT, the Birth to Five Service, the local Children's Centre and other local schools. The Trust demonstrated their commitment to involving local families, organisations, clubs and businesses with the new academy being at the hub of the community. The three academies within the

Trust have a strong supportive relationship and the new academy will greatly benefit from this.

Qualities and ideas that will impact on standards and school improvement

The academies within the Trust currently achieve higher than the national average for attainment and progress. This is achieved by regular monitoring and scrutiny of data enabling quality intervention where necessary ensuring that all children achieve their full potential and the same protocols will be applied to the new academy. Each academy has a local Governing Body with the priority of focusing on standards and pupil attainment using a robust process of ongoing regular checks against the achievement of set milestones.

Diversity, parental choice and community engagement

Following the successful partnership working of BWAF within Boston the Trust believes that community cohesion and wider support beyond the school gates is vital to achieve the best outcomes for children. BWAF is committed to working with existing providers in the community to support children's welfare and achieving potential, and aim to replicate the support networks and partnership links in Wygate Park that are successfully operating in Boston

What will differentiate your proposal from those of other proposers?

The new academy will be based on the proven principles and practices in place at the three academies within the Trust. However BWAF is committed to the new academy having its own unique identity and intends to achieve this by relying on their ethos of "local people working in partnership to bring about local solutions to local problems". An important part of this will be the contribution of the pupils themselves with BWAF believing that the "voice of the child" should be heard. BWAF is also committed to supporting not only the academic and emotional needs of children but also other talents such as sport, dance and music and the Trust has the financial resources to offer such support.

Admissions arrangements

BWAF confirmed a clear Admissions policy. This will follow that currently used by the academies within BWAF and is in line with the Admissions Code and will be part of the LA scheme which co-ordinates admissions.

Staffing the Academy/Free School and recruiting the governing body

BWAF has a clear understanding of the importance of recruiting and developing both staff and governors. The methods and structure used will be based on that already in place at the primary academies within the Trust which has a proven track record of raising standards and meeting the needs of children, parents and the community. BWAF has its own proven internal training and development of staff emphasising continued professional development from newly qualified through to future leaders.

Championing the needs of vulnerable children

BWAF clearly demonstrated their understanding, and the vital importance, of supporting vulnerable children and families with robust safeguarding procedures already in place at each of the 3 academies within the Trust which would also be implemented in the new academy. BWAF employs a wide range of highly qualified specialist staff eg professionals in multi-lingual support, Educational Welfare, EAL support etc whose expertise would be available to the new academy.

Managing the opening of the new Academy

BWAF has a clear understanding of what would be required to open the new academy on time and provide good educational experiences for all its pupils from day one and throughout their time at the academy. The Trust is clear how staff and governing body members will be recruited and developed. Collaboration across the academies within the Trust is one of the many strengths of BWAF and all these resources and expertise will be available to the new academy.

2. Conclusion

A decision is required from the Executive Councillor to approve the submission of all applications and assessment information to the Secretary of State as set out in this report. The evaluation process undertaken by the LA has identified a number of suitable operators. BWAF have been named as the 'preferred operator' with DRET being a suitable alternative if required. This takes into account the non-binding advice of the DfE. The final decision of the choice of operator 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 all applications received, the Council's assessment of the proposals and the selection of a preferred 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 need for additional places in Spalding was consulted on with LA officers from Admissions, School Transport, Children's Services Directorate Management Team and the Executive Councillor for Adult Care, Health and Children's Services. Head teachers from neighbouring primary schools were included in the interested parties list for those contacted regarding the proposal to build a new school on Wygate Park.

The process to secure an operator for the Academy commenced on 3 May 2013 with letters being sent out to a wide range of interested parties including all mainstream operators of education in Lincolnshire. 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 received an application pack. There was also an information session held on 15 May for any interested parties to find out more about the proposal and ask related questions that may aid them in completing their applications.

a) Has Local Member Been Consulted?

Yes. The local member has been made aware of the proposal for a new Primary Academy in Spalding and has had discussions with 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 Spalding.

c) Scrutiny Comments

The Children and Young People Scrutiny Committee met on 26 July 2013 and considered this report concerning the Proposal for a new primary Academy in Spalding (submission to Secretary of State of results and evaluation of process to identify an operator). The Committee...*comments from CYPSC to be inserted here.*

d) Policy Proofing Actions Required

An Impact Analysis regarding the selection of the preferred operator has been completed. 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	LA process for responding to the need for additional school places through expansions or new school proposals
Appendix B	Establishing a new school DfE advice for LAs and proposers - DfE May2012
Appendix C	Evaluation and Scoring Criteria
Appendix D	Scores awarded to each applicant
Appendix E	Summary of reasons for the selection of the preferred 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
Proposal to expand Spalding Primary School	Lincolnshire County Council Committee Records (Reference 01969) 01 May 2012
Proposal to revoke the expansion of Spalding Primary School	Lincolnshire County Council Committee Records (Reference 1004777) 09 August 2013
Letter to commence the operator selection process, list of interested parties and new school specification	All available on request from the Property and Technology Management Team, Children's Services
Impact Analysis	Available on request from the Property and Technology Management Team, Children's Services

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APPENDIX A

Children's Services - Property & Technology Management

Responding to the need for additional school places through expansions of existing schools or opening of new schools

The LA has a statutory duty to provide sufficient school places. This includes all provision whether primary, secondary, academy or LA maintained.

Where the school place planning process has identified an area of the county with demographic pressures the LA must plan accordingly and deliver solutions through the Children's Services Capital Programme to ensure that sufficient school places are made available with the effective use of Basic Need funding. Careful consideration must first be given to the possibility of Free School proposals addressing basic need requirements. LA officers are encouraged to work with all potential and existing sponsors to address school place sufficiency needs. In determining the best potential solution to meet the needs of the local community both expansion and new school options may be considered depending on the circumstances.

If it has been determined that the LA must provide additional school places and expansion or a new school are being considered, then the following points highlight some of the factors taken into consideration (in no particular order):

- Affordability – efficient use of limited resources (capital and revenue)
- Site sizes and deliverability (potential planning issues, avoid building on playing fields, access etc.)
- Location in relation to demographic pressures – consideration to transport and traffic implications and reasonable safe walking distances where possible
- Future housing developments and any current or potential Section 106/CIL contributions to education
- Parental preference (this can be a short term factor as this often changes over time with changing leadership, governance and Ofsted ratings)
- Potential impact on standards – Strength and quality of leadership and governance of existing schools in relation to being able to effectively implement an expansion proposal and manage the transition
- Potential impact on existing provision and the impact plans for academies and free schools in the area may have on the need for additional school places

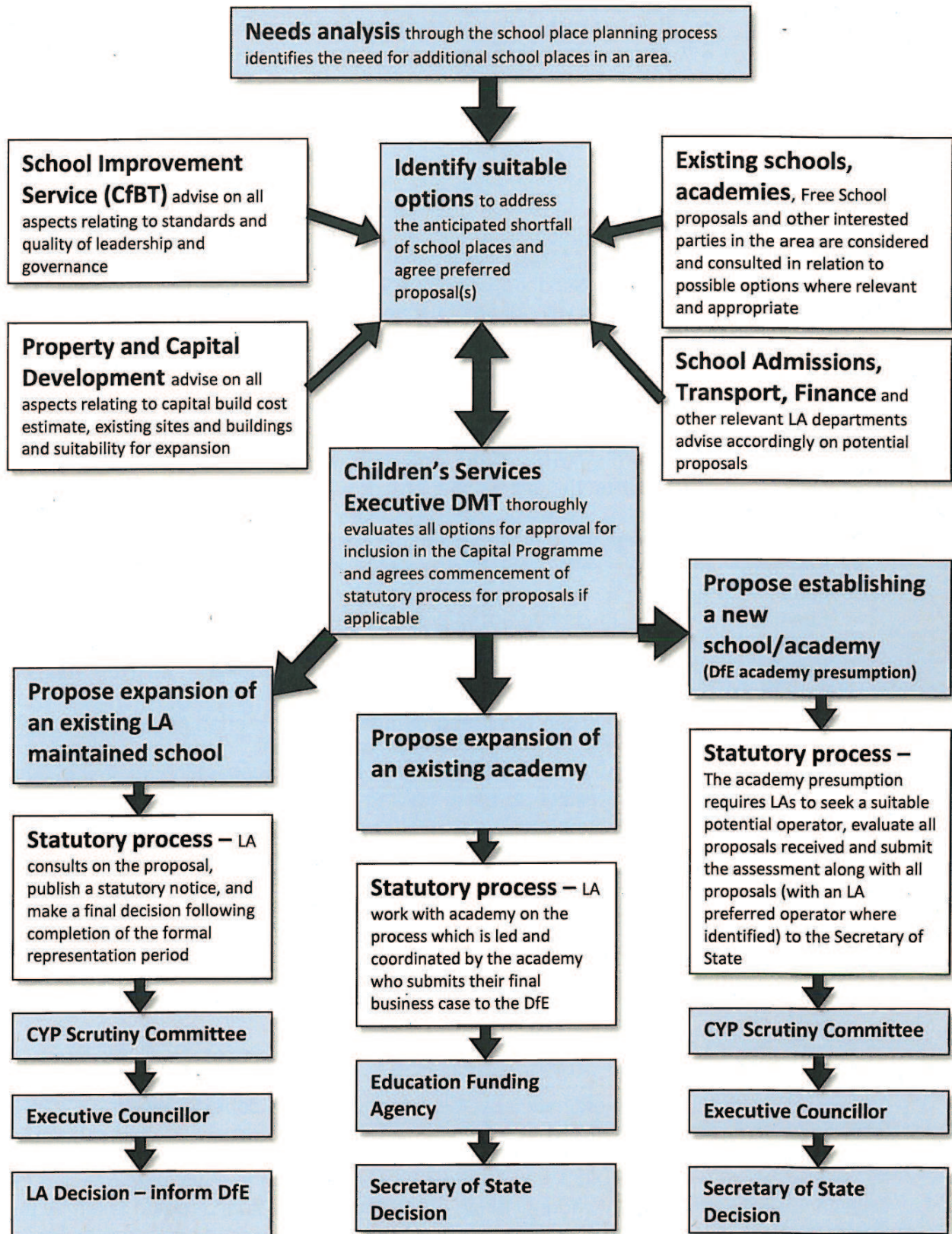
If the LA is to provide additional schools places through the Children's Services Capital Programme then there are 3 main options:

1. The expansion of an existing maintained mainstream school
2. The establishment of a new Academy
3. The expansion of an existing Academy

Options **(1)** and **(2)** are co-ordinated by the LA and involve consideration by CYPSC followed by an Executive Councillor decision.

There is no involvement of the LA's democratic decision making process under Option **(3)** which is co-ordinated by the Academy being expanded with the final decision taken by the Secretary of State.

The following flow chart gives an overview of the process incorporating these 3 options.



ESTABLISHING A NEW SCHOOL

DEPARTMENTAL ADVICE FOR LOCAL AUTHORITIES AND NEW SCHOOL PROPOSERS

ABOUT THIS DEPARTMENTAL ADVICE

1. On 1 February 2012, section 37 of the Education Act 2011 was commenced, introducing Schedule 11 of the Act. This makes changes to part 2 of the Education and Inspections Act 2006 in relation to the process for establishing new schools, including the academy/Free School presumption. This advice is non-statutory and has been produced to help new school proposers and local authorities understand their duties in relation to these changes.

EXPIRY/REVIEW DATE

2. This advice will be reviewed by October 2012.

WHAT LEGISLATION DOES THIS ADVICE RELATE TO?

- The Education Act 2011 (EA 2011)
- The Education and Inspections Act 2006 (EIA 2006)
- The School Organisation (Establishment and Discontinuance of Schools)(England) Regulations 2007, as amended (Establishment and Discontinuance Regulations)

WHO IS THIS ADVICE FOR?

3. This advice is for:
- Local authorities;
 - New school proposers; and
 - Dioceses and Diocesan Boards of Education.

KEY POINTS

- The new “presumption” for an academy/Free School requires local authorities to seek proposals to establish an academy/Free School in the first instance where they identify a need for a new school.
- 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.
- Local authorities should assess the proposals they receive against the criteria in paragraph 12 below before forwarding all of the proposals to the Secretary of State. He will take into consideration any preference they indicate.
- Local authorities can no longer hold a school competition without the Secretary of State’s consent, nor enter their own community or foundation school proposals into a competition.
- Despite the academy/Free School presumption, in certain exceptional circumstances it is still possible to publish proposals for a new maintained

- school outside of a competition, under sections 10 or 11 of the EIA 2006.
- The Secretary of State's consent is no longer required to publish certain proposals, including those for the establishment of new voluntary aided schools, primary schools resulting from infant/junior amalgamations, and new schools resulting from the reorganisation of existing faith provision.
- "Academy" is the legal term which also includes Free Schools of all types, University Technical Colleges (UTCs) and some Studio Schools, including 16-19 and alternative provision (PRU) establishments. This document uses "academy/Free School" as the collective term for these types of schools.
- "Proposer" in this document refers to the body or group that is proposing the new school.

THE EDUCATION ACT 2011

4. Section 37 of EA 2011 introduces Schedule 11, which makes a number of changes to the process for establishing new schools. In particular, it introduces new section 6A of EIA 2006 which sets out the academy/Free School presumption. It makes changes to the existing school competition arrangements (amended section 7 of EIA 2006) and removes the need for local authorities and other proposers to seek the Secretary of State's consent before publishing proposals for certain types of new maintained schools (amended sections 10 and 11 of EIA 2006).

ACADEMY/FREE SCHOOL PRESUMPTION (under section 6A of EIA 2006)

5. Flow chart A at Annex A of this document sets out the revised process for establishing new school provision under the academy/Free School presumption (section 6A) and the new competition process (section 7).
6. Existing statutory requirements mean that local authorities, in their role as commissioners, must plan and secure sufficient schools for their area. Where a local authority identifies the need to establish a new school, new section 6A of EIA 2006 places the authority under a duty to seek proposals to establish an academy/Free School and to specify a date by which proposals must be submitted.
7. It will be for local authorities to decide how best to do this, how to consult on the proposed new school and with whom (e.g. local community, Diocese and any others affected by the proposals). They should be clear from their school place planning about the type (e.g. mainstream, special educational needs, alternative provision), age range, gender and capacity of the academy/Free School they wish to see established.
8. The local authority should take steps to ensure that groups or organisations that might be interested in establishing the new school are aware of the opportunity.
9. The local authority should notify the Department at the outset of its intention to seek proposals for a new academy/Free School and confirm the site it will make available and that it will provide all the capital funding needed to establish the school (as they were required to do for academies established through the previous school competition process). The Department will publish on its website (<http://www.education.gov.uk/schools/leadership/schoolorganisation>) details of those local authorities that are seeking to establish new schools, including links to their

websites. The Department will also inform the Independent Academies Association and New Schools Network, to alert potential proposers/sponsors to the new school's requirements.

10. Once the specified date for academy/Free School proposals has passed, the local authority should send the Secretary of State a notification setting out:

- the steps the authority has taken to seek proposals for an academy/Free School;
- copies of all proposals submitted and the authority's assessment of the proposals;
- confirmation that the authority will provide the required site and all the capital funding needed to establish the new school.

11. The local authority is responsible for meeting project development costs. For lead-in and setup costs, the Department will discuss with the local authority on a case by case basis to identify and agree the most appropriate mechanism to meet these. Until longer term funding arrangements are agreed, the expectation is that local authorities will contribute to these costs. A consultation document on funding reform was published on 26 March 2012.

12. The local authority should provide the Department with an assessment of the proposals it has received, based on the following criteria:

- the quality of the places being added into the system, based on the proposer's vision and educational plan;
- the capability and capacity of the proposer to deliver their proposal to time and on budget, based on their expertise and experience;
- value for money, confirming that the proposer considers that the costs of establishing the new academy/Free School can be met within the estimate of capital costs outlined by the local authority and, where they cannot be met within that estimate, an explanation of the reasons for the additional costs and how any shortfall will be met.

13. The local authority may state its preference, which the Secretary of State will take into consideration when deciding whether or not to enter into a Funding Agreement with any of the proposers.

14. The notification should be submitted to the Department for Education (school.organisationproposals@education.gsi.gov.uk).

15. Where a suitable proposer is identified, it will be for the proposer to work to establish the new academy/Free School with support from the local authority and the Department, as required. The local authority will continue to have an interest because of its duties to secure sufficient suitable schools.

OTHER IMPORTANT CHANGES

SCHOOL COMPETITIONS (under section 7 of EIA 2006)

16. If there is no suitable academy/Free School proposal, a statutory competition can be held with the consent of the Secretary of State (section 7(1)). This will not require a separate application for consent, since the Secretary of State will indicate to the local authority that a competition can be held, if he is satisfied that there is no suitable academy/Free School proposal.

17. Where consent to hold a competition is given, the local authority must follow the statutory process set out in Schedule 2 to the EIA 2006 (as amended by EA 2011) and the Establishment and Discontinuance Regulations.

18. Significant changes made by EA 2011 are:

- The removal of section 8 EIA 2006, which means that local authorities can no longer submit their own community or foundation school proposals in a competition).
- The new section 7A EIA 2006, which means that at any time before the date specified for the return of proposals, the Secretary of State may direct a local authority to withdraw a competition notice; or, a local authority may withdraw a competition notice with the Secretary of State's consent. This allows a competition to be ended where circumstances have changed e.g. where the new school is no longer needed or an alternative option is found, such as the enlargement of one or more existing schools instead.

19. Academy/Free School proposals and proposals for foundation (by proposers other than a local authority), voluntary controlled and voluntary aided schools, can be submitted into the competition by the deadline specified in the first notice.

COMPETITION – DECISION MAKING

20. The arrangements for deciding a competition have also changed. Since local authorities cannot enter their own school proposals, the Schools Adjudicator will no longer have a role in deciding competitions (unless the local authority is involved in the foundation of a proposed foundation school – paragraph 10 of Schedule 2 EIA 2006).

21. Important changes arising from EA 2011 are:

- Where an academy/Free School proposal is entered into a competition by the specified deadline, the Secretary of State must consider these proposals first to decide whether he is willing, in principle, to enter into a Funding Agreement with the academy/Free School proposer (paragraph 7A of Schedule 2 EIA 2006).
- If an academy/Free School proposal is deemed suitable, the competition ends and the proposer works with the Department and local authority to progress its proposal.

- If an academy/Free School proposal is not considered suitable, or no academy/Free School proposal is received, the competition continues and it is for the local authority to decide which maintained school proposal wins (paragraph 8 of Schedule 2 EIA 2006, subject to the local authority's involvement in any foundation school's foundation); there is no right of appeal.
- Where a competition does not identify a suitable academy/Free School or maintained school, the local authority may publish its own community or foundation school proposal under amended section 11 of EIA 2006; the Schools Adjudicator will be the decision maker in such cases.

ESTABLISHING A NEW MAINTAINED SCHOOL OUTSIDE OF A COMPETITION (under section 10 or section 11 of EIA 2006)

22. It is still possible to publish proposals for maintained schools in certain circumstances as set out below. Flow chart B at Annex A of this document sets out the statutory process for establishing a new maintained school under sections 10 and 11. Proposals under section 10 require Secretary of State consent.

MAINTAINED SCHOOL PROPOSALS – SPECIAL CASES (under section 11 of EIA 2006)

23. In the interests of reducing bureaucracy, the consent of the Secretary of State is no longer required to publish maintained school proposals in the circumstances outlined below.

24. Further detail about these special cases is given in section 11 of EIA 2006, as amended by EA 2011:

- proposals for a new voluntary aided school;
- proposals for a new community or foundation primary school that is to replace a maintained infant and a maintained junior school;
- proposals for a new school resulting from the reorganisation of existing faith schools in an area, including an existing faith school losing or changing its religious designation; or
- local authority proposals for a new foundation or community school, where suitable academy/Free School proposals have not been identified and a competition has been held but did not identify a suitable provider.

25. Proposals for former independent schools wishing to join the maintained sector and new local authority maintained nursery schools can still be published under section 11, as before.

26. In each case a statutory process, as set out in Schedule 2 to EIA 2006 and the Establishment and Discontinuance Regulations, must be undertaken. The Schools Adjudicator will decide local authority proposals, and local authorities will decide proposals from other proposers (except foundation school proposals where the local authority is involved as a member of the foundation (Trust), in which case the Adjudicator will be the decision maker).

OTHER NEW MAINTAINED SCHOOL PROPOSALS (under section 10 EIA 2006)

27. Where an academy/Free School approach is not considered to be appropriate and the proposal does not fall under section 11 special cases, it is still possible to apply to the Secretary of State for consent to publish proposals for replacement community schools, or brand new or replacement foundation or voluntary controlled maintained schools. Each application will be considered on its merits and the particular circumstances of the case, including whether the need for a new school might be better met by an academy/Free School. Where consent is given to publish new maintained school proposals, a statutory process must be followed, as set out in Schedule 2 to EIA 2006 and the Establishment and Discontinuance Regulations.

TRANSITIONAL PROVISIONS

28. Proposals published under sections 7 (where the first notice, inviting proposals for the new school, has been published), 10 or 11 of EIA 2006 prior to the commencement date of the relevant provisions of EA 2011 on 1 February 2012, must continue under the relevant legislation in place prior to the commencement of the new EA 2011 provisions, until they are concluded.

FURTHER SOURCES OF INFORMATION

Associated resources (external links):

- Education Act 2011
<http://www.legislation.gov.uk/ukpga/2011/21/contents/enacted>
- Education and Inspections Act 2006
<http://www.legislation.gov.uk/ukpga/2006/40/contents>
- Academies Act 2010 <http://www.legislation.gov.uk/ukpga/2010/32/contents>
- New Schools Network – An independent organisation devoted to improving education
<http://newschoolsnetwork.org/>
- Independent Academies Association – A national body which is regularly consulted by government and opposition on matters relating to educational change and development
<http://www.iaa.uk.net>

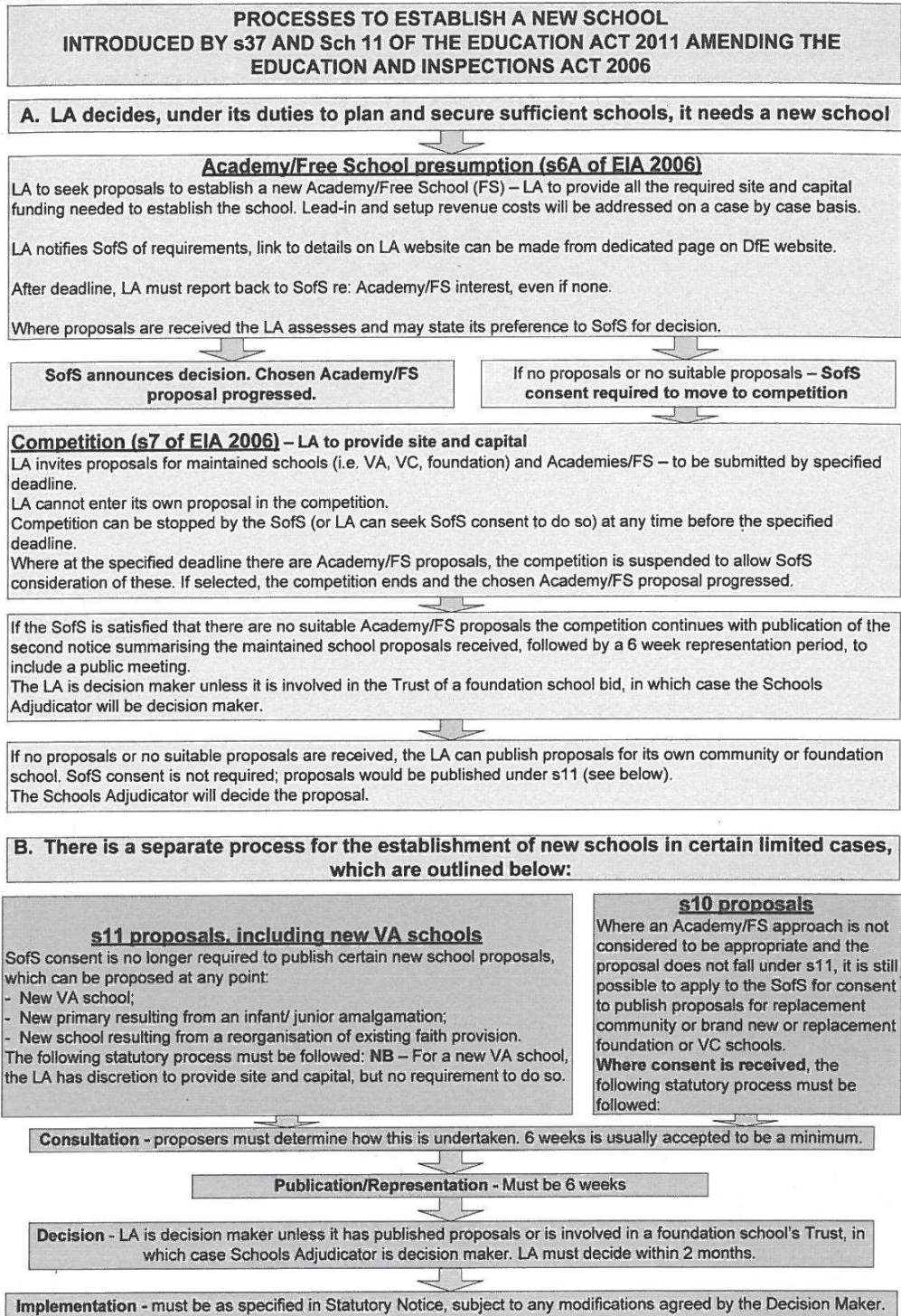
You may also be interested in (internal links):

- Keeling Schedule for section 37 (Schedule 11)
<http://www.education.gov.uk/aboutdfe/departmentalinformation/educationbill/a0077986/education-bill-keeling-schedules>
- School Organisation (Establishment and Discontinuance of Schools)(England) Regulations 2007

<http://www.education.gov.uk/schools/leadership/schoolorganisation/a00192027/school-organisation-decision-table>

- Free Schools
<http://www.education.gov.uk/schools/leadership/typesofschools/freeschools>
- Sponsored Academies
<http://www.education.gov.uk/schools/leadership/typesofschools/academies>
- University Technical Colleges and Studio Schools
<http://www.education.gov.uk/schools/leadership/typesofschools/technical>

Annex A – Flow Chart



Appendix C – Evaluation & Scoring Criteria

Criteria for evaluation of written applications (60%):

1. Vision and educational experience (weighted by 2) (10%)

- Detail your education vision and ethos for the new Academy/Free School
- Demonstrate how you will narrow the gap between vulnerable children and young people and their less vulnerable peers and enable as many children as possible to reach their full potential
- Include your policy on inclusion and exclusion and detail your approach to behaviour management
- Detail your approach to pupil well-being and attendance and how they link to your education vision
- Demonstrate the quality of places offered
- Detail the educational plan and proposed curriculum and explain how you will ensure it is broad and balanced
- Your aspirations for the achievement of pupils and for the Academy/Free School as a whole

2. Capacity and capability (weighted by 2) (10%)

- Demonstrate your ability to successfully manage schools
- Give details of your ability and experience of running an Academy/Free School
- Give details of how you will ensure children and young people are safeguarded
- Give reference to your leadership and management experience
- Evidence your ability to financially manage Academies/Free Schools, including your financial expertise

3. Supporting partnership working in Lincolnshire to achieve the objectives of the Children and Young People's Plan (5%)

- Fully explain how you will develop partnerships with the Council, other Schools and Academies and other relevant stakeholders
- Explain how partnership working will help achieve the objectives of the Children and Young People's Plan and in particular improve the educational experience to enable pupils to reach their full potential
- How will partnership working help to ensure children and young people are safeguarded from harm?

4. Qualities and ideas that will impact on standards and school improvement (5%)

- Detail specific qualities and ideas regarding how the approach of the Academy/Free School will help to raise the standard of education in the area
- How will this contribute to school improvement?

Appendix C – Evaluation & Scoring Criteria

- Set out details of the experience that pupils will have at the new school, including how you will evaluate the achievement and performance of pupils and the Academy/Free School
- How will the Academy/Free School support the transition to secondary education (where applicable)?
- How will the Academy/Free School support pupils into further education, employment or training (where applicable)?

5. Diversity, parental choice and community engagement (5%)

- How will your submission enhance diversity and promote parental choice in the area?
- Outline your understanding of the local community
- Describe your plans for community engagement, including how sports provision will be maintained and enhanced
- How will you promote good community relations?

6. What will differentiate your proposal from those of other proposers? (5%)

- Explain how the Academy/Free School will be distinctive in its vision and ethos

7. Admissions arrangements (5%)

- Describe the proposed admission arrangements, including over-subscriptions criteria for the Academy/Free School
- If the Academy/Free School is proposed to have a religious character, show the extent to which priority places is proposed to be given to children of the Academy's/Free School's religion or religious denomination
- How will children of other religious or non-religious denominations be considered?

8. Staffing the Academy/Free School and recruiting the governing body (5%)

- Provide an indicative staffing structure
- How will staff be recruited to the Academy/Free School as the number of children at the school builds?
- How will the recruitment of governors to the school be managed?

9. Championing the needs of vulnerable children (5%)

- What additional services will be provided to parents, pupils and the local community, particularly for vulnerable children and their families?
- How do you propose to make the Academy/Free School attractive to pupils of different backgrounds and abilities, including pupils from deprived or disadvantaged families?

Appendix C – Evaluation & Scoring Criteria

10. Managing the opening of the new Academy (5%)

- Provide details of how you will work with other agencies to ensure that the necessary infrastructure and systems are in place for the opening of the new Academy
- Give details of your experience of managing the opening and early operation of a new Academy/Free School

Presentation Question (15%):

Take us through the experience of your first cohort of pupils on their journey from starting at the new Academy to leaving to go to secondary school.

Interview Questions (25%):

1. What do you understand by the term "vulnerable children"? Everyone is responsible for safeguarding, but in practical terms how will you ensure this in the new Academy? (5%)
2. Within your trust or organisation which areas of delivery would you prioritise as requiring improvement or development? Give details of your school improvement cycle and how will you use this to maintain and raise standards at the new Academy (5%)
3. You have taken us through the new Academy over the next 7 years, but what will your trust or organisation look like in 10 years' time and how will you ensure the stability of your own organisation together with succession planning within the new Academy to maintain its successful progress? (5%)
4. Demonstrate "Best Value" principles and how your proposal balances costs with what is best for the children (5%)
5. Give details of the relationship between the new Academy and the Academies already supported by your organisation (5%)

The panel thoroughly discussed and scored each of the applications using the following scoring system:

0	Completely unsatisfactory response – Nil response to question
1	Completely unsatisfactory response – Limited information or proposer would not have ability in delivering the required standard
2	Unacceptable response – Proposer would only meet some of the requirements of the New School Requirement document some of the time.
3	Acceptable response – Proposer would be likely to meet basic standards but further work may be required to ensure standards are met consistently
4	Good response – clearly indicating proposer has fully understood and can consistently apply and deliver all the requirements
5	Excellent response – Comprehensive understanding of the requirements and demonstrates that they are likely to exceed the required standards.

Appendix D - Establishment of New Academy in Spalding - Scoring Matrix							
Topic	Question		% of Total Score	BWAF	DRET	Applicant A	Applicant B
Written Applications (60%)	1	Vision and educational experience	10.00	6.6	7.4	7.4	6.4
	2	Capacity and capability	10.00	7.2	6.4	6.2	6.8
	3	Supporting Partnership working in Lincolnshire to achieve the objectives of the Children and Young People's Plan	5.00	3.8	3.3	3.1	4.0
	4	Qualities and ideas that will impact on standards and schools improvement	5.00	3.9	3.1	3.0	2.5
	5	Diversity, parental choice and community engagement	5.00	3.5	3.0	3.7	3.4
	6	What will differentiate your proposal from those of other proposers?	5.00	3.1	4.0	3.4	3.6
	7	Admissions arrangements	5.00	3.4	3.4	3.4	3.4
	8	Staffing the Academy/ Free School and recruiting the governing body	5.00	4.0	4.0	3.2	2.9
	9	Championing the needs of vulnerable children	5.00	3.3	2.9	3.8	2.4
	10	Managing the opening of the new Academy/ Free School	5.00	3.2	3.9	3.2	3.0
			Sub-Total	42.0	41.4	40.4	38.4
Presentation and Interview (40%)	1	Presentation	15.00	13.2	12.6	12.9	10.5
	2	Vulnerable Children	5.00	4.6	3.8	4.0	4.1
	3	School Improvement and Development	5.00	4.2	4.0	3.6	3.2
	4	Stability and Sucession Planning	5.00	4.2	4.2	3.6	3.2
	5	Best Value	5.00	4.2	3.6	4.0	3.1
	6	Relationships	5.00	4.6	4.4	3.4	3.6
			Sub-Total	35.0	32.6	31.5	27.7
Overall Percentage Achieved				77.0	74.0	71.9	66.1

Appendix E Summary of reasons for the selection of the preferred operator

The following summary outlines the reasons for the panel's selection against the relevant headings:

Vision and educational experience

BWAF is a multi-Academy Trust currently incorporating one secondary and two primary academies. Ofsted has rated the secondary academy and one of the primary academies as "good". The second primary academy was in special measures when it joined the Trust in 2009 but has been graded as "outstanding" following a recent Ofsted inspection. This has clearly demonstrated the educational experience available to be drawn on from within the Trust.

BWAF clearly demonstrated how their vision "Working in partnership to raise achievement for all" would promote high aspirations and opportunities for all the children at the new school. In sponsoring the new Wygate Park Academy BWAF set out how they would be building on their successful ethos of local people working in partnership together for the benefit of all local children and families. BWAF also demonstrated how they would be building on already outstanding standards and practices by applying the same to the new academy.

Capacity and capability

BWAF showed their capacity and capability to set up and lead the new academy within the Wygate Park community. Within the Trust, for the past here years, Carlton Road Academy has been one of the highest performing schools in Lincolnshire for the progress children make from Key Stage 1 to Key Stage 2. As detailed above, Staniland Academy has moved from "Special Measures" to "Outstanding" since joining the Trust and was also named in December 2012 as the 5th most improved primary school in England 2009 - 2012. BWAF recently worked closely with the LA to successfully merge two secondary schools in Boston. BWAF has developed strong links with primary provision through the Trust to offer a seamless transition from Year 6 to Year 7 and is already working closely with a secondary provider in Spalding to improve standards and link to the new primary academy. The Trust has clearly demonstrated that it has the leadership, management and governance to develop and run a new school in the Spalding Wygate Park community.

Partnership working

BWAF has a close working relationship with LCC, CfBT, the Birth to Five Service, the local Children's Centre and other local schools. The Trust demonstrated their commitment to involving local families, organisations, clubs and businesses with the new academy being at the hub of the community. The three academies within the Trust have a strong supportive relationship and the new academy will greatly benefit from this.

Qualities and ideas that will impact on standards and school improvement

The academies within the Trust currently achieve higher than the national average for attainment and progress. This is achieved by regular monitoring and scrutiny of data enabling quality intervention where necessary ensuring that all children achieve their full potential and the same protocols will be applied to the new academy. Each academy has a local Governing Body with the priority of focusing on standards and pupil attainment using a robust process of ongoing regular checks against the achievement of set milestones.

Diversity, parental choice and community engagement

Following the successful partnership working of BWAF within Boston the Trust believes that community cohesion and wider support beyond the school gates is vital to achieve the best outcomes for children. BWAF is committed to working with existing providers in the community to support children's welfare and achieving potential, and aim to replicate the support networks and partnership links in Wygate Park that are successfully operating in Boston

What will differentiate your proposal from those of other proposers?

The new academy will be based on the proven principles and practices in place at the three academies within the Trust. However BWAF is committed to the new academy having its own unique identity and intends to achieve this by relying on their ethos of "local people working in partnership to bring about local solutions to local problems". An important part of this will be the contribution of the pupils themselves with BWAF believing that the "voice of the child" should be heard. BWAF is also committed to supporting not only the academic and emotional needs of children but also other talents such as sport, dance and music and the Trust has the financial resources to offer such support.

Admissions arrangements

BWAF confirmed a clear Admissions policy. This will follow that currently used by the academies within BWAF and is in line with the Admissions Code and will be part of the LA scheme which co-ordinates admissions.

Staffing the Academy/Free School and recruiting the governing body

BWAF has a clear understanding of the importance of recruiting and developing both staff and governors. The methods and structure used will be based on that already in place at the primary academies within the Trust which has a proven track record of raising standards and meeting the needs of children, parents and the community. BWAF has its own proven internal training and development of staff emphasising continued professional development from newly qualified through to future leaders.

Championing the needs of vulnerable children

BWAF clearly demonstrated their understanding, and the vital importance, of supporting vulnerable children and families with robust safeguarding procedures already in place at each of the 3 academies within the Trust which would also be implemented in the new academy. BWAF employs a wide range of highly qualified specialist staff eg professionals in multi-lingual support, Educational Welfare, EAL support etc whose expertise would be available to the new academy.

Managing the opening of the new Academy

BWAF has a clear understanding of what would be required to open the new academy on time and provide good educational experiences for all its pupils from day one and throughout their time at the academy. The Trust is clear how staff and governing body members will be recruited and developed. Collaboration across the academies within the Trust is one of the many strengths of BWAF and all these resources and expertise will be available to the new academy.