

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

Report to:	<b>Councillor Mrs P A Bradwell, Executive Councillor Adult Care and Health Services, Children's Services</b>
Date:	<b>31 October 2013</b>
Subject:	<b>Proposal for a new primary academy in Gainsborough (submission to Secretary of State of results and evaluation of process to identify an operator)</b>
Decision Reference:	<b>I005542</b>
Key decision?	<b>Yes</b>

**Summary:**

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 town of Gainsborough and meet the needs of local families. The proposal is for a new 1 Form Entry (1FE) primary school (210 places) with a Published Admission Number (PAN) of 30 per year group. There is expected to be a shortfall of primary school places in Gainsborough if these additional primary school places are not made available.

The building project will be delivered through the Children's Services Capital Programme with funding provided by the Local Authority (LA) and the Department for Education (DfE) through the Targeted Basic Need (TBN) Fund. £2.11 m capital funding has been received specifically for this project following a bid to the DfE and it can only be spent on a new school in Gainsborough. The proposal is to locate a new primary academy on Lincolnshire County Council land which was previously part of the site of the former Castle Hills secondary school. This has been agreed with Corporate Property, with the rest of the site to be sold off for housing development.

Once the need for a new school has been identified, under the Education Act 2011 there is a presumption that any new school will be an academy and not LA maintained. Therefore the LA has sought proposals to establish a new academy and the process for finding a suitable operator has now ended. Formal applications were submitted by two 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 DfE. It is the Secretary of State who will make

the final decision regarding the choice of operator for the new primary academy in Gainsborough. 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 Gainsborough:-

- This report including the scoring of the proposals and comments of the Children and Young People Scrutiny Committee (CYPSC)
- Confirmation of the Council's preferred operator as Tall Oaks Academy Trust (TOAT)

**Alternatives Considered:**

1. 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. The Secretary of State may in this case choose one of the applicants or put forward an alternative approved sponsor that has not been part of the LA's assessment process.

**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. Evaluation was carried out against a set of criteria determined by the Secretary of State and expanded on by Lincolnshire County Council (LCC), followed by interviews with both 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. Gainsborough is an area of Lincolnshire that is

experiencing similar pressure together with some new housing developments which have also contributed to the rising pupil numbers in Gainsborough as part of the town's 'growth point' status. (See Appendix A) This has justified the requirement for an additional 210 primary school places (1FE/PAN 30 per year group) to meet the needs of local families. The new academy is proposed to primarily serve a projected shortfall of primary provision in the local area caused by continued demographic growth and future housing development on the shared site and surrounding nearby area. This proposal should have minimal effect on the numbers on roll at nearby schools as there is expected to be sufficient long term demand for places to sustain all existing schools and academies in addition to the proposed new academy. 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 B.

It has been agreed with Corporate Property that the LA will provide the site for the new primary school as this is currently owned by Lincolnshire County Council. The capital is to be provided by the LA and by the DfE TBN funding and therefore the process must adhere to strict deadlines regarding the selection of an operator as prescribed by the DfE. (DfE timeline attached as Appendix C). The LA will manage the capital building project from design through to completion, working closely with the new operator in the later stages of the project to determine final internal fixtures, fittings and décor. The design will be based on an existing template to achieve maximum cost efficiency and to minimise build time based on the minimum areas within Building Bulletin 99 or the DfE 'Baseline Design' designs. It is envisaged that this additional primary school provision will be built by September 2015 with a Reception intake only in 2015 and subsequent Reception intakes phased in year on year until operating across all year groups in 2021.

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. This was updated with details and guidance being released by the DfE in May 2013 (Appendix D) to apply to all academy and free school proposals after 16 May 2013 and all proposals receiving TBN funding. The process to seek an operator for the new primary academy for Gainsborough began on 26 July 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.

Two applications were received by the deadline of 6 September 2013 and assessed by an evaluation panel. The panel comprised of the Head of Service for Property and Technology Management within 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 officers from Children's Services.

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

Applicants were also 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 F) 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 G which shows TOAT to have secured the highest score for both the written application stage and the second stage comprising the presentation and interviews. They scored a minimum of 3 in all categories so reaching at least an 'acceptable' response to each one of the criteria and the majority of their scores exceeded 3 confirming a response to a 'good' or 'excellent' standard. On this basis, and following careful consideration and discussion regarding the entire evaluation process, the panel unanimously agreed that the proposal submitted by TOAT met all of the criteria and wished to confirm them as the preferred operator to the Secretary of State.

The Secretary of State will only consider applications submitted by an 'Approved Sponsor'. The DfE has informed the LA that TOAT is already a registered 'Approved Sponsor'. Concurrent to the new school operator selection process for the Gainsborough academy the second applicant has been following a separate process with the DfE and since the completion of the assessment process the DfE has also granted them 'Approved Sponsor' status.

The following summary outlines the reasons for the panel's selection against the relevant criteria.

### **Vision and educational experience**

TOAT is a multi-Academy Trust currently incorporating one junior academy and one primary academy. Ofsted has rated the junior academy "outstanding" and also a "sponsor academy". The primary academy has been rated "good" by Ofsted having been brought from "special measures" in 13 months since joining the Trust. This has clearly demonstrated the educational experience available to be drawn on from within the Trust. The Trust has a proven track record of improving education for the children of Gainsborough and their application demonstrated how they would apply the same principles and practices to the new academy.

## **Capacity and capability**

This was a very thorough and strong response confirming the Trust's capacity and capability to set up and lead the new academy in Gainsborough. The Trust has clearly demonstrated that it has the necessary capacity and ability of leadership, management and governance to develop and run the proposed new academy. In addition the DfE has confirmed its approval of TOAT as an approved sponsor and is keen for TOAT to take on the sponsorship of more schools.

## **Partnership working**

The two schools which now form the Trust have had a close working relationship with LCC for many years and have also collaborated with other primary providers in the town both to benefit from shared experiences and also in outreach to support other schools. In more recent years the Trust has also benefitted from a partnership with an Outstanding Academy in Nottinghamshire and membership of a Teaching School Alliance group (EOS). The two 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**

TOAT has a proven track record of improving the education of children in Gainsborough. Their proposal is based on a model which ensures high standards and also that all groups of learners achieve well. This has produced excellent results at the two academies within the Trust and would be applied to the new academy. The expertise and systems to ensure school improvement have been acknowledged by Ofsted as rigorous and robust.

## **Championing the needs of vulnerable children**

TOAT already has a wide experience of supporting vulnerable children at the two academies within the Trust. The new academy would benefit from this both through the Pastoral Care Officers and SENDCo employed by TOAT and also through well-established links to a wide range of highly qualified specialist staff eg professionals in sensory impaired and multi-lingual support, Educational Welfare and Psychology, physiotherapy and school nurse support etc. End of Key Stage data confirming consistently high achievement for all groups of learners shows the strength of TOAT in narrowing the gap and enabling all children to achieve their full potential.

## **Diversity, parental choice and community engagement**

This was a very clear and detailed response showing an excellent knowledge of the local community and capturing the key points with regard to its needs and challenges. The schools within the Trust have a long tradition of engaging with the local community with well-established links with local groups and sports providers. TOAT see the new academy as an opportunity to further improve community engagement.

## **Staffing the Academy/Free School and recruiting the governing body**

TOAT understands 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 two academies within the Trust which has a proven track record of raising standards and meeting the needs of children, parents and the community. TOAT has recent experience of growing staffing models to accommodate additional schools and has already built in additional leadership capacity in anticipation of taking further academies into the Trust.

## **Managing the opening of the new Academy**

TOAT has successfully managed the sponsor approval application process at the same time as the conversion of two schools to academy status and creating a Multi-Academy Trust all within very tight deadlines. TOAT 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. Collaboration across the two academies within the Trust is one of the strengths of TOAT and all these resources and expertise will be available to the new academy.

## **Transition from one Reception class through to an intake in all 7 year groups**

This was a strong well thought out response which gave evidence of how TOAT will undertake this transition and support the families of Gainsborough and meet pupils' needs. The Trust understands that the dynamic of the new academy will change as each successive intake is admitted and is committed to avoiding isolation of children in the opening and early years and ensuring high quality provision at every stage.

## **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 two academies within the Trust. However TOAT is committed to the new academy developing its own unique identity over time. The ability of TOAT to deliver an outstanding education for all groups of pupils has been consistently documented through published results and Ofsted reports. The links with local providers and businesses and the experience of working successfully in the locality provide a significant benefit of this application.

## **Presentation and interview stage**

The Trust provided a very clear and informative presentation which showed strong local knowledge and an awareness of the issues and challenges of the community and the needs of local children. TOAT are pupil focussed and committed to excellent provision with high aspirations for all the children of Gainsborough. TOAT views themselves as a "Can do" trust and is enthusiastic about the opportunity to be involved in the new academy. All of the questions answered at the interview stage were scored by the panel as being "good" confirming that the Trust has fully understood and can consistently apply and deliver all the requirements.

## **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 TOAT as both a suitable operator and also the authority's 'preferred operator'. 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 with the majority of the capital costs being met by the DfE TBN funding but also in part by the LA. The LA will support the pre and post opening grant of the school during the transition period from the Dedicated Schools Grant.

## **5. Consultation**

The need for additional places in Gainsborough was consulted on with LA officers from Admissions, School Transport, Children's Services Directorate Management Team and the Executive Councillor for Adult Care and Health Services, 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 in Gainsborough. Officers have also been invited to meet with the Gainsborough Head Teacher Partnership Group to discuss this proposal and other pupil place planning issues. It is widely acknowledged by Gainsborough Head teachers that there is growing pressure on places in this part of town.

As the funding for this project is being provided by the DfE under the TBN funding the process to identify an operator had to follow a timeline determined by DfE deadlines. The process to secure an operator for the Academy commenced on 26 July 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 LCC 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 14 August 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 Gainsborough.

**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 Gainsborough.

**c) Scrutiny Comments**

The Children and Young People Scrutiny Committee met on 18 October 2013 and considered this report concerning the Proposal for a new primary academy in Gainsborough (submission to Secretary of State of results and evaluation of process to identify an operator). [Insert CYPSC comments 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, must be suitable, meet all the criteria and be an approved sponsor.

**6. Appendices**

These are listed below and attached at the back of the report	
Appendix A	Demographic Analysis – Pressure on Places
Appendix B	LA process for responding to the need for additional school places through expansions or new school proposals
Appendix C	DfE timeline applicable to TBN funded projects
Appendix D	DfE advice for LAs and proposers regarding establishing a free school or academy under TBN funding
Appendix E	Evaluation and scoring criteria
Appendix F	Presentation title and interview questions
Appendix G	Scores awarded to applicants

**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
Letter to commence the operator selection process,	All available on request from the Property and Technology Management Team, Children's



list of interested parties and new school specification	Services
Impact Analysis	Available on request from the Property and Technology Management Team, Children's Services

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## Appendix A - Gainsborough Demographic Analysis - Pressure on Places

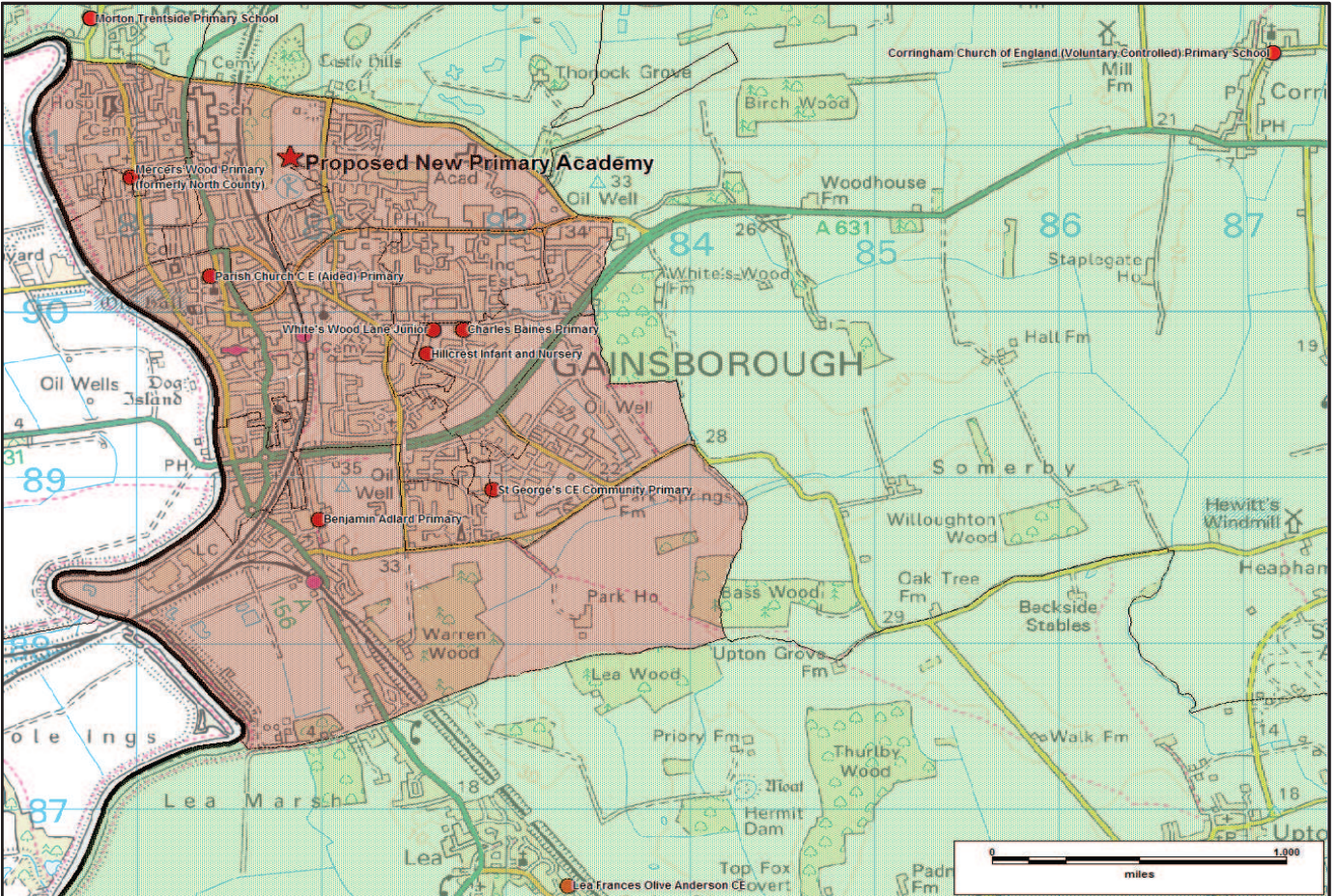
\*NOR for 2014-2016 intakes based on LA August 2013 Maximum 2013 Projections including pupil yield from housing with planning permission as at January 2013

The former Castle Hills site (indicated by the star on the map below) currently has planning for 120 homes to be built on part of the site. An additional part of the same site would be used by the school and the remainder is being considered presently in line with LCC Policy for possible disposal of surplus land. Should additional housing be granted it could add 80 or more units to the total. There is also an area of adjacent land owned by Thonock that may be developed for housing in the future. None of these potential housing developments that are yet to receive planning permission have been factored into the LA projections shown below.

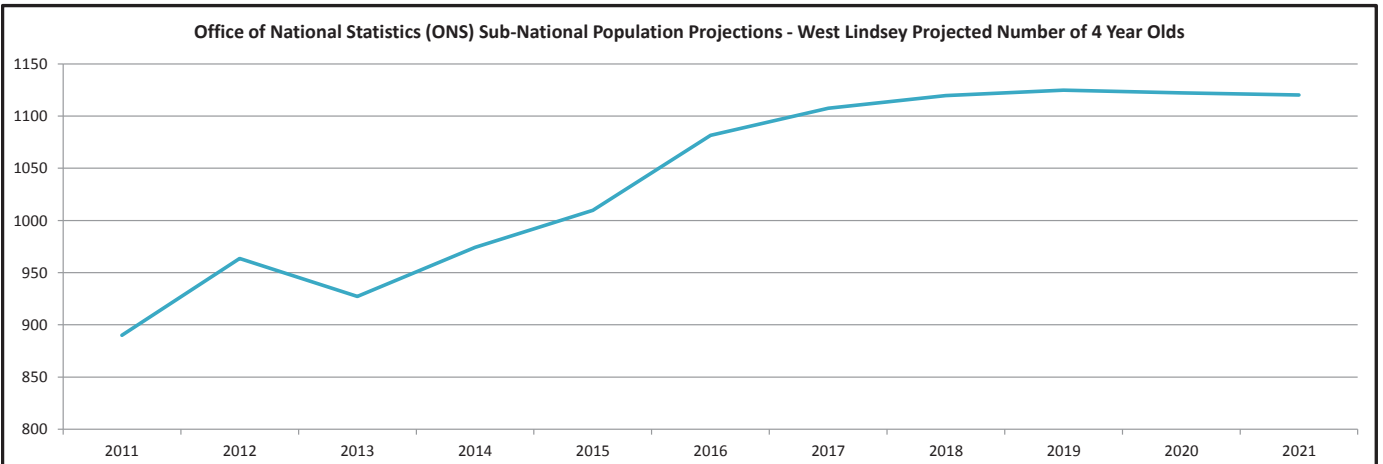
Gainsborough is a 'Growth Point' with ambitious targets for new housing and regeneration. Already over 2100 units have outline approval (yet to get planning permission) on a site adjoining the south of the town. Whilst new primary facilities will be provided eventually through S106, the first phase of that development (400 homes) does not provide a primary school or S106 contribution. This development is not included in the LA projections, but if the housing market recovers and development starts there will be more pressure than indicated by current data.

The former Middlefield and Beckett School sites have planning consent for 130 homes. There are also many other sites with planning consent, many under construction. These developments, along with all developments with planning permission up to January 2013, are included in the projections below.

Intake Year/Current Year Group	PAN (places)	2016 Rec' Intake	2015 Rec' Intake	2014 Rec' Intake	2013 Rec' Offers	Current Rec'	Current Y1	Current Y2	Current Y3	Current Y4	Current Y5	Current Y6
Gainsborough Rural NOR* May 2013	72	71	76	72	68	73	77	54	73	69	67	62
Gainsborough Town Urban Total NOR*	225	233	277	235	209	211	219	175	182	181	182	175



The following graph shows the latest data available for the West Lindsey District from the Office of National Statistics (ONS) - Sub-National Population Projections based on the 2011 Census



## APPENDIX B

### 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

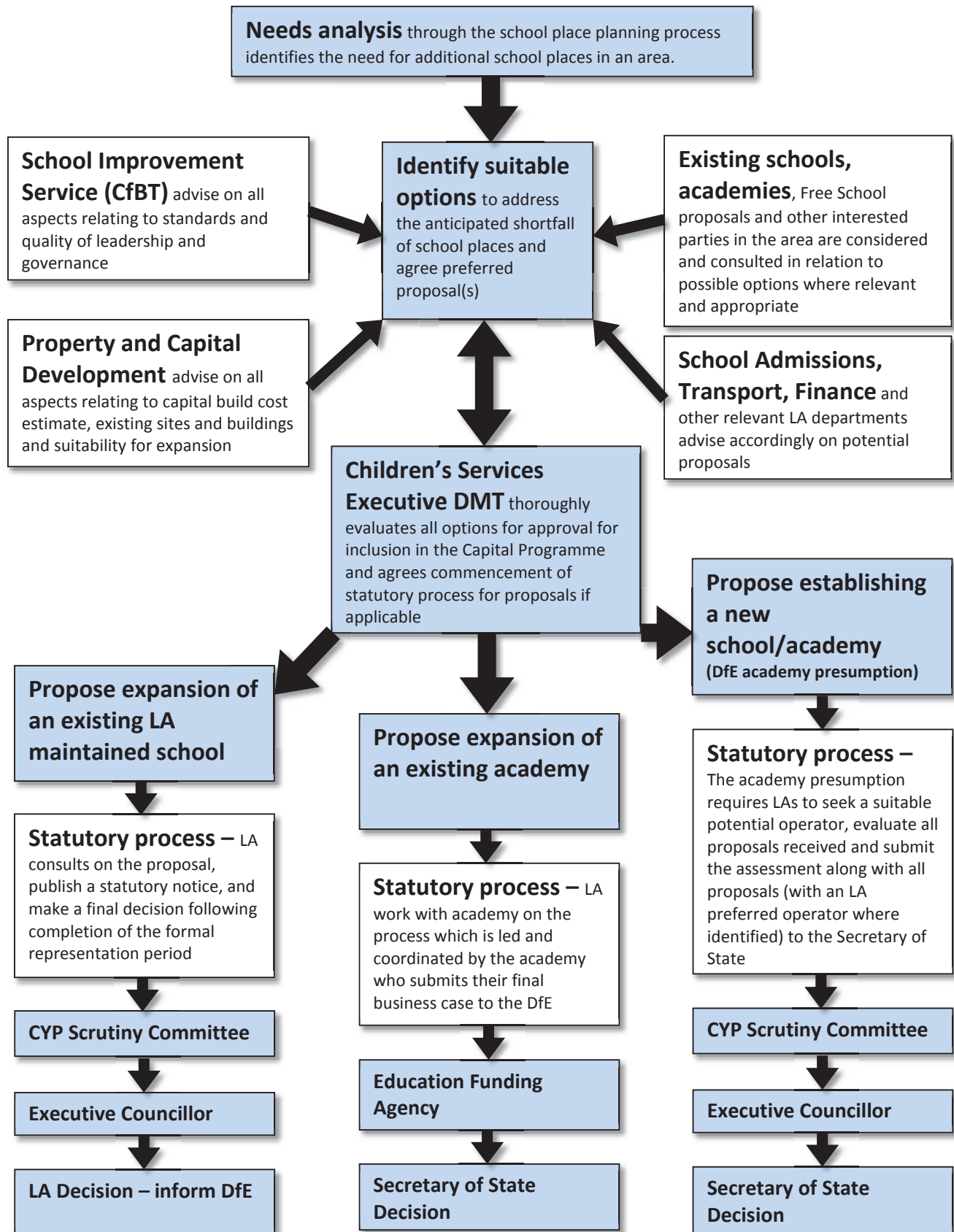
If the LA is to provide additional schools places through the Children's Services Capital Programme then there are 3 main options:

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.



## APPENDIX C

### Timetable for proposals under the Targeted Basic Need Programme

<b>DfE informs LAs of provisional targeted basic need funding allocations</b>	<b>By 18 July 2013</b>
<b>LA should publish specification inviting proposals to establish new academy/free school (NB the LA will need to notify the DfE of all proposals by 4 October so should set its own deadlines accordingly)</b>	<b>By 2 August 2013</b>
<b>LAs should alert the DfE to any expressions of interest they have received from potential proposers*</b>	<b>By 23 August 2013</b>
<b>New sponsor approval applications to the DfE</b>	<b>By 6 September 2013</b>
<b>DfE will provide feedback on expressions of interest</b>	<b>By 6 September 2013</b>
<b>LA should inform DfE of all proposals received</b>	<b>By 4 October 2013</b>
<b>LA should submit assessment of proposals to DfE indicating any preference(s)</b>	<b>By 18 October 2013</b>
<b>DfE confirm sponsor and funding allocations for new academy</b>	<b>By 12 December 2013</b>



Department  
for Education

# **The academy/free school presumption**

**Departmental advice for local authorities  
and new school proposers**

**May 2013**

## Contents

Summary	4
About this departmental advice	4
Effective date	4
What legislation does this advice relate to?	4
Who is this advice for?	4
Key points	5
Academy/free school presumption process	6
Overview	6
Local authority consultation	6
Impact assessment	6
Seeking proposals	6
Funding arrangements	7
Notifying the department – school specification	7
Notifying the department – proposals	8
Sponsor approval	8
Completing the assessment	8
Funding agreement	9
Sponsor consultation	10
Communication	10
Other useful information	10
Further sources of information	11
Targeted Basic Need Programme	11
Associated resources (external links)	11
You may also be interested in (internal links)	11





## Summary

### About this departmental advice

1. This advice is non-statutory. It is part of the department's guidance to local authorities (LAs) on the establishment of new schools. It sets out for LAs and new school proposers the department's expectations of how the academy/free school presumption process should operate in practice and the characteristics and qualities that new school proposers must demonstrate. This advice applies to all new schools established under the academy/free school presumption, including those that are proposed to be funded from the Targeted Basic Need Programme.

2. The Education Act 2011 changed the arrangements for establishing new schools and introduced section 6A (the academy/free school presumption) to the Education and Inspections Act 2006. Where a LA thinks there is a need for a new school in its area it must seek proposals to establish an academy/free school. Section 6A came into effect:

- on 1 February 2012 for new schools other than pupil referral units; and
- on 1 September 2012 for new pupil referral units.

### Effective date

3. This advice applies from 16 May 2013. The requirements set out in this advice supersede those of the previous version. This advice applies to any proposed new schools where LAs seek academy/free school proposals on or after the date of its publication, and all new schools for which LAs have applied for funding from the Targeted Basic Need Programme.

### What legislation does this advice relate to?

- 4.
- The Education Act 2011 (EA 2011).
  - The Education and Inspections Act 2006 (EIA 2006).
  - The Academies Act 2010 (AA 2010).

### Who is this advice for?

5. This advice is for:
- Local authorities; and
  - New school proposers.

## Key points

6. The presumption arrangements require LAs to seek proposals to establish an academy/free school where they have identified the need for a new school in their area. The LA is responsible for providing the site for the new school and meeting all associated capital and pre-/post-opening costs.
7. All new academy/free school proposals require the Secretary of State's approval. It is the Secretary of State who will enter into a funding agreement with the proposer.
8. LAs must notify the Secretary of State of their plans to seek proposals for a new school as soon as the need for a new school has been agreed.
9. Once formal proposals are received, the Secretary of State must be provided with details of all proposers. The Secretary of State will then notify the LA if he has any concerns about a proposer's capability or capacity to deliver the proposal and particularly where he is minded not to enter into a funding agreement with a particular proposer.
10. The LA should assess all proposals received (see advice in paragraphs 23-25). The outcome of the LA's assessment should be sent to the Secretary of State. In deciding the proposer with whom he would be prepared to enter into a funding agreement, the Secretary of State will consider the LA assessment very carefully. The preference indicated by the LA will be a key factor in that consideration. However, he will reserve the right to put in place a proposer of his own choice, particularly where there is further evidence available to him about the suitability of a proposer – or the availability of a better proposer. The intention is to ensure that the school is always established by the best proposer possible.

# Academy/free school presumption process

## Overview

11. Where a LA thinks a new school needs to be established in their area, section 6A of EIA 2006 places the LA under a duty to seek proposals to establish an academy/free school and to specify a date by which proposals must be submitted to the LA. In considering the need for a new school, LAs should factor in any free school projects that the department has approved and are due to open.

12. For the Targeted Basic Need Programme, LAs will need confirmation of their provisional funding allocations for new provision as early as possible. For that reason the department will be working to the timescales provided in the table at Annex A to ensure that it is possible to provide that confirmation by early December. LAs must adhere to these timescales for each element of the process. If you have any queries about the timetable please contact: [academy.presumption@education.gsi.gov.uk](mailto:academy.presumption@education.gsi.gov.uk)

## Local authority consultation

13. It will be for LAs to decide how to consult on the proposed new school and with whom (e.g. other schools, academies, the wider 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, PRU), age range, gender and capacity of the academy/free school they wish to see established, and the expected cost.

## Impact assessment

14. As part of the planning process for new schools, LAs must also undertake an assessment of impact of the proposal, both on other existing educational institutions locally and in terms of impact on particular groups of pupils from an equalities perspective. This is to enable the Secretary of State to meet his duties under section 9 of the Academies Act 2010 and under section 149 of the Equality Act 2010. Most LAs will already do this, so in practice it will just be a matter of providing the Secretary of State with a copy of their assessment. However, in the unlikely event that the Secretary of State has concerns about the level of analysis, he reserves the right to ask a LA to undertake further work on their assessment.

## Seeking proposals

15. The LA should take all necessary steps to ensure that the widest possible range of groups or organisations that might be interested in establishing the new school are aware of the opportunity to do so, including any local 'outstanding' schools or other potential proposers that might be interested in applying to run the school. LAs can access the

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

## Funding arrangements

16. As under the previous new school competition arrangements, the LA is responsible for providing the site for the new school, and meeting all associated capital costs (unless they are successful in bidding for funding from the Targeted Basic Need Programme).

17. Local authorities are also required to make provision in their growth funds to support increases in pupil numbers relating to basic need. This relates to the per-pupil revenue funding in addition to all funding for pre-opening development costs and post-opening funding required to address diseconomies of scale until a school reaches full capacity. This is because the new academy or free school will be funded on a recoupment basis. School funding arrangements allow LAs to retain funding centrally to cover these costs. This is detailed in full in the 2013-14 School Finance Regulations which were published in December 2012. Further information can be obtained [here](#).

18. Local authorities are expected to work with selected proposers to agree a reasonable and mutually acceptable funding allocation for the LA to cover pre- and post-opening costs. The department will provide a one-off payment of £25,000 to the successful proposer for the legal costs associated with establishing a new academy/free school. Upon opening, the school will be funded by the EFA on the same basis as other academies and free schools in the same LA area.

## Notifying the department – school specification

19. The LA must notify the department as soon as the need for a new school has been agreed, forwarding to the department:

- a copy of the new school specification, including confirmation:
  - o that the LA has identified the required capital to establish the new school, the amount and its source (e.g. the Targeted Basic Need Programme);
  - o that the LA will meet all pre- and post-opening costs associated with establishing the new school (Paragraphs 16-18);
  - o that the LA will provide the site for the new school (this is also a condition of the Targeted Basic Need Programme);

- o of the address of the site for the new school, or all sites where a school will operate from split sites;
- o of site ownership or tenure arrangements and how these will operate for the new school. For schools that are intended to be funded from the Targeted Basic Need Programme it is important that the required land will be available to deliver the additional pupil places by September 2015 at the latest;
- their impact assessment (Paragraph 14);
- a link to the LA's website page where the relevant information will be available to interested parties.

20. A condition of any funding from the Targeted Basic Need Programme will be that the new school specification published under the academy/free school presumption process will be that for which the department has agreed funding.

## Notifying the department – proposals

21. Once the specified date for submitting the academy/free school proposals to the LA has passed, the LA must provide details of all proposers that have submitted formal proposals, to the Secretary of State for initial consideration.

## Sponsor approval

22. The Secretary of State will only consider entering into a funding agreement with an approved sponsor. (The department's approved sponsor list can be accessed [here](#). Consequently, new proposers will need to be assessed by the department through the normal sponsor approval route. Information on the department's sponsor approval process can be found [here](#)). We recommend that LAs make it clear when publishing their proposals that proposers who are not known to the department will have to go through this process and should contact the department at the outset, and certainly before submitting a formal proposal to the LA.

## Completing the assessment

23. The LA should complete an assessment of proposals and provide the Secretary of State at the earliest opportunity with this and their scoring of the proposals, alongside a written notification setting out the steps the authority has taken to seek proposals for an academy/free school.

24. The assessment should be based on the following criteria:
- the capacity and quality of the proposer. The Secretary of State assesses on the basis of the criteria [here](#). The LA should bear in mind that when considering a LA's

assessment, the department will focus on these criteria, particularly those around strategic vision, educational capacity and performance, financial planning and operational capacity and governance. For existing sponsors, the department will focus on the credibility and track record of the proposer, their capacity to take on new projects and the local infrastructure that will support the proposal;

- the capability and capacity of the proposer to deliver this project on time, to secure best value for money, and to maintain financial viability. The proposer's financial plans should be consistent with the rest of their application, for example, in terms of staffing, pupil numbers and the education plan. They should be based on realistic assumptions about income and expenditure, and demonstrate that allowance has been made for unforeseen contingencies; and
- the extent to which proposals demonstrate the proposers' capability to promote high standards, and to innovate to drive system change. For example, demonstrating a focussed and coherent education plan that sets out the key innovations of the school, including the proposed curriculum; the approach to teaching and any particular ethos; how these will combine to achieve improved performance; how the anticipated needs of pupils with differing abilities will be met; and the proposer's aspirations for pupil achievement and measures of success. The proposal should give strong, credible evidence that the new school will raise the overall standard of education available in the local area, adding very high-quality places to the system.

25. The LA may state its preferred proposer or ranking of proposers, 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.

## **Funding agreement**

26. Before deciding whether or not to enter into a funding agreement with any proposer, the Secretary of State will need to be satisfied about their suitability to set up and run an academy/free school. The LA should therefore undertake due diligence checks on new proposers. Any proposals put forward by organisations which advocate violence or other illegal activity will be rejected. In order to be approved, proposals should demonstrate that they would support UK democratic values including respect for the basis on which UK laws are made and applied; respect for democracy; support for individual liberties within the law; and mutual tolerance and respect. In order to enable the Secretary of State to take an informed decision, the department may ask proposers to provide additional information about themselves and to consent to checks being carried out.

27. As soon as a suitable proposer is agreed "in principle" by the Secretary of State, the department will notify the LA, the successful proposer and the local MP. Once they have been notified of the successful proposer, the LA can then inform other applicants that they have not been successful. It will then be for the successful proposer to work

towards agreeing a funding agreement and establishing the new academy/free school with support from the LA and the department, as required. Where Targeted Basic Need funding has been agreed, the school should be delivered to the original approved specification, and adhere to this model for at least two years after opening, unless there are extraordinary circumstances that would lead to a reconsideration of requirements.

## Sponsor consultation

28. The successful proposer is under a duty, as required by section 10 of the AA 2010, to consult such persons as they think appropriate on whether they should enter into a funding agreement for the new school with the Secretary of State.

29. The LA will continue to have an interest because of its duties to secure sufficient suitable schools.

## Communication

30. All documentation should be submitted electronically to the department for education at: [academy.presumption@education.gsi.gov.uk](mailto:academy.presumption@education.gsi.gov.uk).

31. The department will publish on its website at: <http://www.education.gov.uk/schools/leadership/schoolorganisation> details of those LAs 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 to the need for a new school.

## Other useful information

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

33. Once LAs have published their new school specification they may not withdraw from the academy/free school presumption process.

34. “Academy” is the legal term which also includes free schools of all types, university technical colleges and some studio schools, including 16-19 and alternative provision (pupil referral unit) academies. This document uses “academy/free school” as the collective term for these types of educational institutions.

35. “Proposer” and “sponsor” in this document refer to the body or group that is proposing the new school.

## Further sources of information

### Targeted Basic Need Programme

<http://www.education.gov.uk/aboutdfe/executiveagencies/efa/schoolscapital/a00222248/targeted-basic-need-programme>

### 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 <http://www.newschoolsnetwork.org/>
- Independent Academies Association <http://www.iaa.uk.net>

### You may also be interested in (internal links)

New School Proposals – information and links seeking proposers to establish a new academy or Free School

<http://www.education.gov.uk/schools/leadership/schoolorganisation/b00210493/new-school-proposals>

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>

Pupil Referral Units

<http://www.education.gov.uk/aboutdfe/statutory/g00211923/alternative-provision>



## ANNEX A

### Timetable for proposals under the Targeted Basic Need Programme

DfE informs LAs of provisional targeted basic need funding allocations	By June 2013
LA should publish specification inviting proposals to establish new academy/free school (NB the LA will need to notify the DfE of all proposals by 16 September so should set its own deadlines accordingly)	By 15 July 2013
LAs should alert the DfE to any expressions of interest they have received from potential proposers*	By 2 August 2013
DfE will provide feedback on expressions of interest	By 16 August 2013
LA should inform DfE of all proposals received	By 16 September
LA should submit assessment of proposals to DfE indicating any preference(s)	By 11 October 2013
DfE confirm sponsor and funding allocations for new academy	By 6 December 2013

\*This will enable the DfE to let LAs know where the Secretary of State is minded not enter into a Funding Agreement with a particular proposer.



Department  
for Education

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<b>Appendix E Evaluation and Scoring Criteria</b>						
<b>Topic</b>	<b>Ques tions</b>		<b>Percentage of Total Score</b>	<b>Tall Oaks</b>	<b>Parish</b>	
<b>Topic 1</b>						
	1	Vision and educational experience	<b>10.00</b>			
	2	Capacity and capability	<b>10.00</b>			
	3	Supporting Partnership working in Lincolnshire	<b>5.00</b>			
	4	Qualities and ideas that will impact on standards and schools improvement	<b>5.00</b>			
	5	Championing the needs of vulnerable children	<b>5.00</b>			
	6	Diversity, parental choice and community engagement	<b>5.00</b>			
	7	Staffing the school and recruiting the governing body	<b>5.00</b>			
	8	Managing the opening of the new school/Academy	<b>5.00</b>			
	9	Managing transition from 1 reception to 7 years intake	<b>5.00</b>			
	10	What will differentiate your proposal?	<b>5.00</b>			
			<b>Sub-Total</b>			
		Presentation	<b>15.00</b>			
	1	Question 1	<b>5.00</b>			
	2	Question 2	<b>5.00</b>			
	3	Question 3	<b>5.00</b>			
	4	Question 4	<b>5.00</b>			
	5	Question 5	<b>5.00</b>			
			<b>Sub-Total</b>			
<b>Overall Percentage Achieved</b>						

## Appendix F

### Process to select an operator for a new Primary Academy in Gainsborough - Questions on 20<sup>th</sup> September

#### Presentation Title

"Take us on the journey of your pupils from their very first day in the new academy. Describe their experiences as they progress and prepare for moving on to secondary education."

#### Questions to ask applicants

QUESTIONS 1 - 5
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?
2. Within your trust or organisation which areas of delivery would you prioritise as requiring improvement or development? And in terms of individual Academies give details of your school improvement cycle and how will you use this to maintain and raise standards at the new Academy?
3. 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?
4. What would you consider to be the weakest element of your application and how would you like to improve in that area?
5. What evidence can you give to assure the panel that you will be able to manage and open the school to admit pupils in September 2015?

<b>Appendix G Scores awarded to applicants</b>					
<b>Topic</b>	<b>Ques tions</b>		<b>Percentage of Total Score</b>	<b>Tall Oaks</b>	<b>Parish</b>
<b>Topic 1</b>					
	1	Vision and educational experience	<b>10.00</b>	6.8	6.4
	2	Capacity and capability	<b>10.00</b>	8.4	5.6
	3	Supporting Partnership working in Lincolnshire	<b>5.00</b>	3.0	3.5
	4	Qualities and ideas that will impact on standards and schools improvement	<b>5.00</b>	4.0	3.0
	5	Championing the needs of vulnerable children	<b>5.00</b>	3.4	3.9
	6	Diversity, parental choice and community engagement	<b>5.00</b>	3.8	2.9
	7	Staffing the school and recruiting the governing body	<b>5.00</b>	3.5	3.5
	8	Managing the opening of the new school/Academy	<b>5.00</b>	4.0	3.1
	9	Managing transition from 1 reception to 7 years intake	<b>5.00</b>	4.1	2.7
	10	What will differentiate your proposal?	<b>5.00</b>	3.0	3.0
			<b>Sub-Total</b>	<b>44.0</b>	<b>37.6</b>
		Presentation	<b>15.00</b>	11.1	11.4
	1	Question 1	<b>5.00</b>	4.1	3.3
	2	Question 2	<b>5.00</b>	4.0	2.4
	3	Question 3	<b>5.00</b>	4.0	2.1
	4	Question 4	<b>5.00</b>	4.1	2.9
	5	Question 5	<b>5.00</b>	4.0	2.7
			<b>Sub-Total</b>	<b>31.3</b>	<b>24.8</b>
<b>Overall Percentage Achieved</b>				<b>75.3</b>	<b>62.4</b>

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