

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

Report to:	Councillor Mrs P A Bradwell, Executive Councillor Adult Care and Health Services, Children's Services
Date:	26 September 2014
Subject:	Proposal for a new primary academy in North Hykeham (submission to Secretary of State of results and evaluation of process to identify an operator)
Decision Reference:	I006812
Key decision?	Yes

Summary:

The purpose of this report is to consider the assessment and identification of a suitable operator for a new primary academy in North Hykeham and the submission of the results of this process to the Secretary of State as prescribed by the Department for Education (DfE). Once the process has commenced, statutory guidance requires that it be carried through to completion with the results submitted to the DfE.

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 area of North Hykeham 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 North Hykeham if these additional primary school places are not made available.

The building project will be delivered through the Children's Services Capital Programme and the capital costs will be met by the S106 agreement and Basic Need Grant funding provided by the Education Funding Agency (EFA) via the Local Authority (LA). The proposal is to locate a new primary academy on land provided by the S106 agreement. The management of the capital build project, from design through to completion, will be handled by the LA.

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 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 DfE. It is the Secretary of State who will make the final decision regarding the choice of operator for the new primary academy in North Hykeham. 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 North Hykeham:-

- 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 CfBT Schools Trust in conjunction with Mount Street Academy (CfBT) – referred to as 'Applicant A' in this report.

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 the 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. North Hykeham is an area of Lincolnshire that is experiencing pressure from an increasing birth rate together with some recently completed and ongoing housing developments, the largest being between Mill Lane and Newark Road. (See Appendix A) This has resulted in sufficient demand to justify 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. 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.

The site for the new primary school will be provided by the S106 agreement. The building project will be delivered through the Children's Services Capital Programme and the capital costs will be met by the S106 agreement and Basic Need Grant funding provided by the EFA via the LA. 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 LA has developed a design template based on the government's recommended 'baseline design' for new academies to achieve maximum cost efficiency. The design for the North Hykeham academy will be based on this template which the LA has used in recent years for the new primary academies in Bourne, Spalding, Skegness and Gainsborough. It is envisaged that this additional primary school provision will be built by September 2016 with a Reception intake only in 2016 and subsequent Reception intakes phased in year on year until operating across all year groups in 2022.

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 C) to apply to all academy and free school proposals after 16 May 2013.

The process for seeking a suitable operator is set out in section 5 of this report (Consultation). The process to seek an operator for the new primary academy for North Hykeham began on 27 March 2014 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 5 June 2014 and assessed by an evaluation panel. The panel consisted of the Head of Service for Education

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

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 a further five questions. The presentation and interview questions (see Appendix E) 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 F which shows Applicant A 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 were 4 or above 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 Applicant A met all of the criteria and wished to recommend 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 Applicant A is already a registered 'Approved Sponsor'.

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

Vision and educational experience

Applicant A is a multi-Academy Trust currently managing a portfolio of Government funded schools in England. The Trust has a total of 21 schools, 14 of which have been inspected by Ofsted with 7 still too new to be inspected. Ofsted has rated 8 as "outstanding" or "good" and measures have been put in place to improve the grading at the remaining schools. HMI monitoring visits to the 2 schools in Special Measures have evidenced improvements and reasonable progress being made under the Trust. The application clearly demonstrated the excellent resources and educational experience available to be drawn on from within the Trust. The Academy associated with Applicant A as part of this bid is an "outstanding" school

which has successfully sponsored the recent opening of an academy at Lincoln Carlton Centre. Applicant A has a proven track record of improving education for children based on a tried and tested model and their application demonstrated how the new academy would benefit from the same principles and practices.

Capacity and capability

This was a very thorough and strong response clearly demonstrating that the Trust 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 designation of Applicant A as an approved sponsor.

Partnership working

The application evidenced many examples of collaborative partnership working and excellent communication including in particular strong relationships with parents.

Qualities and ideas that will impact on standards and school improvement

This proposal is based on a model which is founded in maintaining high standards in numeracy and literacy and also that all groups of learners achieve well but without sacrificing the inclusion of exciting themes and first hand experiences to expand the children's overall learning experience. An example given was the use of "Wow Days" and indoor and outdoor learning as were recently experienced when their school was transformed into the seaside.

Championing the needs of vulnerable children

This was a good comprehensive answer describing how the needs of vulnerable children will be met which incorporated full details of the local offer. A recent review undertaken by the Sutton Trust has looked at the performance of Academy chains in improving outcomes for disadvantaged pupils and noted that some chains are performing less well than maintained schools on average and are not doing enough to improve these outcomes. Applicant A is not referred to in this report as one of the academy sponsors causing concerns.

Diversity, parental choice and community engagement

This was a very clear response showing a realistic appraisal of the local area and a good awareness of the community. Applicant A see the new academy as an opportunity to further improve community engagement and are looking for the new academy not just to be a copy of an existing school but to have its own unique identity appropriate to the local area.

Staffing the Academy and recruiting the governing body

This was a strong answer with the proposal being based on very clear and robust finance and recruitment plans and budgets including good pre-opening governance arrangements.

Managing the opening of the new Academy

This was a comprehensive answer detailing a tried and tested and refined model based on previous successful experience with all of the resources and expertise of the Trust available to the new academy.

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

This was a realistic answer recognising the difficulties faced by the first intake drawing on the Trust's previous experience and incorporating some excellent ideas of how to overcome these concerns. It was a well thought out response of how Applicant A will undertake this transition and support the families of North Hykeham and meet pupils' needs.

What will differentiate your proposal from those of other proposers?

Applicant A is committed to the new academy developing its own unique identity over time but it will be based on the proven principles and practices in place at academies within the Trust with the high quality of teaching and learning being paramount. This was a strong answer evidencing the experience and reputation of the Trust together with a good network support.

Presentation and interview stage

The Trust provided a very clear and informative presentation which showed good local knowledge and addressed the title well. The Trust is child focussed and committed to excellent provision with high aspirations for all the children of North Hykeham. All of the questions answered at the interview stage were scored by the panel as meeting the required "acceptable" criteria with some scores being recorded at the higher level of "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 CfBT Schools Trust in conjunction with Mount Street Academy (CfBT) (referred to as Applicant A throughout this report) 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 LA's Basic Need Grant funding but also in part by the S106 agreement. 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 North Hykeham 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 North Hykeham. Officers have also met with Head teachers and Governors of the primary schools and academies in North Hykeham to discuss this proposal and other pupil place planning issues. It is acknowledged by North Hykeham Head teachers that there is growing pressure on places in North Hykeham.

The process to secure an operator for the Academy commenced on 27 March 2014 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 25 April 2014 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 North Hykeham.

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 North Hykeham.

c) Scrutiny Comments

The Children and Young People Scrutiny Committee will consider this report at its meeting on 12 September 2014. Comments from this meeting will be presented to the Executive Councillor for Adult Care, Health and Children's Services on 26 September 2014.

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 advice for LAs and proposers regarding establishing a free school or academy
Appendix D	Evaluation and scoring criteria
Appendix E	Presentation title and interview questions
Appendix F	Scores awarded to applicants

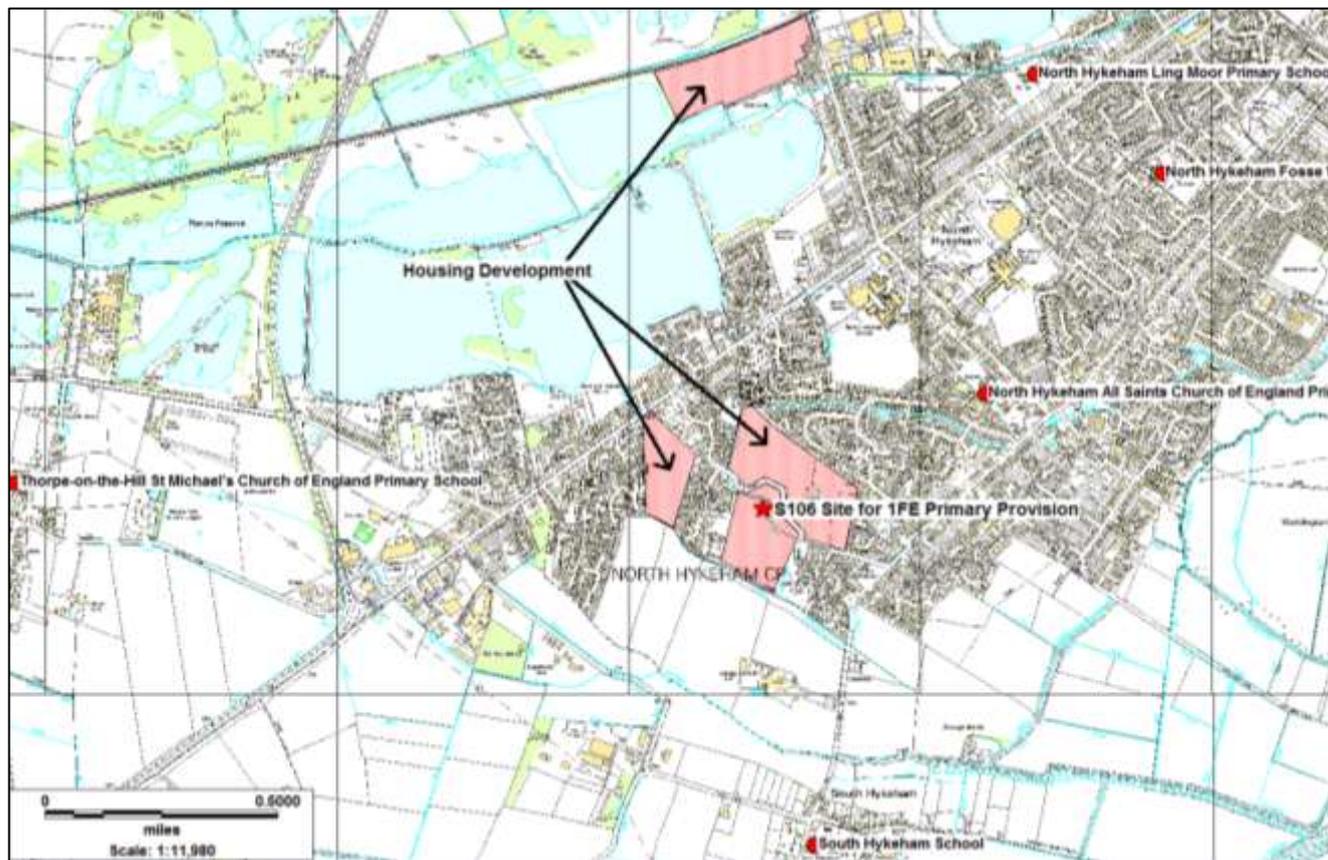
7. Background Papers

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, 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

This report was written by John O'Connor, who can be contacted on 01522 553213 or john.o'connor@lincolnshire.gov.uk.

Appendix A



		9250026 Hykeham Primary Planning Area - Minimum Projections (excludes housing & migrational trends)													
		Minimum Projected Primary Number on Roll							Minimum Projected Primary Surplus Places						
Forecasts	2014 R PAN	Reception	1	2	3	4	5	6	Reception	1	2	3	4	5	6
2013/14	230	226	238	221	229	237	235	255	4	7	9	31	23	25	5
2014/15	230	248	226	238	243	229	237	235	-18	4	7	17	31	23	25
2015/16	230	251	248	226	260	243	229	237	-21	-18	4	0	17	31	23
2016/17	230	226	251	248	248	260	243	229	4	-21	-18	12	0	17	31

		9250026 Hykeham Primary Planning Area - Maximum Projections (inc housing/migration)													
		Maximum Primary Projected Number on Roll							Maximum Projected Primary Surplus Places						
Forecasts	2014 R PAN	Reception	1	2	3	4	5	6	Reception	1	2	3	4	5	6
2013/14	230	227	243	226	232	242	240	260	3	2	4	28	18	20	0
2014/15	230	253	233	247	249	237	247	245	-23	-3	-2	11	23	13	15
2015/16	230	259	258	238	270	254	242	252	-29	-28	-8	-10	6	18	8
2016/17	230	236	263	262	258	276	259	247	-6	-33	-32	2	-16	1	13

In the North Hykeham area there has been considerable growth in recent years. A combination of significant housing development and increasing birth rates has resulted in very few available KS1 places which includes Ling Moor Academy over-offering in September 2012 to take 60 on a PAN of 45. The projections in the lower table above include all housing with planning permission up to January 2013, including approximately 450 homes on the Barratts estate located between Mill Lane and Newark Road. Around 600 homes on this development have already been completed and occupied. This is in addition to the other significant housing developments that have been built off Newark Road in recent years, whilst no further capacity to primary school has been added as it has coincided with a dip in the birth rate. The 2016/17 projections are likely to underestimate the number of children requiring places as historically projections 3 years into the future have been less accurate as some children in that cohort may not yet have been registered with GPs and so not yet included in the NHS data used to generate the projections data.

These projections also do not take into account housing that has received planning permission since January 2013 or housing which is likely to receive planning permission in the near future - which includes over 350 additional homes in the area that have since received planning and started on site. Office of National Statistics (ONS) data also suggests sustained population growth in North Kesteven.

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

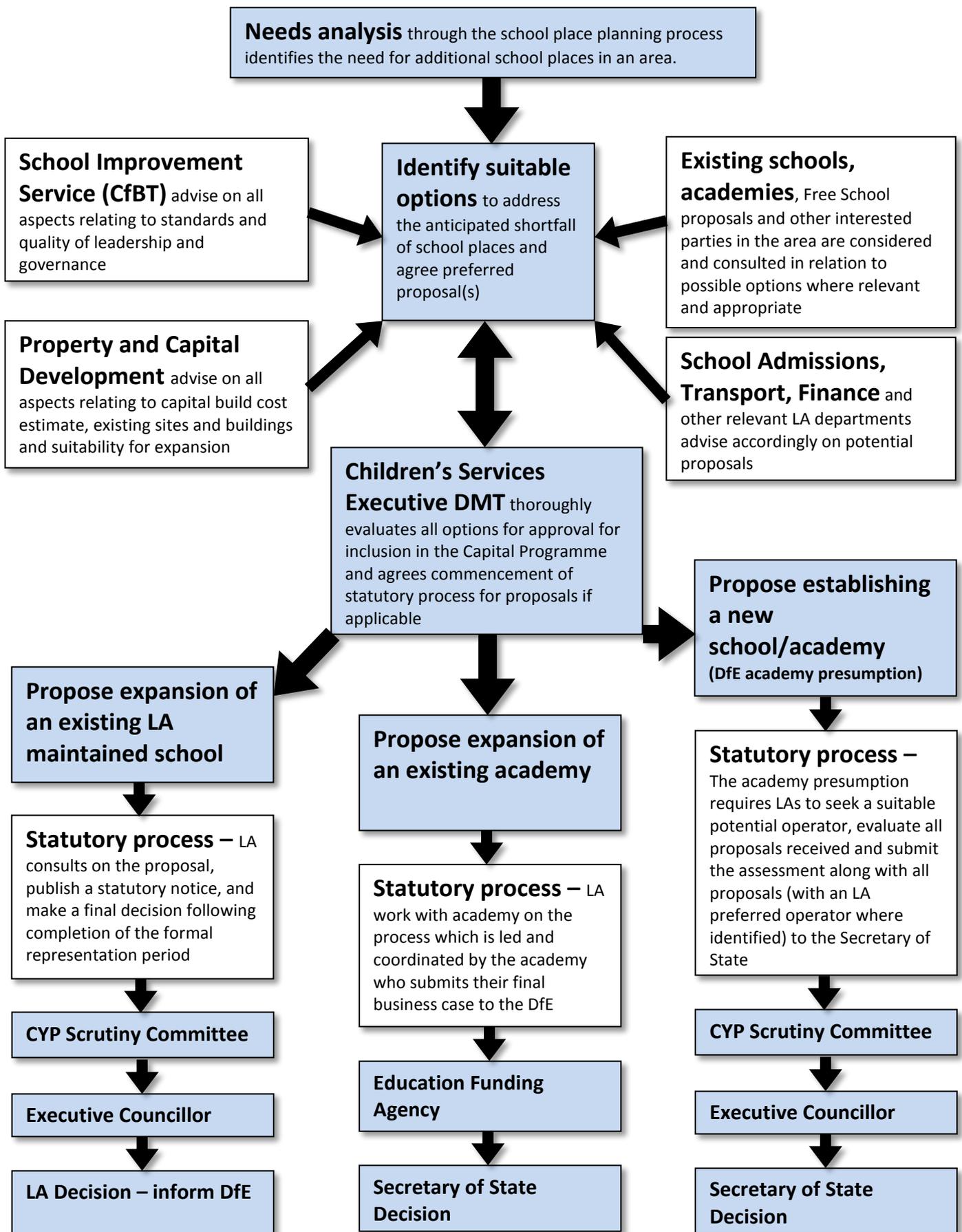
If the LA is to provide additional schools places through the Children's Services Capital Programme then there are 3 main options:

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.





Department
for Education

The academy/free school presumption

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

May 2013

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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

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.

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
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This document is available online at: <http://www.education.gov.uk/schools/leadership/schoolorganisation/f00209212/establishing-new-school>

Appendix D Evaluation and Scoring Criteria

Questions		Percentage of Total Score	Applicant A	Applicant B	Applicant C	Applicant D
1	Vision and educational experience	10.00				
2	Capacity and capability	10.00				
3	Supporting Partnership working in Lincolnshire	5.00				
4	Qualities and ideas that will impact on standards and schools improvement	5.00				
5	Championing the needs of vulnerable children	5.00				
6	Diversity, parental choice and community engagement	5.00				
7	Staffing the school and recruiting the governing body	5.00				
8	Managing the opening of the new school/Academy	5.00				
9	Managing transition from 1 reception to 7 years intake	5.00				
10	What will differentiate your proposal?	5.00				
		Sub-Total				
	Presentation	15.00				
1	Question 1	5.00				
2	Question 2	5.00				
3	Question 3	5.00				
4	Question 4	5.00				
5	Question 5	5.00				
		Sub-Total				
Overall Percentage Achieved						

Appendix E

Process to select an operator for a new Primary Academy in North Hykeham – Presentation and Interview Questions on 26th June

Presentation Title

"It is October 2015 and you are holding a promotional event for your new school which will open in September 2016. How would you present your school to children and parents for the first time?"

Questions to ask applicants

QUESTIONS 1 - 5
1. We expect the children to leave your school after 7 years with outstanding levels of attainment. What are the top 3 key actions that you will undertake to ensure this happens
2. What, in the new school, will put a smile on the faces of the children?
3. Please provide us with examples of how you will take new, bold and exciting steps to engage with the community.
4 In what way will your new school differ and stand out from other schools in Lincolnshire?
5 In the first year the new academy will have a small staff. How will the diverse needs of the children be met?

Appendix F Establishment of New North Hykeham School - Scores awarded

Questions		Percentage of Total Score	Applicant A	Applicant B	Applicant C	Applicant D
Written Applications Evaluation Results						
1	Vision and educational experience	10.00	7.8	6.6	6.0	7.6
2	Capacity and capability	10.00	9.0	6.2	7.8	7.4
3	Supporting Partnership working in Lincolnshire	5.00	4.4	2.9	2.7	2.9
4	Qualities and ideas that will impact on standards and schools improvement	5.00	4.1	2.9	3.3	3.5
5	Championing the needs of vulnerable children	5.00	3.8	2.9	3.4	3.8
6	Diversity, parental choice and community engagement	5.00	4.2	2.8	3.1	3.4
7	Staffing the school and recruiting the governing body	5.00	4.8	4.0	3.6	2.3
8	Managing the opening of the new school/Academy	5.00	4.5	4.2	4.3	3.5
9	Managing transition from 1 reception to 7 years intake	5.00	4.2	3.6	2.9	3.5
10	What will differentiate your proposal?	5.00	4.1	3.8	3.5	3.6
		Sub-Total	50.9	39.9	40.6	41.5
Presentation and Interview Stage Evaluation Results						
	Presentation	15.00	12.9	11.1	11.7	10.2
1	Top 3 key actions to achieve outstanding levels of achievement?	5.00	4.0	3.3	3.3	3.4
2	What, in the new school, will put a smile on the faces of the children?	5.00	3.6	3.4	3.8	3.9
3	Please provide us with examples of how you will take new, bold and exciting steps to engage with the community.	5.00	4.3	3.3	3.8	3.4
4	In what way will the new school differ and stand out from other schools in Lincolnshire?	5.00	3.3	3.4	3.3	3.9
5	In the first year the new academy will have a small staff. How will the diverse needs of the children be met?	5.00	4.2	3.4	3.5	3.5
		Sub-Total	32.3	27.9	29.4	28.3
Overall Percentage Achieved			83.2	67.8	70	69.8