

**DERBYSHIRE COUNTY COUNCIL**

**CABINET**

**22 September 2015**

**Report of the Strategic Director for Children & Younger Adults**

**CHILDREN AND YOUNGER ADULTS APPOINTMENT OF SPONSOR FOR  
NEW PRIMARY SCHOOLS AT HILTON AND CHELLASTON FIELDS –  
(CHILDREN AND YOUNG PEOPLE)**

**1. Purpose of Report**

To agree the process and the details of Derbyshire County Council's advertising for Academy Sponsors for new primary schools at Chellaston Fields and at Hilton, and future new development of schools across the County.

**2. Information and Analysis**

At its meetings on 21 January 2014 and 25 March 2014, Cabinet approved initial consultations on the opening of new schools at Chellaston Fields and at Hilton. At its meeting on 21 October 2014, the outcome of those consultations was reported with a recommendation for the Local Authority to approve the opening of the new schools. Also, it was noted that Cabinet would receive a further paper to approve the process for selecting an Academy sponsor. This paper addresses this point; the timing is somewhat later than originally projected due to the delayed progress of the respective developments.

Legislation in 2013 changed the basis on which a new school is opened. The School Organisation (Prescribed Alterations to Maintained Schools) (England) 2013 and The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 provide the legislative basis for the opening of a new school.

The Local Authority must initiate a robust process for the appointment of the new Academy Sponsor to ensure that the ethos within Derbyshire's schools is included, developed and sustained in the new provision being opened whilst meeting the assessment criteria for a sponsor which has been drafted by the Secretary of State.

The process must be rigorously defined so that applicants to become an Academy Sponsor are aware of Derbyshire's criteria for analysis of their application, the process by which all applications will be assessed and graded, and the selection process by which one sponsor will be identified.

The selection of an academy sponsor is a two-stage process with the final decision on the appointment of a sponsor resting with the Secretary of State for Education.

Therefore, officers have drafted the appropriate documents to establish this rigorous process and these are attached at Appendix A, B and C. This includes the draft advertisement for sponsors to alert them to the process, the application process to be utilised, and the assessment criteria to be used in analysing their application(s). In addition, there is a statement of the overall process and timescale for the appointment of the Academy Sponsor.

It is proposed that the responses from potential sponsors be evaluated by an officer / member working group with the conclusions reported back to Cabinet for decision.

### **3. Financial Considerations**

The Local Authority is responsible for providing the site for the new school and meeting all associated capital and pre-/post-opening costs. All new academy/free school proposals require the Secretary of State's approval and it is the Secretary of State who will enter into a funding agreement with the academy trust/sponsor.

The new schools at Hilton and Chellaston Fields will be funded through S106 agreements. Through these agreements, the Local Authority will secure land on which the new school will be constructed, and the construction of the new school will be by the respective developers to the Authority's requirement. The Authority will be required to provide loose furniture and equipment and IT. An allocation for this work will be the subject of a paper to Cabinet when more details are available.

Revenue funding will be required from the Local Authority to support the start of the school and the process of opening the new school until such time as it is financially self-sustaining when it will become the responsibility of the Academy Sponsor and the Education Funding Agency. In order to minimise this cost, the timing of the opening of the new school will be agreed at a later date to ensure that the progress of the development is sufficient to generate a genuine need for places at that time.

#### **4. Legal Considerations**

The guidance for the process of appointing an Academy Sponsor(s) is outlined in the Department for Education's Guidance 'School Organisation - Maintained Schools; Guidance for Proposers and Decision Makers January 2014 and 'the Free School presumption guidance, July 2015.'

Where a Local Authority considers there is a need for a new school in its area, it must seek proposals to establish an academy/free school.

In deciding the proposer with whom he/she will enter into a funding agreement, the Secretary of State will consider the view of the Local Authority. However, the Secretary of State reserves the right to put in place a sponsor of his/her own choice.

In the event that a suitable academy/free school proposal is not received, a statutory competition can be held with the consent of the Secretary of State (known as a section 7 case15).

It is possible to publish a proposal for new schools outside of academy presumption and competitions in a limited number of circumstances such as creating a new school out of existing infant and junior schools, but none of these circumstances are present in the case of Chellaston Fields and Hilton.

#### **5. Human Resources**

The appointment of the Head Teacher and other staff for the new academy will be the responsibility of the Academy Sponsor when the appointment is confirmed. The Local Authority may advise on the process but the selection and appointment of staff is undertaken by the Sponsor.

#### **6. Other Considerations**

In preparing this report the relevance of the following factors has been considered:- prevention of crime & disorder, equality of opportunity, environmental, health, human resources, property, economic regeneration and transport considerations.

**7. Call In** Is it necessary for the call-in period to be waived in respect of the decisions being proposed in the report? No

**8. Background Papers** These are held on file in the CAYA Development Section.

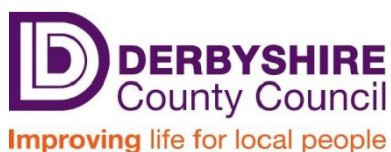
**9. Key Decision** No

## **10. Officer Recommendation**

That Cabinet approves the proposals for the Local Authority to initiate the process to appoint an Academy Sponsor for the new primary schools at Hilton and Chellaston Fields.

**Ian Johnson, Strategic Director for Children & Younger Adults**

## APPENDIX A



### APPLICATION FORM

#### NEW PRIMARY SCHOOL AT CHELLASTON FIELDS AND/OR HILTON, DERBYSHIRE

<b>Section A: Applicant details</b> (personal information will be treated in accordance with the Data Protection Act)		
<b>Main contact for this application</b>		
1.	Name	
2.	Address	
3.	Email address	
4.	Telephone number	
<b>About your organisation</b>		
5.	Please give details about your organisation or group	
6.	Has your organisation/group been approved by the DfE as an academy sponsor?	<input type="checkbox"/> Yes <input type="checkbox"/> No
7.	Outline some context about schools with whom you are working currently –  a) To what extent are you supporting and/or working with other schools in their school improvement and what impact has this had, or is having? b) Please provide details of the schools you are running/sponsoring currently?	

8.	How many schools do you have DfE approval to open in the next two years?	
9.	Did you put together this application with support from another company or organisation?	<input type="checkbox"/> Yes <input type="checkbox"/> No
10.	If Yes, please list the name(s) of the organisation(s) and describe clearly the role they played in developing your application. Please describe the role (if any) you envisage for them in setting up and/or running the Academy if your application is successful.	
11.	Through its members, directors or otherwise, does the company limited by guarantee have any formal or informal links (e.g. financial, philosophical or ideological) with any other organisations within the UK or overseas? These may include other Academy or Free School groups, other institutions, charitable bodies and/or commercial or non-commercial organisations.	<input type="checkbox"/> Yes <input type="checkbox"/> No
12.	If yes, please provide details	
13.	Would your proposed school be designated as having a religious character or have a faith ethos? Please give details below.	

<b>Section B: Strategic vision</b>	
<b>Section C: Education Plan</b>	
<b>Section D: Relationship with other schools, the Council and the wider education community</b>	
<b>Section E: Capacity and capability</b>	
<b>Section F: Financial planning and viability</b>	

**We confirm that:**

We will adhere to the Admissions Code	Yes/No
We accept the funding arrangements for set up and resourcing the school, including the fact that we will receive no further "Project	Yes/No

Management Funding”	
We will participate in the Local Authority’s agreed In Year Fair Access protocol	Yes/No

We understand that Derbyshire County Council does not bind itself to accept any of the submissions, and will not be responsible for any costs, expenses or losses of whatever nature incurred in connection with the process.

Signature .....

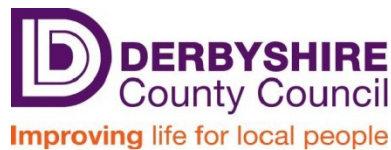
(Print Name .....)

Date .....

**Note: Application forms must be returned electronically no later than [Date] to: [Name & Address & E-mail]**



## APPENDIX B



### **INVITATION TO SUBMIT A PROPOSAL TO RUN A NEW ONE FORM ENTRY PRIMARY ACADEMY AT CHELLASTON FIELDS AND/OR HILTON, DERBYSHIRE**

#### **Introduction**

Derbyshire County Council (DCC), as the Strategic Commissioner of Education Provision in the County, is responsible for ensuring there are sufficient high quality places for all learners, while at the same time fulfilling the Local Authority's other responsibilities to raise education standards and be the champion of children and their families in securing good quality education.

The Local Authority has been working closely with its Partner Planning Authorities to identify where significant housing development will require new school place provision, and one area where demand is significant is South Derbyshire. The Local Authority has been working with the South Derbyshire Planning Authority to identify the impact of housing developments on education infrastructure. This has identified the need for a new school in Chellaston Fields and in Hilton to serve these growing communities. A school site has been identified within each housing development and plans for the new schools are the subject of on-going discussion.

The housing development in Hilton is estimated to produce approximately 120 additional pupils resulting in a demand for school places which cannot be met locally. The existing primary school within Hilton has grown to over 770 pupils and cannot expand further. Therefore, Derbyshire County Council is seeking a promoter for a new one form entry academy/free school that will serve the new housing development at The Mease, Hilton as well as working alongside the existing primary school.

The housing development in Chellaston Fields is estimated to produce approximately 90 additional pupils resulting in a demand for school places which cannot be met locally. The existing primary school within Barrow-on-Trent has 109 pupils, a net capacity of 105 and cannot expand further. Therefore, Derbyshire County Council is seeking a promoter for a new one form entry academy/free school that will serve the new housing development at Chellaston Fields as well as working alongside the existing local primary school.

The opening of the new schools will be the subject of discussion with the appointed Academy Sponsor to ensure they are timed to meet demand for places from the new housing.

## **Education Vision**

The vision for Derbyshire is to be the most forward looking area in England for education and learning so that this Local Authority is the best place for children and young people to grow up, learn, develop and achieve. Derbyshire is a place where families thrive and all children learn and develop well from the earliest years so that they are ready to succeed at school, have excellent foundations for learning and are equipped well for achievement in life, no matter what their background.

Derbyshire sets the expectation that every child and young person will make good progress in their learning, to achieve well and to have the best opportunities for an independent economic and social life as they become young adults. Every child and young person should go to a good or outstanding school, have access to the best teaching, and benefit from schools and other providers working in partnership with each other to share the best practice as they continue to improve.

## **Key Dates**

### **Event**

Invitation to submit a proposal published	TBA
New school community consultation commences	TBA
New school consultation drop-in session	Week commencing TBA
Deadline for receipt of applications	TBA
New school community consultation ends	TBA
DCC informs DfE of all proposals received	TBA
Promoter Assessment Panel meets	TBA
DCC submits all proposals to the Secretary of State	TBA

Secretary of State appoints the successful promoter

TBA

## **Project Details**

### **Admission Arrangements**

The published admission number for each school will be 30. It is expected that there would be a clear commitment to serve the local community of the new development at Chellaston Fields and at Hilton, and to support the creation of a community in these areas. The schools are intended to serve families living within walking distance of the school in order to reduce the need for car journeys. The calculation point for admissions purposes will be the entrance gate of the school site and it is from here that distances from the school will be measured. All promoters are required to follow the DfE School Admissions Code and the School Admission Appeals Code. Promoters will be required to participate in DCC's co-ordinated scheme for the normal admission rounds and DCC's In-Year Fair Access procedures.

### **The School Buildings**

The schools will be procured by DCC and built to the agreed EFA specification for a 1FE primary school. The site and buildings will be leased to the Academy/Free School Trust for 125 years. Fixtures and fittings will be provided by DCC.

### **Revenue Funding**

- **Furniture and Equipment:** £3k per classroom will be provided towards the cost of furniture and equipment. This will be given to the Trust for them to undertake procurement.
- **Start-up Costs:** DCC will provide a budget of £\* for start-up costs which will typically commence from January through to 31 August prior to the new school opening on 1 September \*. On opening, the new schools will be funded directly by the Education Funding Agency.
- **Pupil Growth Funding:** In accordance with the Pupil Growth Policy established by DCC [to be added].

The Indicative Budget for the The Mease Primary School, Hilton can be found on the web page link \*.

The Indicative Budget for the Chellaston Fields Primary School can be found on the web page link \*.

DCC will not pay further “Project Management Costs” to the Promoter. Therefore, potential promoters will need to confirm that they would be prepared to proceed on this basis if they are selected.

### **Application Process and Assessment Criteria**

Potential proposers are asked to complete the full application form available on the webpage.

**The full application form should be sent electronically no later than \* to – Ian Johnson, Strategic Director for Children and Younger Adults, Derbyshire County Council, Matlock, Derbyshire DE4 3AG**

### **School Specification**

The new primary schools will be located within the sites of the new housing developments at Chellaston Fields and at The Mease, Hilton.

### **Expected Opening Date**

It is anticipated that the schools will open September TBA and September TBA.

### **Age Range**

The age range of the schools will be 4 – 11 years.

### **Capacity**

The capacity of each school will be 210 pupils. There are two key principles that guide how the Authority wishes to see the new schools open.

- There should be sufficient places to ensure that families moving into the new housing developments are able to secure places at the schools;
- That the schools serving the new housing developments at Chellaston Fields and at Hilton do not open in a way that causes problems at the existing primary schools in Barrow-on-Trent or in Hilton.

DCC would wish to work with the Promoter to agree a pattern for opening of place provision to ensure this policy is maintained, whilst working with and supporting the existing local schools. These proposals will form part of the evaluation of bids. The maximum period the Authority would expect to provide additional support to the school as its numbers rise is four years.

### **Anticipated Structure of the School**

It is anticipated that the school may develop thus –

	September *	September *	September *	September *
<b>Reception</b>				From this stage in its growth, it is anticipated that the budget will be determined by numbers on roll and the school budget allocation.
<b>Year 1</b>				
<b>Year 2</b>				
<b>Year 3</b>				
<b>Year 4</b>				
<b>Year 5</b>				
<b>Year 6</b>				
<b>Guaranteed Funding</b>				

It is recognised that the Secretary of State will decide on which promoter with whom he/she will enter into a Funding Agreement. However DCC will make a recommendation to the Secretary of State as to its preferred provider, following evaluation according to our published criteria.

The DfE will only consider entering into a funding agreement with an approved sponsor. If you are a new proposer, you will need to go through the DfE's sponsor approval process and should contact the DfE as soon as possible and before submitting your full application form to us.

We will evaluate proposals received and provide the DfE with copies of the proposals and our assessment of them. Our assessment criteria (available on the webpage link above) mirrors, as far as possible, those used by the DfE. These focus on strategic vision, educational capacity and performance, financial planning and operational capacity and governance.

Additionally, the Local Authority would expect promoters to demonstrate –

- How they will ensure that pupil achievement and rates of progress are above national expectations;
- How they will ensure vulnerable groups of pupils perform as well as other children;
- That they have a strong culture of working collaboratively with other education providers locally and in other parts of Derbyshire, and specifically in Chellaston Fields and/or Hilton;
- How they will support the integration of the development of the new community in Chellaston Fields and/or Hilton, including their commitment to working in partnership with local stakeholders; and
- How they will work in close partnership with DCC. .

You will need to submit a focused and coherent education plan as part of Section C of the application. Also, you will need to submit a 3 year budget plan as part of Section D of the application.

### **Background Documents**

[Links to web page documents]

## APPENDIX C

### DCC Assessment Criteria

Applications to promote an Academy or Free School will be assessed using the Criteria detailed below. These relate to the sections and numbering on the application form. The responses will be evaluated by a working group of officers and members.

#### **Strategic Vision (*Section B of the Application Form*)**

The Local Authority will be using two criteria to assess this section of your application.

#### **Criterion B1 - Provides a clearly focused, coherent vision that underpins the application with a compelling rationale for establishing the school.**

You must -

- set out clearly why you are seeking to promote the school;
- identify any particular ethos you wish your school to have (including any religious or other beliefs);
- identify how your vision and ethos (including any religious or other beliefs) are reflected in the education plan and the curriculum; and
- set out your aspirations for the achievement of individual pupils, and the school as a whole, demonstrating your commitment to achieving outcomes and rates of progress above national expectations.

#### **Criterion B2 - Sets out how proposers will demonstrate they support UK democratic values**

You must:

- provide evidence that you support UK democratic values including respect for the basis on which UK laws are made and applied; respect for democracy; and
- support for individual liberties within the law; and mutual tolerance and respect and how you will ensure the academy meets this objective.

#### **Education Plan (*Section C of the Application Form*)**

The Local Authority will be using eight criteria to assess this part of your application.

You should only seek to address criterion **C8** if you are intending to be a faith ethos school, a school designated as having a religious character or if you are proposing a school with a particularly distinctive educational philosophy and worldview.

#### **Criterion C1- Explains the rationale for the proposed curriculum, how it reflects the needs of the anticipated pupil intake and the plans for their progression and transition.**

**Criterion C2 - Sets out a viable curriculum plan with appropriate focus on breadth and balance, core areas of learning, and calendar and timetable.**

You must:

- describe the curriculum, setting out how it will be broad and balanced; and
- detail your expectations around the length of the school day, term and year.

**Criterion C3 - Shows how the staffing structure will deliver the planned curriculum.**

You must:

- set out plans showing an appropriate and phased development of the staffing establishment in line with planned pupil numbers and financial resources;
- describe the final staffing structure and show how it is sufficient, affordable and appropriate to deliver the education vision and plan; and
- set out the structure of the senior leadership team, middle leaders, teaching staff and any non-teaching support staff, as well as a clear description of their roles and responsibilities, both in the development phase of establishing the staffing structure and when at full capacity.

**Criterion C4 - Sets out a clear strategy for ensuring that the needs of pupils with differing abilities are met.**

You must:

- demonstrate an awareness of the varying needs of individual pupils and have an effective strategy for meeting them, including supporting those who need it and stretching the most able (gifted and talented pupils);
- show how you will use ICT, other agencies and partners' resources to support the learning and maximise the achievement of pupils of varying abilities and needs;
- describe the strategies you will use to overcome barriers to learning and achievement, such as having English as an additional language;
- set out how you will have regard to the Special Educational Needs Code of Practice; and
- set out your approach to supporting disabled pupils and pupils with special educational needs, including those with and without a statement of special educational needs to ensure they are fully included;
- set out your approach to ensure that Children in Care and disadvantaged children make more than expected progress utilising the Pupil Premium.

**Criterion C5 - Details the definitions and measures of success which will deliver their aspirations for pupil achievement.**

You must:

- outline the targets that are proposed, why they are suitable to measure the delivery of your education vision, and what your strategy will be to achieve them;



- describe the proposed success measures for individual pupils and the whole school, including teaching;
- explain how these success measures will be monitored, reviewed and reported, including your plans to develop pupil assessment and tracking systems;
- explain how pupil progress will be reported to parents/carers, how their views will be gathered and how parents/carers will play an active role in improving their child's progress, and
- confirm your willingness to engage in annual standards and performance review with the Local Authority.

**Criterion C6 - Describes the admissions policy, confirming commitment to fair and transparent admissions practices.**

You must:

- set out your admissions policy, including the criteria to be used to prioritise places if your school is oversubscribed. (Your admissions policy must be in accordance with the School Admissions Code, the School Admissions Appeals Code and admissions law as it applies to maintained schools.)

**Criterion C7 - Describes how the approach to behaviour management, pupil wellbeing and attendance will improve pupil outcomes.**

You must:

- set out detailed strategies for promoting good behaviour and attendance;
- describe how you will promote pupil wellbeing, including through pastoral care and strategies for tackling bullying;
- describe how these strategies are informed by your education vision and linked to raising standards and educational outcomes; and
- explain how you will help to achieve Derbyshire's vision of zero permanent exclusions.

**Criterion C8 - (If Appropriate) The application to set up a faith ethos Academy or Free School, a school designated as having a religious character, or one with a particularly distinctive educational philosophy and worldview, shows how the needs of all children are fully provided for within the education plan.**

If you are proposing a school designated as having a religious character or a school with a religious ethos, you must:

- describe how you will ensure that the school will be welcoming to pupils of all faiths and none, and show how the school will meet the needs of pupils of other faiths and none. You will need to set out how you think school policies will impact on these pupils. You will need to consider uniform and the wearing of religious symbols, the school meals you will provide and whether there will be dietary requirements, your religious education curriculum and the nature of collective worship; and
- explain how the school's religious character or ethos will be reflected in the curriculum, including what percentage of your timetable will be devoted to religious education and other faith-related subjects and why this percentage is appropriate. Please set out what alternatives will be available for pupils not of the faith.

If you are proposing a school with a particularly distinctive educational philosophy and worldview, you must:

- describe how you will ensure that the school will be welcoming to all pupils within the local community. You will need to set out how you think the curriculum and school policies will impact on all pupils and how you will explain the curriculum to parents and pupils who are not familiar with this alternative method; and
- confirm what percentage of time is devoted to each subject.

### **Relationships with other Schools, the Local Authority and the Wider Education Community (*Section D of the Application Form*)**

The Local Authority will be using one criterion to assess this section of your application.

**Criterion D1 - Demonstrates how the promoter will work with and for the local community and is committed to work for the benefit of the wider education community.**

Proposers need to demonstrate/provide details on –

- your understanding of the community that the Academy will serve and how your education plan addresses the needs of that community;
- how you will make the school attractive to pupils of different backgrounds and abilities. This should include pupils from deprived or disadvantaged families;
- arrangements for home to school partnerships and communications to ensure parents are fully engaged in all aspects of their child's development and achievement;
- how you will demonstrate your commitment to working collaboratively with other schools, and in particular the existing Hilton Primary School, and in close partnership with Derbyshire County Council; and
- arrangements you will put in place to make the building and facilities available to the local community outside of school hours.

### **Capacity and Capability (*Section E of the Application Form*)**

The Local Authority will be using three criteria to assess this part of your application.

**Criterion E1 - Demonstrates a clear understanding of the respective roles of the company members, governing body and principal in running the school.**

You must -

- clearly describe in both writing and in a diagram the structure, lines of accountability and methods of escalation between the company members, the school's directors (who also act as governors and trustees) and the principal;

- define clearly and set out the respective roles and responsibilities of the company members, the directors (who also act as governors and trustees), any proposed committees and the principal; and
- set out your protocols for avoiding and minimising conflicts of interest, confirming any you have already identified, and for securing independent challenge to executives.

**Criterion E2 - Shows how the promoter will access appropriate and sufficient educational, financial, and other expertise to deliver their vision.**

You must -

- show that you have identified the educational resources, people and skills that you will need to set up and operate a school;
- show that you have identified the resources, people and skills that you will need to set up arrangements for and undertake the financial management of a school;
- show that your group has identified other relevant expertise, such as individuals or organisations with successful experience of setting up a new organisation or business, school governance, human resources, ICT, property/construction, marketing and project management;
- confirm sufficient time commitments to the project from relevant individuals;
- explain how work on this school will be balanced against the development of others if your group is seeking to establish more than one school; and
- set out clear and detailed plans for identifying and securing any necessary expertise currently missing from your group.

**Criterion E3 - Provides realistic plans for recruiting a high quality principal, other staff and governors in accordance with the proposed staffing structure and education plans.**

You must -

- set out plans for recruiting your school's principal (head teacher) and the role you envisage him/her playing in the pre-opening phase;
- set out your plans for recruiting and developing high quality members of staff;
- identify for DCC any individuals you have identified already as prospective governors and their relevant skills and expertise; and
- describe how you will identify and appoint committed governors with the necessary skills to oversee both the establishment and running of a school.

**Financial Planning and Viability (*Section F of the Application Form*)**

The Local Authority will be using one criterion to assess this part of your application.

**Criterion F1 - Provides accurate financial plans that are consistent with the rest of the application and based on realistic assumptions about income and expenditure.**

You must –

- set out your views on the key financial challenges you might encounter and how you will seek to address these;
- detail the systems you would put in place to ensure that the school's finances are properly managed;
- outline your assumptions in estimating the income and expenditure for the school, and confirm which benchmarking data you have used;
- explain any unusual items of income and expenditure in the financial plans;
- show that you have allowed for unforeseen contingencies;
- demonstrate that any third party income you have included is realistic and achievable; and
- confirm agreement to proceed according to the local authority's revenue funding arrangements set out in the 'Invitation to Submit a Proposal'.