

Process for the Local Authority commissioning a new Free School in Worcestershire

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1. Background

This process is based on the advice provided by the Department for Education (DfE) in their guidance document "School Organisation – Maintained Schools – Guidance for proposers and decision makers" January 2014. The advice is non-statutory but does lay out the process the DfE advises LAs to follow when opening a new school. The amendment to this document are in line with the guidance "Establishing a New School: Free School Presumption 12th February 2016. The Annex referred to in this document can be found alongside the DfE guidance on the following website:

<https://www.gov.uk/> and search for establishing a new school: free school presumption.

2. Proposed Process

- a) Worcestershire County Council (WCC), in its role as commissioner has a statutory duty to plan and secure sufficient schools for its area. If the need is identified for a new school WCC, in line with *Free School Presumption* has a duty to seek proposals to establish a Free School.
- b) It is possible to publish proposals for a new school outside of the academy presumption in limited circumstances. These are:
 - o A new community or foundation primary school to replace a maintained infant and maintained junior school
 - o A new voluntary-aided school (See flow diagram 3)
 - o A new foundation of voluntary school resulting from a reorganisation of existing faith schools
 - o A new foundation or community school where suitable academy/free school has not been identified and a competition has been held but didn't identify a suitable provider (see flow diagram 2)
 - o A former independent school wishing to join the maintained sector
 - o A new LA maintained nursery school
- c) Following confirmation of identified need, WCC will carry out a six-week consultation, including a public meeting or meetings, with the local community and other interested parties on the proposals and site. This is not a statutory requirement but fits with the best practice previously adopted by WCC. Also at this time we will notify the DfE via freeschool.presumption@education.gsi.gov.uk and confirm the site and that capital and revenue funding will be provided by the County Council. As part of this consultation the LA will also carry out an impact assessment on potential impact on local schools and equality impact assessment.
- d) Following consultation, a report will be submitted to Cabinet seeking approval for the publication of proposals. If approved,
- e) We will publish on the County Council website and commissioning portal proposals for a new school and invite potential proposers/sponsors to apply. Allow a period of at least 4 weeks. The specification will be clear and will be in line with the DfE *Annex A: model specification template for local authorities seeking proposals to establish a new school*. The specification will include:
 - o Type of school
 - o Age-range
 - o Gender
 - o Capacity
 - o Expected cost

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- Site details
- Proposed opening date
- Any proposed weighting to criteria to be considered by LA

Only approved sponsors will be considered by the Secretary of State. Any potential sponsors not on the list will need to start this process.

- f) Responses to the specification will be returned by the potential sponsors using a template based on *Annex B: model application form for proposers applying to establish new free schools*.
- g) Notify the DfE so that the information can be published on their website and inform the Independent Academies Association and New Schools Network to alert potential proposers/sponsors. Information will be sent to free school email address and include:
 - A copy of new school specification
 - Confirmation LA:
 - has capital funding and sources
 - will meet all pre/post opening costs
 - will provide a site
 - Address of new site
 - Information on site ownership
 - Copies of impact assessments
 - Link to website where information will be held.

At this point we will also confirm with DfE their involvement in the review process. This can be:

- To sit on panel in an observational capacity and feedback on potential sponsors as appropriate.
 - To be part of the review panel.
 - To provide written feedback on the proposers (allow 15-20 working days).
- h) Following closing date the LA will invite the proposers to interview to present their proposals and answer any questions we might have to clarify matters. This information will be fed into the formal review panel. This will be used to assess the potential sponsors' applications and will take place at least 4 weeks following closure to allow the DfE to gather information to feed into the process. Copies of all proposals will be forwarded to the DfE. Assessment of the information supplied will be undertaken in line with *Annexe C: model criteria for local authorities and proposers*. based on the following criteria to establish a preferred provider if possible:
 - Vision for school,
 - Education plan
 - The curriculum
 - Measuring pupil performance
 - Staffing structure
 - Ensuring inclusivity
 - Capacity and capability
 - i) Marking for the applications will be in line with DfE recommendations. Any weighting will be indicated in the specification:
 - 0 – Evidence inadequate
 - 1 – Evidence adequate
 - 2 – Evidence good
 - 3 – Evidence excellent

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- j) Following the panel review, we will notify the Secretary of State of our recommendation for sponsor
- k) The Secretary of State, via the Regional Schools Commissioner, will agree "in principle" sponsor and notify LA. At this point the LA will inform all unsuccessful applications and put information on website.
- l) Initial funding of £25k will be provided to the successful proposer from the DfE. The LA and selected proposer will work together to agree reasonable and mutually acceptable funding allocation.

This process is set out as a Flow Diagram 1 below.

3. S7 of EIA 2006

In the unlikely circumstance that a school is not identified via the free school presumption then the LA will follow flow diagram 2 below.

4. S11 Proposals

Cabinet has taken the view that any faith body wishing to open a new faith school to meet our Basic Need requirements will need to apply in the normal way and be judged against other proposals on its merit.

Should a faith body wish to apply under s11 they need to follow flow diagram 3 below and prove the demand for a faith school. The decision will be made by Cabinet.

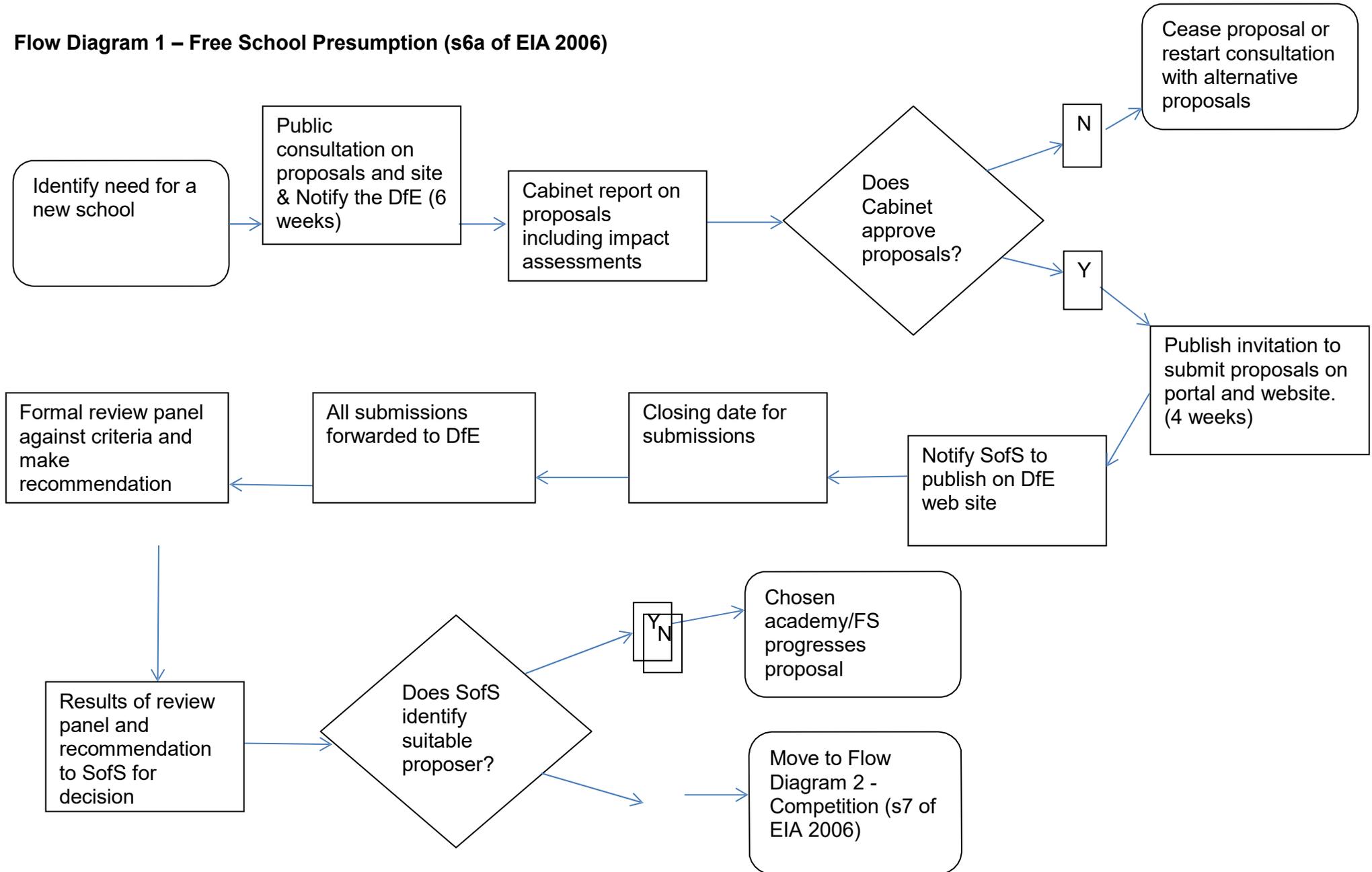
5. New school – capital works

Where Worcestershire County Council identifies a need for a new free school as a result of basic need, we will commission its construction by using our standard procurement methods. Where the need for a new school is as a result of housing, the council may agree as part of the s106 process for the developer to design and build the school in lieu of a financial contribution.

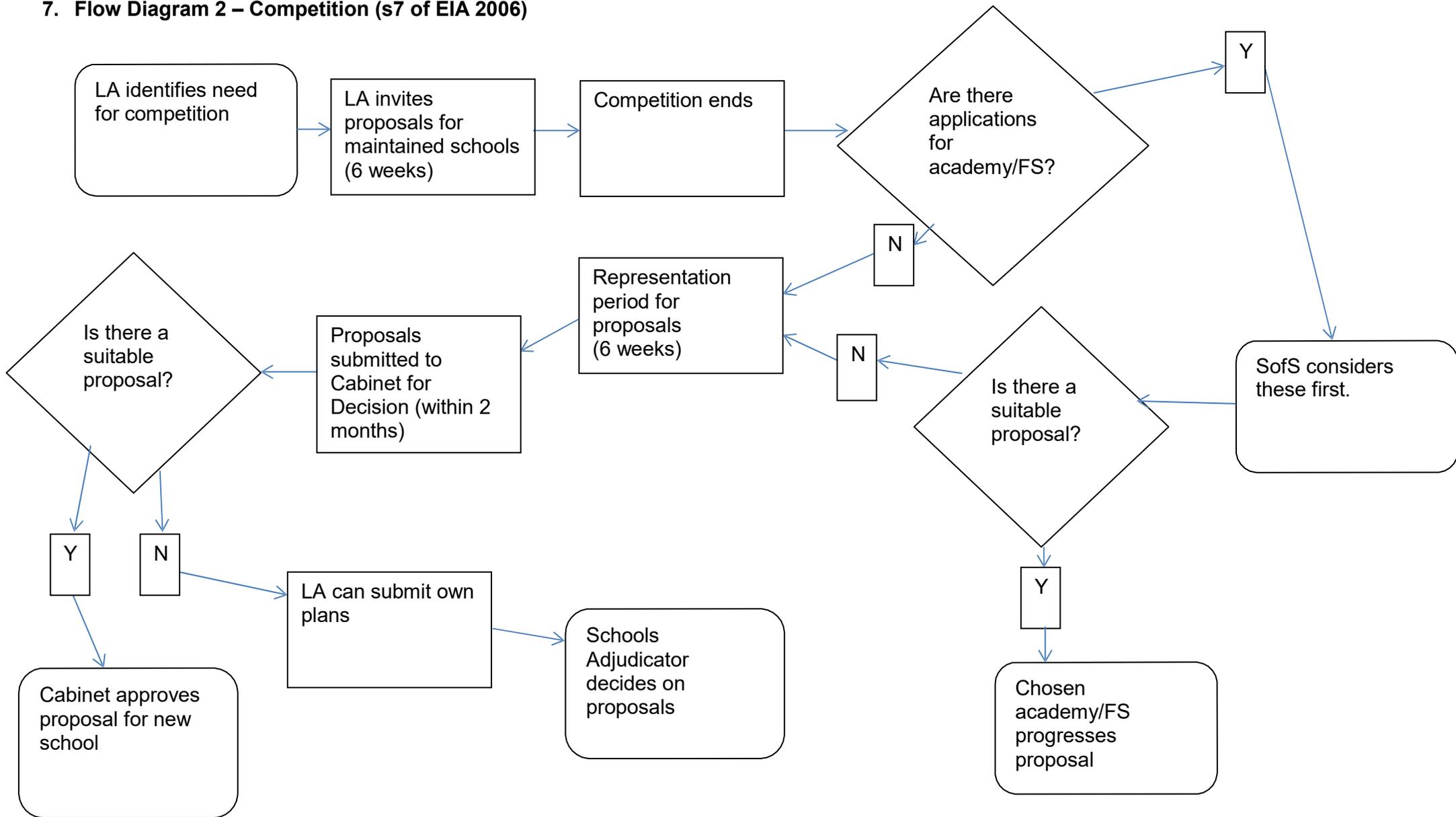
The specification for the new school will be in line with the appropriate building guidance and Worcestershire's own guidelines.

Where a sponsor has been agreed by the Secretary of State, we will work with them on any agreed design to take into account their ideas. Any changes to the agreed specification will need to be cost neutral or via alternative funding sources, as no additional funding will be agreed above that laid out in the original specification.

6. Flow Diagram 1 – Free School Presumption (s6a of EIA 2006)



7. Flow Diagram 2 – Competition (s7 of EIA 2006)



8. Flow diagram 3 – s11 Proposals

