Summary Sheet

Council Report
Cabinet and Commissioners Decision Making Meeting – 11 September 2017

Title
Appointment of the Academy Sponsor for the Proposed Primary School on the Waverley Development Site.

Is this a Key Decision and has it been included on the Forward Plan?
Yes

Director Approving Submission of the Report
Ian Thomas – Strategic Director, Children and Young Peoples Services (CYPS)

Ward(s) Affected
Holderness, Rother Vale, Brinsworth and Catcliffe.

Report author:
Dean Fenton (Service Lead – School Planning, Admissions and Appeals)
01709 254821 or dean.fenton@rotherham.gov.uk

Executive Summary

The Waverley development site is a new residential and business community based in Rotherham. The site has outline planning consent for up to 4,000 homes, retail units; cafes; community facilities; hotel; two primary schools and green infrastructure.

Following the construction and occupation of 550 dwellings, the Local Authority (LA) has a responsibility to ensure an education sponsor is appointed for the first primary school proposed for the site.

This report details the appointment of Aston Community Education Trust (ACET) as sponsor for the proposed first primary school, as procedures commence to establish a primary school on the site.
Recommendation

That the appointment of Aston Community Education Trust (ACET) as sponsor for the first proposed primary school at the Waverley development site be noted.

List of Appendices Included
Nil

Background Papers

Report to:

Cabinet Member for Children, Young People and Family Services
5th December 2012
Proposal to establish catchment area arrangements for the Waverley Estate

Cabinet Member for Children, Young People and Family Services
16th March 2013
Annual update on the Waverley Development

Cabinet Member for Education and Public Health Services
15th July 2015
Annual update on the Waverley Development

Cabinet and Commissioners decision making powers
11th July 2017
Report seeking approval to commence procedures to establish primary education provision at Waverley.

Consideration by any other Council Committee, Scrutiny or Advisory Panel
No

Council Approval Required
No

Exempt from the Press and Public
No
Appointment of the Academy Sponsor for the proposed primary school on the Waverley development site.

1. **Recommendations**

1.1 That the appointment of Aston Community Education Trust (ACET) as education sponsor for the first proposed primary school at the Waverley development site be noted.

2. **Background**

2.1 Rotherham Metropolitan Borough Council (RMBC) has a historic annual profile of satisfying 90% + parental first preferences in relation to entry to primary school on national offer day and continues to remain above the national average.

2.2 Following a report to Cabinet on 11th July 2016 (item no 47) seeking approval to commence procedures to establish primary education provision at Waverley, a selection process has been completed to appoint an Academy/Free School education sponsor under the Department for Education (DfE) – Academy/Free School presumption for new school establishment.

2.3 The Waverley development will provide up to 4,000 new residential dwellings with a developer education infrastructure contribution agreement of £11.2M in place made under Section 106 of the Town and Country Planning Act 1990 (S106). This would create two primary schools both with a two form entry with 60 pupils per year group.

2.4 The Section 106 agreement trigger points for the release of funding to develop the primary provision are contractually agreed as follows:

   2.4.1 *Occupation of the 550th dwelling will release funds for the design / procurement process for the first new school. (5% of total funding for the education contribution)*

   2.4.2 *Occupation of the 750th dwelling will release funds to build the first primary school which will eventually be a 2 form entry primary school. (45% of total funding for the education contribution)*

   2.4.3 *Occupation of the 1550th dwelling will release funds for the design / procurement process for the second new school. (5% of total funding for the education contribution)*

   2.4.4 *Occupation of the 1750th dwelling released funds for a second 2 form entry primary school. (45% of total funding for the education contribution)*

2.5 The position on the Waverley site is that, as of December 2016, 550 dwellings were occupied, activating the first funding release trigger point. It should be noted that the full pupil yield from occupation of new dwellings does not occur instantly.
2.6 Table one, in point 6.1 of this report, provides a provisional timeline of landmark events and critical actions. These actions are required between September 2016 and the potential opening date of the school in 2020.

2.7 It should be noted at this stage the timeline in table one is provisional and based on current building and occupation of dwelling rates. This could be subject to amendment should the current timeline be affected by the housing market at Waverley.

2.8 Any new school being established under current DfE policy will be an Academy or Free School. Sponsorship of the Waverley School is being established in line with DfE guidance and processes to enable the successful sponsor to work with the Local Authority (LA) from the outset in relation to the design, build and establishment of the first school.

2.9 In order to establish sponsorship arrangements for the proposed new school, the LA established a Waverley new school website at www.rotherham.gov.uk/waverley/ and facilitated a series of stakeholder information sessions for local residents; Elected Members; Local Parish Councils; neighbouring schools; governing bodies and other key stakeholders including potential sponsors between July and October 2016, which will be prior to commencing the process to select and appoint a preferred Academy / Free School sponsor for the school.

2.10 A prospectus was developed and published in October 2016 outlining the need for the new School and inviting expressions of interest to be submitted by 16th December 2016. These details were submitted to the DfE and placed on their ‘LAs seeking sponsors’ web page along with the link to the Waverley school website. The LA received 10 expressions of interest from sponsoring academy trusts by the submission deadline.

2.11 As required by the DfE, the expressions of interest were submitted to the department who requested 4 weeks to assess the quality of submissions and provide the LA with their feedback in relation to sponsors capacity; current performance and current ability to sponsor the proposed new school.

2.12 Given that eight of the ten expressions of interest were submitted by Rotherham based Academy Trusts, the LA’s Education and Skills Officers leading and supporting the process were unable to participate in the selection process due to conflicting interests, as a result of partnership working in the Borough and a decision was made to recruit an external education expert to constitute the selection panel and keep the selection process fair and unbiased given local professional connections.

2.13 A recently retired Assistant Director of Education from another LA was appointed by the Strategic Director for Children and Young People’s Services to constitute and chair a selection panel to ensure all applicant sponsors were treated in a fair and equitable manner. The panel was constituted as follows by the chair:

- Chair of the panel from North Yorkshire
- Cabinet Member for Children and Young People’s Services at Rotherham Metropolitan Borough Council
• National Leader of Education – Academy Executive
Headteacher from York with recent experience of successful appointment as sponsor for a new school
• Early Years leader from Nottinghamshire
• National Leader of Governance from Rotherham – not connected to any applicant schools
• Waverley resident – appointed from the Waverley Residents association
• Business leader from the Advanced Manufacturing Park (AMP) at Waverley

2.14 Following receipt of feedback from the DfE, shortlisting took place on 13th February 2017 and shortlisted applicants were invited back to a second stage of selection on 6th March to present their vision for Waverley education to the Pupil School Council of Rockingham Junior and Infant School and, on the 16th and 17th March 2017, applicants also presented to the selection panel.

2.15 At the end of the selection process, the selection panel put forward a preferred sponsor nomination of ACET to the LA. The LA, as required by statutory process, submitted this nomination along with the required supportive documents to the Regional Schools Commissioner for approval at the April Headteacher Board meeting.

3. Key Issues

3.1 The shortlisting and selection process used by the panel followed both DfE guidance relating to selecting a sponsor under the Academy/Free School presumption process and RMBC procurement procedures.

4. Options considered and recommended proposal

4.1 A longstanding Section 106 of the Town and Country Planning Act 1990 funding agreement stipulates the funding release trigger points and timescale for the use of the funding to create primary school education infrastructure.

4.2 DfE guidance stipulates that any new school must be opened under the Academy/Free School presumption procedure.

5. Consultation

5.1 A series of stakeholder events were organised between July and October 2016, attended by over 150 stakeholders which included: Waverley residents; local business leaders; elected Parish and Borough Council Members; Members of Parliament; local school leaders and Academy Trust representatives as potential sponsors, to outline the Waverley school proposals and plans and to ascertain the views and opinions of stakeholders in advance of commencing the sponsorship process. This was completed in line with the requirements of the DfE guidance of June 2013 – Establishing a new school.
5.2 A Waverley new school website was also established as outlined in section 2.9 of this report and a potential sponsors ‘drop in session’ was organised at Waverley on 28th November 2016, to enable potential sponsors to visit Waverley and clarify any points relating to the expression of interest and sponsorship process, prior to the closing date.

6. **Timetable and Accountability for Implementing this Decision**

6.1 Provisional timeline – subject to trigger points being reached to release funding and statutory planning processes being completed (this also dictates the length of the timeline below):

**Table One (provisional timeline)**

<table>
<thead>
<tr>
<th>DATE</th>
<th>ACTION / LANDMARK EVENT</th>
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<tbody>
<tr>
<td>September 2016</td>
<td>Commence process via DfE protocol to appoint an Academy Sponsor.</td>
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<tr>
<td>December 2016</td>
<td>550th dwelling occupied – triggers release of 5% (£0.56m) of total funding for design phase</td>
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<tr>
<td>January – May 2017</td>
<td>Select Academy Sponsor and report to Cabinet to endorse selection panel’s recommendation and approval from Regional Schools Commissioner / DfE</td>
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<tr>
<td>June 2017</td>
<td>Commence ‘consultation and design of new school’ period</td>
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<tr>
<td>May 2018</td>
<td>750th dwelling occupied – triggers release of 45% (£5.04m) of total funding for the building of a 1 form entry primary school (phase 1 of 2 in relation to school 1)</td>
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<tr>
<td>August 2018</td>
<td>Design code approval</td>
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<tr>
<td>September 2018</td>
<td>Submit planning application</td>
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<tr>
<td>December 2018</td>
<td>Planning Board determination of planning application</td>
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<tr>
<td>January 2019</td>
<td>Application to discharge pre commencement conditions</td>
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<tr>
<td>June 2019</td>
<td>Commence build project</td>
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<tr>
<td>September 2020</td>
<td>School opens</td>
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7. **Financial and Procurement Implications**

7.1 The school building project will be procured through the ‘YorBuild’ framework. Funding of £5.58m (within the approved Capital Strategy 2017-2022, approved by Council on 8th March 2017) for the school build will be provided through a Section 106 of the Town and Country Planning Act 1990 funding agreement.

7.2 The Section 106 agreement will ensure that funding is available on a phased basis for Waverley new school provision, as legally binding trigger points for the release of funds are reached. A total of £11.2m is tied to legally agreed trigger points as outlined in sections 2.3 and 2.4 of this report.
7.3 Pre start up and diseconomies funding for the new school up to the end of the first year of operation will be allocated from the Contingency for Pupil Growth Fund within the Schools Block of Dedicated Schools Grant, as directed under DfE requirements, using a formula for funding allocation agreed by Schools Forum.

8. Legal Implications

8.1 The proposals set out in this report are in line with the Authority’s statutory duty under section 6A of the Education and Inspections Act 2006, which requires LA to seek proposals for the establishment of an Academy where there is a need for a new school to be established in its area. This is known as the free school presumption.

8.2 Following completion of the build project there will need to be a transfer of land and building assets to the Academy Trust sponsoring the school as required under the DfE’s Academy conversion process.

9. Human Resources Implications

9.1 The new school will create employment opportunities in relation to school leadership; teaching; learning support and ancillary posts such as caretaking; cleaning and catering, following opening of the school. All employees will be recruited and employed directly by the Academy Trust. Some ancillary roles such as caretaking, cleaning and catering may be contracted services however; this is for the Academy Trust Board to determine.

10. Implications for Children and Young People and Vulnerable Adults

10.1 It is proposed to create Early Years, Special Educational Needs resources along with other services for children and families on site, in addition to mainstream primary school education facilities. The school will be designed to ensure it is fully accessible in relation to both physical and learning resources to enable pupils of all abilities to access education at the school.

11. Equalities and Human Rights Implications

11.1 The new school will allow more parents and carers from Waverley to access their first preference of school in future years allowing their child to access primary stage education in a modern, inclusive and innovative learning environment.

12. Implications for Partners and Other Directorates

12.1 There may be some initial impact on neighbouring schools’ pupil numbers when the new school opens, as there will inevitably be some pupil movement as parents and carers apply for a place at the new school for their child. This however, would be mitigated and minimised as far as possible, as the first new school would open initially as a one form entry school (30 pupils per year group) and would not open to all year groups in the first year of operation, as the school will require time to establish a staff group and working arrangements and build relationships with pupils and parents/carers, prior to commencing statutory tests and assessments.
12.2 For the reasons outlined above, the school is likely to open to specified year groups and subsequent Reception / Foundation Stage 2 pupils in the years following, so the school pupil population increases year on year.

12.3 There will need to be involvement and engagement with the Planning Department, Asset Management Services, Finance Section and Schools Forum, who will all be engaged and involved in the development of the new school. This will be managed by the Waverley Project Groups coordinated regular progress meetings and reporting to the Council’s Senior Leadership Team and Elected Members at appropriate points.

13. **Risks and Mitigation**

13.1 The main risk when establishing school catchment areas in a new development is that there could be too much demand for a specific school due to a disproportionate amount of housing generated pupil yield compared to place availability. The risk will be mitigated; as more houses are built, the clearer the boundary for catchment areas can be defined.

13.2 There are always risks and uncertainties when school place provision is considered, since future pupil numbers are based on estimations. Excess provision at one school could influence pupil numbers at other schools. The LA uses the DfE model formula for pupil number forecasting and it is projected that for 1,000 houses within the development this will generate an eventual pupil yield of 30 pupils per year group - hence the phased implementation of primary school provision within the development to mitigate risk. LAs are obliged, however, to provide sufficient places, promote diversity and increase parental preference.

14. **Accountable Officer(s)**

Karen Borthwick (Assistant Director for Education and Skills)

**Approvals Obtained from:**

Finance and Customer Services: Mark Chamber (Finance Manager) / Jonathan Baggaley (Finance Manager)
Date: 28.3.2017

Legal Services: Neil Concannon (Solicitor)
Date: 12.4.2017

Procurement: Helen Chambers (Principal Officer)
Date: 7.6.2016

Human Resources: Paul Fitzpatrick (HR Business Partner)
Date: 20.3.2017

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