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| Meeting        | Cabinet Resources Committee  |
| Date           | 20 June 2012   |
| <b>Subject</b> | <b>Arrangements for commissioning a new school at Mill Hill East</b>   |
| Report of      | Cabinet Member for Education, Children and Families  |
| Summary        | This sets out the proposed arrangement for commissioning a new school to meet the needs of a new community at Mill Hill East and seeks Members' agreement to this. |

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| Officer Contributors                        | Elaine Tuck, Strategy and Planning Manager, Children's Service;<br>Val White, Assistant Director, Policy, Planning and Performance       |
| Status (public or exempt)                   | Public   |
| Wards Affected                              | All  |
| Key Decision                                | No   |
| Reason for urgency / exemption from call-in | n/a  |
| Function of                                 | Executive  |
| Enclosures                                  | None   |
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## **1. RECOMMENDATIONS**

- 1.1 That Cabinet Resources Committee agree the requirements and factors to be considered when commissioning a new primary school within the Mill Hill East regeneration area as set out in the body of this report.

## **2. RELEVANT PREVIOUS DECISIONS**

- 2.1 Cabinet Report, 3 November 2011, 'Proposed phasing of primary school expansions and investment strategy to meet demand for secondary school places' set out the new schools proposed as part of regeneration, including a primary school at Mill Hill East. It agreed a Council contribution towards a new school at Mill Hill East, and the commissioning of a new primary school at Mill Hill East through the Strategic Partnering Agreement with Kier London, subject to the demonstration of value for money.
- 2.2 Cabinet report, 20 June 2012, 'Arrangements for commissioning new schools' set out the implications of new legislation for commissioning new schools and sought Members' approval for a Barnet approach to commissioning new schools.

## **3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS**

- 3.1 Barnet schools are among the best in the country; 91% are rated good or outstanding by Ofsted and are highly valued by residents. 'Ensuring every school is a good school for every child and targeting support at young people at risk of not fulfilling their potential' is a strategic objective in the Corporate Plan 2012 - 2013, under the corporate priority 'sharing opportunities, sharing responsibilities'. This is also a key priority in the partnership Barnet Children and Young People Plan 2010-2013. It is important that the educational vision for new schools supports high standards and that new schools help to meet the educational needs of their local communities.
- 3.2 Supporting regeneration through the commissioning of new educational provision, including at Mill Hill East, contributes towards the strategic objective 'sustain Barnet as a successful place through regeneration, and promoting enterprise and employment' in the Corporate Plan 2012-2013.
- 3.3 Government is enabling schools to become more autonomous, especially if they choose to become academies or set up as free schools. Barnet is supportive of schools that wish to convert to academy status, and of the establishment of free schools to meet local requirements where there is evidence of demand, a robust business case and available property.

## **4. RISK MANAGEMENT ISSUES**

- 4.1 As any new school must now, in the first instance, be a free school or academy the Council will need to grant a long lease to the sponsor chosen by the Department for Education. As such, all land and assets would transfer to

the school. The Mill Hill East Area Action Plan specifies that: 'The primary school will include multi-purpose spaces for use by the community. Appropriate uses may include adult education classes, local meeting space and crèche facilities. High quality sports pitches are proposed to support the school in line with DCSF (now Department for Education) and Sport England standards. These should also be made available for community group use and will contribute to recreational provision.' To ensure that the proposed new school at Mill Hill East makes its facilities available for community use in line with the Mill Hill East Area Action Plan this requirement will be made clear to new school proposers and highlighted to the Department for Education when proposals are being considered.

- 4.2 There is a risk that the new school will not support the aims of the Mill Hill East Action Plan in relation to meeting the educational needs of the new development. The Area Action Plan states that 'a preliminary assessment of education impacts indicates that the proposed new development would generate the need for the provision of a new primary school on site and additional secondary school places.' It is not yet known the demographic characteristics of families that may chose to move into the new development. There is no reason to suggest that these will not reflect the overall Barnet population. As such, the new primary school will need to be accessible to all children within the new housing development. This requirement will be made clear to new school proposers and highlighted to the Department for Education when proposals are being considered. A risk remains that school places at Mill Hill East might not serve the needs of the new community, as the Department for Education makes the final decision about which proposer can set up a new academy or free school.
- 4.3 The Mill Hill East Area Action Plan also specifies that 'Sustainable transport modes including walking, cycling and public transport must be encouraged and suitable routes/ facilities designed into the development in order to meet the overarching policy objectives of creating a sustainable and successful 21st Century suburb.' This requirement will also be made clear to new school proposers and highlighted to the Department for Education when proposals are being considered.
- 4.4 The Department for Education has issued advice stating that in the case of lead-in and setup costs, the Department will discuss with the Local Authority on a case by case basis and agree how to meet these. The Department expects Local Authorities will make some contribution to these costs until longer term funding arrangements are made. Due to proposed changes to the schools funding formula, there is a risk that this might require non schools Local Authority funding. Clarification is being sought from the Department for Education as to the extent of Local Authority funding expected and whether it would be provided via the Dedicated Schools Grant or non schools funding. Any revenue commitment that falls to the Council would be set out in the report to Cabinet Resources Committee (see 9.6).

## **5. EQUALITIES AND DIVERSITY ISSUES**

- 5.1 The new school needs to meet the educational needs of the new community and the demographics of families that choose to move into the new development at Mill Hill East are not yet known. The current ethnicity of Barnet's under 20 population includes 56.9% White, 10.2% Other, 9.0% Black African, and 8.2% Indian. The 2001 Census data shows that 42.2% of Barnet's under 16 population were Christian, 24.8% no religion/religion not stated, 15.7% Jewish, 8.7% Muslim, and 6.5% Hindu. Given the current diversity of Barnet's child population, it is important that the new school at Mill Hill East is inclusive, and proposers will need to demonstrate how they will serve this new community.
- 5.2 Proposers will also need to demonstrate how they will ensure inclusive practices and provision for pupils with differing needs, for example children with special educational needs. 2% of children in Barnet schools have statements of Special Educational Need.

## **6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)**

### **Procurement and Value for Money**

- 6.1 As part of the regeneration of Mill Hill East, agreement has been reached with the development partners for funding for a new primary school with associated playing fields through section 106 contributions of £9m. As set out in 2.1, Cabinet on 3 November 2011 agreed a Council contribution towards a school at Mill Hill East, and the commissioning of the new primary school at Mill Hill East through the Strategic Partnering Agreement with Kier London, subject to the demonstration of value for money.

### **Finance**

- 6.2 There are no financial implications from the proposed process set out in this report for commissioning a new school at Mill Hill East. Any additional administrative cost will be met from within existing Children's Service budgets. Potential financial risks are covered in section 4.4.

### **Property**

- 6.3 The assets and land associated with the new primary school at Mill Hill East would transfer to the academy trust or free school proposers. This would normally take place via a long lease, with the freehold retained by the Local Authority.
- 6.4 Subject to timescales, the chosen new school proposer would be involved in the design of the building to help ensure that it supports their educational vision. The Local Authority would have the final say on the design to ensure that it is in budget and facilitates community use.

### **Staffing**

- 6.5 New school proposers would be responsible for staffing the school.

## **7. LEGAL ISSUES**

- 7.1 Schedule 11 of the Education Act 2011, Establishment of New Schools, which came into force on 1 February 2012, stipulates that 'if a local authority in England think a new school needs to be established in their area, they must seek proposals for the establishment of an Academy'. The Local Authority must stipulate a date for receipt of submission of proposals.
- 7.2 Barnet Council has a statutory duty under section 14 of the Education Act 1996 to ensure that sufficient schools for providing primary and secondary education are available in the area.
- 7.3 Section 14(3A) of the Education Act 1996 provides that a Local Authority shall exercise their functions under section 14 "with a view to (a) securing diversity in the provision of schools; and (b) increasing opportunities for parental choice.

## **8. CONSTITUTIONAL POWERS (Relevant section from the Constitution, Key/Non-Key Decision)**

- 8.1 Part 3, responsibility for Functions, 3.2 Cabinet Members.
- To lead on budget and policy formulation and implementation in relation to regeneration including economic and strategic development is delegated to the Leader of the Council.
  - To lead on budget and policy formulation and implementation in relation to investment in educational infrastructure in schools and libraries is delegated to the Cabinet Member for Education, Children and Families.
- 8.2 Although commissioning a new school at Mill Hill East involves significant expenditure funding has already been committed to this project, and so the arrangements for commissioning a new school at Mill Hill East are not a key decision.

## **9. BACKGROUND INFORMATION**

- 9.1 Barnet has a number of regeneration and development schemes that will require new educational provision over the coming years, including Mill Hill East. The Mill Hill East Area Action Plan provides for a new primary school.
- 9.2 As of 1 February 2012 Schedule 11 of the Education Act 2011 came into force followed by non-statutory guidance, published on 29 May 2012, on establishing a new school. Where a Local Authority proposes that a new school is needed, the Local Authority must first invite proposals for the establishment of an Academy or free school. The Local Authorities should be clear about the type of academy/Free School they wish to see established and should take steps to ensure that the Department for Education and groups or organisations that might be interested in establishing the new school are aware of the opportunity. Local Authorities should assess the proposals they

receive and may state a preference, 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. A local process to commission new schools, in line with the non statutory guidance, is being considered by Cabinet (as set out in the 20 June 2012 Cabinet report – see 2.2).

- 9.3 The identified school site at Mill Hill East lies within the heart of the new housing development and is primarily funded through developer contributions to meet the educational needs of the new community. As set out in 4.2 and 5.1, the demographics of families that chose to move into the new development at Mill Hill East are not yet known. Given the current diversity of Barnet's child population, it is important that the new school makes educational provision accessible to all children within the new development. There are two further requirements set out in the Mill Hill East Area Action Plan (see 4.1 and 4.3): the new primary school must deliver community provision and must support sustainable modes of transport.
- 9.4 To ensure that the proposed new school at Mill Hill East supports the requirements of the Mill Hill East Action Plan for the new community it is proposed that when Barnet Council invites expressions of interest from new school sponsors it outlines the following requirements, which will be highlighted to the Department for Education when an application is being considered:
- Size of school: 2 to 3 forms of entry (FE) primary school taking 60 to 90 Reception children each year
  - Nursery: 39 place nursery
  - Age range: 4 to 11 (plus nursery)
  - Type of school: mixed-sex academy or free school offering an inclusive curriculum accessible to all children within the new housing development
  - Proposed opening date: as early as academic year 2013/14
  - Community facilities: multi-purpose spaces and sports facilities must be made available for community group use
  - Other: must support sustainable modes of transport
- 9.5 When inviting expressions of interest, the Council will clearly outline the requirements (set out in 9.4 above) and the factors which Barnet will take into account when choosing a preferred proposer. The factors to be considered in relation to Mill Hill East will include:
- Ability to deliver the stated requirements specifically in relation to size and type of school
  - The recent track record, including on education and finance, of applicants who run existing schools
  - Understanding and experience of the primary and nursery phases
  - Strength of education vision and education plan (including admissions policy and sustainable transport)
  - Inclusive practices and provision for pupils with differing abilities
  - Commitment to community provision in line with the Mill Hill East Area Action Plan
  - Educational and financial capability and capacity

- 9.6 Following approval of this report, expressions of interest will be invited and scrutinised in line with the proposed local process. Prior to submission to the Department for Education for final decision, the Cabinet Member for Education Children and Families will present a report on the preferred proposer for the new primary school at Mill Hill East to Cabinet Resources Committee.

## **10. LIST OF BACKGROUND PAPERS**

- 10.1 None

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| <b>Cleared by Finance (Officer's initials)</b> | <b>MC</b> |
| <b>Cleared by Legal (Officer's initials)</b>   | <b>HP</b> |