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Meeting	Cabinet
Date	25 February 2013
<b>Subject</b>	<b>Commissioning a New School at Mill Hill East: Agreeing Preferred Proposer</b>
Report of	Cabinet Member for Education, Children and Families
Summary	This paper outlines the proposals received in relation to setting up a new primary school at Mill Hill East; the process followed to determine a preferred proposer; and seeks Members' agreement to put forward E-ACT to the Department for Education as Barnet's preferred proposer.

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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 agree to put forward E-ACT as the preferred proposer for the new primary school within the Mill Hill East regeneration area when submitting all proposals received to the Department for Education.**

## **2. RELEVANT PREVIOUS DECISIONS**

- 2.1 Cabinet, 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, 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 (agenda item 7).
- 2.3 Cabinet Resources Committee, 20 June 2012, 'Arrangements for commissioning a new school at Mill Hill East' agreed the requirements and factors to be considered when commissioning a new primary school within the Mill Hill East regeneration area (agenda item 7).

## **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 has been made clear to new school proposers and will be 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.' The demographic characteristics of families that may choose to move into the new development are not yet known. 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 has been made clear to new school proposers and will be 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.'

#### **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 2011 Census data shows that 41.2% of all Barnet's population were Christian, 24.5% no religion/religion not stated, 15.2% Jewish, 10.3% Muslim, and 6.2% 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 were asked to demonstrate how they would serve this new community.

- 5.2 Proposers were also required 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 The proposers were required to sign their application stating that they confirmed the capital costs could be met within the envelope provided by the Council (see 6.1).
- 6.3 In relation to revenue funding, the criteria on which applications were assessed against included their financial management, ability to access financial expertise, financial viability and value for money (see section 9.4).
- 6.4 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. The school will be funded in accordance with Barnet's school funding formula. Start-up costs and year on year growth will be supported from the council's growth fund from the DSG.

**Property**

- 6.5 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.
- 6.6 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**

- 6.7 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 Council Constitution, Part 3, Responsibility for Functions, Section 3.2 details the responsibilities of individual Cabinet Members which include:
- 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 Council Constitution, Part 3, Responsibilities for Functions, Section 3.7 provides that the Cabinet may discharge any executive functions whether or not they are also delegated to officers.
- 8.3 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. 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, was agreed by Cabinet (see 2.2) and the arrangements for commissioning the school and criteria against which the proposals would be assessed were agreed at Cabinet Resources Committee (see 2.3).

- 9.3 Information about the proposed new primary school at Mill Hill East was sent to those who had previously expressed interest in setting up a free school in Barnet and circulated to Barnet schools. The proposals were also made publically available on the Barnet Council and Department of Education websites. This information set out the need for a new school and Barnet's requirements. It also outlined the process and criteria against which submissions would be assessed. Expressions of interest were sought starting from 25 September 2012, with a closing date of 13 November 2012. A market day was held for interested parties on 11 October 2012 at which a presentation was given and there were opportunities to meet the Cabinet Member for Education Children and Families and Council officers.
- 9.4 Proposals were assessed against published criteria, which incorporated the three broad criteria set out in Department for Education guidance: quality of provision, capability and capacity; and value for money. The full assessment criteria used was:

<b>EVALUATION CRITERIA</b>	<b>WEIGHTING</b>
<b>QUALITY OF PROVISION</b>	
Strength of education vision and education plan	30%
Inclusive policies and practice	10%
Commitment to community provision and partnership working	10%
<b>CAPABILITY AND CAPACITY</b>	
Accessible primary education	15%
Educational and financial capability and capacity	35%
<b>VALUE FOR MONEY</b>	
Value for money	have to confirm no additional capital required

- 9.5 Six proposals were received and assessed by a group of Assistant Directors, headteachers, educational and finance advisors. This assessment was used to shortlist four proposers for interview on 14 December 2012 for final selection.
- 9.6 The interview panel consisted of the Lead Member for Education, Children and Families, an educational lead, the Schools, Skills and Learning Lead Commissioner, and a Headteacher representative from the Children's Trust Board.

- 9.7 Following the interview process, based on the selection criteria and weighting above, the panel selected E-ACT (provider C) as the preferred provider. A summary is given below.

	<b>A</b>	<b>B</b>	<b>E- ACT</b>	<b>D</b>
<b>Total (out of 100)</b>	65.0	66.7	83.3	77.5

- 9.8 The panel were particularly impressed by several of the proposals but overall, E-ACT demonstrated that its model offered the potential to meet the needs of all families moving into the new community and demonstrated greater educational capacity to support the new school. E-ACT had a very clear articulation as to how the school would be supported, monitored and challenged to provide high educational offer, confirmed its commitment to partnership working and local shaping of curriculum, and would provide admissions arrangements able to appeal to all parents.
- 9.9 It is recommended that E-ACT be put forward to the Department for Education as Barnet's preferred proposer when all submissions received are sent for the Secretary of State's final decision.

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

- 10.1 None

<b>Cleared by Finance (Officer's initials)</b>	<b>MC/JH</b>
<b>Cleared by Legal (Officer's initials)</b>	<b>MB</b>