

Appendix C

Planning for School Places- Update to Phase 5 expansion programme (New special school on Balgores playing field)

Statutory Framework

Where the need for a new school is identified, the LA is not able to open a new community school. The 2011 Education Act introduced the 'free school presumption'. (N.B. Free schools and academies are legally the same type of school.)

Free School Presumption and the LA Setting the Specification

The 'free school presumption' process will first involve the LA setting its specification for the new school. When setting the specification the local authority will publish notice and information on the council website and engage through a formal consultation with parents and other key stakeholders including potential providers, other local schools, academies, the wider community, diocesan bodies and any others affected by the proposals. The LA's specification will seek to ensure that a provider is appointed who can deliver what is required in consideration of the views expressed by parents and the wider stakeholder group.

The LA specification will set some key matters in addition to the basic details such as the size of the school, indicative project timescales, planned opening date and the community it should serve. This will include emphasising the need for a strong education vision, engagement with the local community, the provision of inclusive education for all children and the need for the school to serve local children. Please see below a detailed summary of the information that would normally be included in the LA's specification.

Seeking Expressions of Interest

The LA will publish the new school specification along with details of the presumption process and seek expressions of interest from approved free school or academy providers. This procedure is set out by the DfE and will include holding a local event for both the community and potential providers. Only existing academies or free schools that have obtained 'approved provider' status from the DfE are able to bid to operate new schools.

The LA will receive and evaluate those bids according to its specification and in consultation with the Regional Director for Education (RD). The bids will then be submitted to the Secretary of State with the LA's recommendation.

The Decision

The decision on the appointment of a provider is taken by the Secretary of State, who delegates this responsibility to the RD. The RD will consider the local authority evaluations and recommendations before deciding which provider is in the best position to take forward the new school. The RD will then inform the LA and the successful provider of its decision. The LA must then inform any unsuccessful applicants.

Next Steps

Once the new school provider has been chosen the DfE will begin the process of entering into a funding agreement with the appointed provider for the new school to be established by the relevant date.

For the opening of a new School in September 2027 the free school presumption process should normally begin in Early 2024.

LA's Outline Specification for a New School

Section A - Introduction

- Indicative timelines for the project
- Opening and closing dates for submission of proposals (at least 6 – 8 weeks, but if the timescale allows, 12-14 weeks may be more appropriate)
- Details of when and how the local authority intends to assess the bids and when the local authority intends to provide this information to the Department for Education (DfE)
- How to apply (including a link to the application form)
- Process the local authority will follow when assessing proposals].

Section B - The School

- Opening date
- Site / location (including any maps)/ postcode
- Pupil capacity
- Planned initial PANs, number of forms of entry on opening and expected rate of growth
- Proposed admission arrangements, including catchment area if applicable
- Type of school
- Phase of education and age range
- Gender (boys/girls/mixed)
- Nursery provision
- Sixth form provision
- SEN provision

- Community use / shared facilities
- Transport arrangements
- Character/Ethos of school
- Equalities impact analysis
- Details of the site/ building, including details of ownership

In the case of special and AP free schools, the local authority should also set out:

- the types of special educational needs which the school will be expected to meet, in the case of special schools
- an indication of the top-up funding likely to be provided;
- a summary of its strategic plan for SEND, AP and high needs, and where this provision fits;
- (if appropriate) which local authorities are committed to commissioning places;
- how many places would be commissioned and by which local authority;
- in the case of AP, the type of placements offered (e.g. full time/short term/part time);
- any planned outreach, training and/or reintegration support (including funding that will be made available to support the school with this); and
- in the case of AP, arrangements for referrals and pupil transition.

Section C - Vision

- A strong educational vision and a curriculum delivery based on high standards of attainment for each key stage
- Plans for appropriate engagement with the local community and parents during the preopening period and any on-going engagement
- Excellent support facilities to meet the needs of all children, including looked after children, those with Special Educational Needs, etc.
- A commitment to excellent outcomes and high quality of teaching and learning

Section D - Education Plan

- An ambitious, broad and balanced, deliverable curriculum plan which is consistent with the vision and pupil intake. This could include a curriculum table and pupil build up chart
- Strategies for measuring pupil performance effectively and setting challenging targets
- A staffing structure that will deliver the planned curriculum within the expected income levels; with a focus on outstanding teaching (including strategies for effective performance management). This could also include an organogram and staff build up chart

- The needs of all children are fully provided for and how the school will be fully inclusive
- Details of enrichment and extended services, for example, breakfast clubs, sports clubs, homework clubs and music/art clubs
- The school's approach to: PHSE; the Prevent Duty; safeguarding and welfare; and promoting fundamental British values (democracy, the rule of law, individual liberty, mutual respect and tolerance of those with different faiths and beliefs)

Section E - Capacity and Capability

- The resources you would draw on and/or deploy to support the development of the new free school by the opening date
- Clear evidence that you have the range of skills and abilities necessary to set up and then run a school effectively, including: managing school finances; leadership; project management; marketing; human resources; safeguarding; and health and safety
- How the school would be organised and what the governance arrangements would look like, including a diagram of the proposed structures.

Section F - Funding and Costs

- An estimate of how much the school will cost to build and where the funding will be coming from, i.e. local authority, Section 106 or mixture
- The ownership of the land, transfer of lease, etc.
- Details about capital and revenue funding – how much will be available for start-up costs [state that the DfE currently provides £25,000 for legal expenses to the successful sponsor]
- Details of pre-opening funding to be provided by the local authority

Section G - Impact and Equalities Assessments

The LA will assess the potential impact of any new school on existing educational provision in the area. The local authority must also consider whether the new school would impact on any groups with protected characteristics.

Free school presumption process timeline

Process	Timeline	Notes	Output
Local Authority consultation- Consultation on the Children & Young People Education Place Planning Plan	Mar-May 2023	Consultation responses demonstrated strong support for new special school	The majority of parents and stakeholders (64%) agree that we need a new special school in Havering.
Preparation of Draft School specification	Sept-Nov 2023	Details to include (see below)	Send out to internal stakeholders for comments
Cabinet approval <ul style="list-style-type: none"> Cabinet approval to establish new school and agree to go to being free school presumption process via Updated Phase 5 cabinet report 	Nov 2023	Cabinet approves use of Balgores Field site for the proposed new special school and to approve for the LA to start the presumption process. Presumption projects are funded and delivered by local authorities in response to their sufficiency duty. Funding is also agreed.	
Impact and Equalities Assessment <ul style="list-style-type: none"> Produce Impact assessment 	Nov-Dec 2023	Assessment of the impact of the proposal, both on existing educational institutions locally and in terms of impact on particular groups of pupils from an equalities perspective. The EQHIA will be informed by the responses to the consultation on the Children & Young People Education Place Planning Plan.	
Informal DfE Notification	Dec 2023	Draft specification to the department for review and comment prior to the specification being published via freeschool.PRESUMPTION@education.gov.uk	Informal engagement and Feedback received from DfE on the draft

Process	Timeline	Notes	Output
Finalise final School specification	Early 2024	Details to include (see below)	
Formal DFE Notification Local authorities should notify the Secretary of State of their plans to seek proposals for a new school as soon as the need for a new school competition has been agreed.	Early 2024	Documents to submit <ul style="list-style-type: none"> • Copy of the new school specs • Impact and equalities assessment • Link to webpage where the information will be made available Confirmation that the LA <ul style="list-style-type: none"> • Has the identified required capital (amount and source) • Will meet all pre and post opening revenue costs • Will provide the site • Full address and postcode of the site • Site ownership or tenure arrangements 	
Seeking Proposals- Publication of Specification (statutory requirement)	Early 2024		
Submission of Proposals by Sponsors 6-8weeks (recommended) but can be up to 12-14weeks	Early 2024- April/May 2024 (based on 14 weeks)	Good or outstanding schools/providers that are interested in submitting a proposal to run a new school will need to have or acquire academy status and be an approved sponsor.	
Due Diligence on all applicants	May 2024	LA should undertake due diligence check on all applicants.	
Assessment of proposals (4-10weeks)	April-June 2024 (based on 8 weeks)	Setting up an assessment panel, Interviews/presentations by applicants	
Local Authority recommendation	June 2024	Assessments of each application to be submitted to the Secretary of State at the	

Process	Timeline	Notes	Output
		earliest opportunity, including the scoring for each proposal.	
Sponsor Approval	July 2024	The Secretary of State will make a decision on the sponsor of the new school	
Pre- Opening Phase - Sponsor Section 10 Consultation	Minimum 6 weeks	This consultation should take place in after the sponsor has been approved by the Secretary of State but before the signing of the funding agreement.	The consultation must include the following question: Should the Trust enter into a funding agreement with the Secretary of State
Funding Agreement	June 2026 (estimated)	<p>Before the funding agreement can be signed the department will require the following key requirements to be in place:</p> <ul style="list-style-type: none"> • Articles of association • Admissions policy • Section 10 consultation • Governance plans • Disclosure Barring Service (DBS) checks • Principal Designate (PD) (or Head teacher) and / or Executive Head recruitment • Finance and pupil recruitment • Financial plans • Education policies • Impact and equalities assessment <p>Further to this for the funding agreement to be in place, the DfE will require:</p>	

Process	Timeline	Notes	Output
		<ul style="list-style-type: none"> • Written development funding agreement between the local authority and the approved sponsor to be in place (should be completed prior to 'kick-off' meeting); • Land questionnaire completed; • Heads of Terms received; • Equalities process record (EPR) completed (statutory); • Get Information About Schools (GIAS) registration (statutory); • Financial and governance health-check completed. <p>The funding agreement can be signed at any point up to the date of opening in a presumption project; however, it should be entered into as early as practically possible.</p> <p>An early funding agreement will provide greater clarity for pupils and parents, and enable the successful sponsor to recruit staff with confidence that the school will open on the preferred date.</p>	
School opening	Sept 2027		