

**SURREY COUNTY COUNCIL****CABINET MEMBER FOR EDUCATION****DATE: 13 JUNE 2017****LEAD OFFICER: JULIE FISHER, DEPUTY CHIEF EXECUTIVE****SUBJECT: SELECTION OF PREFERRED PROPOSER FOR THE HORLEY NORTH WEST FREE SCHOOL****SUMMARY OF ISSUE:**

Under Section 6A of the Education and Inspections Act 2006 (the 'free school presumption'), where a local authority identifies the need to establish a new school it must, in the first instance, seek proposals to establish a Free School. Surrey County Council (SCC) has identified the need to establish a new two Form Entry (2FE) Primary School in the North West Sector of Horley to open in September 2020. The Authority has therefore sought proposals from appropriate sponsors to open this new school. The window for the receipt of applications ran from 6 February 2017 to 31 March 2017.

**RECOMMENDATIONS:**

It is recommended that the Cabinet Member for Education review the background to the project and summary of Internal Assessment Panel scoring process provided within this report and associated Annexes and, on that basis, decide on a preferred proposer to open and operate the new 2FE Primary Free School in North West Horley from September 2020 and to submit this preference to the Secretary of State for Education for their consideration.

**REASON FOR RECOMMENDATIONS:**

There is an increasing demand for primary school places in the Horley area, which reflects a rise in the primary-age population over recent years. This demand will be augmented by the Westvale Park development in North West Horley which is due to deliver over 1,500 new homes across the period 2016/17 to 2026/27. The proposal to create a new 2FE Primary Free School in Westvale Park represents SCC's strategy to deliver additional places in this area and thereby meet rising demand. Accordingly, SCC has undertaken the requisite competition process to seek proposers for the new Free School and six formal bids were received as part of this. Of these bids, the Internal Assessment Panel scored the submission of Aurora Academies Trust the highest, on the grounds that the '8 Pillars' educational model and vision, together with the 'Paragon' curriculum were particularly well suited to adding an exciting new dimension to the educational offer in the local area (thereby promoting parental choice).

For these reasons, it is recommended that the Cabinet Member approves the selection of Aurora Academies Trust as the preferred proposer in respect of the Horley North West Primary Free School, for onward communication to the Regional Schools Commissioner.

**DETAILS:**

## Background

1. The Horley Master Plan (HMP) represents a long-term strategy to delivery high-quality, sustainable new development in the town and forms part of Reigate and Banstead Borough Council's 2005 adopted Local Plan. The HMP plans for 2,600 new homes, along with enhanced infrastructure and facilities for local people. The majority of these homes will be provided in the form of two new sustainable urban extensions, which are known as the North East Sector and the North West Sector, as well as on a number of smaller sites in the town. The North East Sector development is now largely complete and includes a new 1FE primary school, which has been operational since September 2014.
2. The North West Sector's marketing name is Westvale Park and this development is the second of the two urban extensions to come forward. Outline planning permission for Westvale Park was granted in December 2014, following extensive consultation and the completion of a Section 106 Agreement secures infrastructure and service improvements. Work on the Westvale Park site began in December 2015 and housing units are expected to complete in the period 2016/17 – 2026/27. When complete, Westvale Park will include:
  - 1,510 market and affordable homes (75% and 25% respectively);
  - a 'Neighbourhood Centre', comprising a community hall, local shops and sites for a place of worship, medical centre, public house/restaurant and employment use;
  - open space and play facilities; and
  - two new link roads connecting the development to the A213 and A217.
3. Westvale Park will also incorporate a new 2FE Primary School which will be located adjacent to the Neighbourhood Centre element of the development. The proposed location of the school is shown on the plan attached to this report as Annex 1. On the basis of child yield data, it is estimated that the development itself will generate approximately 1.5FE worth of additional primary pupil demand within Horley. In addition to fully serving the needs of the development itself, the new school will also therefore be able to accommodate the small amount of surplus demand currently being experienced within the wider Horley area, as shown in the below table:

Year	YR PAN	YR Projection	Projected Surplus
2018/19	300	309	- 9
2019/20	300	302	- 2
2020/21	300	302	- 2
2021/22	300	304	- 4
2022/23	300	308	- 8
2023/24	300	311	- 11
2024/25	300	310	- 10

4. Funding is secured for this school through the associated Section 106 Agreement, which will be supplemented by SCC Basic Need funding, if required. The school site has also been secured in the terms of the Section 106 Agreement, which was seen to be warranted on the basis of the development's scale and the desire for it to be "sustainable" in terms of its supporting infrastructure. The handover of the site to SCC is linked to the

300<sup>th</sup> occupation within the Westvale Park development, which is currently projected to occur in the fourth quarter of 2018. Given the timescales involved in building a new school, SCC is working on the basis of the new facility being open from September 2020. As the detailed design process is scheduled to commence in September 2017, it is necessary to appoint a proposer at this stage, in order that they can be fully engaged in the design of the new school.

5. Admission to the new school will be to Year R in September 2020 and in all following years, in order that the school grows incrementally, year-on-year, as the initial intake moves its way progressively through the age range. As such, it is projected that the new school would reach its new capacity of 420 places in September 2026, as shown in the table below:

Year	YR	Y1	Y2	Y3	Y4	Y5	Y6	Total
2020/21	60	-	-	-	-	-	-	<b>60</b>
2021/22	60	60	-	-	-	-	-	<b>120</b>
2022/23	60	60	60	-	-	-	-	<b>180</b>
2023/24	60	60	60	60	-	-	-	<b>240</b>
2024/25	60	60	60	60	60	-	-	<b>300</b>
2025/26	60	60	60	60	60	60	-	<b>360</b>
2026/27	60	60	60	60	60	60	60	<b>420</b>

### Assessment Process

6. Under Section 6A of the Education and Inspections Act 2006 (the 'free school presumption'), where a local authority identifies the need to establish a new school it must, in the first instance, seek proposals to establish a Free School. In line with this, SCC ran an eight week competition between 6 February 2017 and 31 March 2017, in which potential sponsors were invited to submit proposals for the new school. The competition was advertised on SCC's and the Department for Education's (DfE) website. At the close of the application window, bids had been received from six proposers.
7. The Application Form that constituted the basis for assessment contained five sections, in which bidders were invited to provide details of the following:
  - Applicant Details – applicants were asked to provide details of their academy trust.
  - The School – applicants were asked to explain how their organisation's knowledge and experience of the local area would be used to inform plans to establish this particular school.
  - Vision – applicants were asked to explain their vision for the new school and how it met the requirements in the published specification (appended as Annex 2). The vision was expected to cover high academic standards; engagement with the local community; and the needs of looked after children, pupils with Special Educational Needs (SEN) and those in receipt of the Pupil Premium.
  - Education Plan – applicants were asked to explain how their educational offer/curriculum plan met the requirements in the published specification. The Education Plan was expected to present an ambitious, broad and balanced, deliverable curriculum plan which was consistent with the vision and expected pupil intake. Alongside this the proposed staffing structure, strategies for assessment and potential enrichment activities were expected to be provided.

- Capacity and Capability – applicants were asked to provide details that they had the range of skills and abilities necessary to set up and run this new school effectively, including: managing school finances; leadership; project management; marketing; human resources; safeguarding as well as health and safety.
8. The evaluation of the bids received was undertaken by an SCC Internal Assessment Panel on 10 May 2017. The Panel was composed of the Area Education Officer (South East); School Commissioning Officer (South East); School Commissioning Officer (North West); and a Senior Education Consultant from Babcock 4S. For each bid, the five sections listed in paragraph 7 were scored in line with the following four-point scale:
- 0 = The evidence and argument contained in the application is ‘inadequate’.
- 1 = The evidence and argument contained in the application is ‘adequate’.
- 2 = The evidence and argument contained in the application is ‘good’.
- 3 = The evidence and argument contained in the application is ‘excellent’.
9. Consequently, each of the applications was scored on a scale of 0-15 by the four members of the Panel, which were aggregated to provide an overall score in the range 0-60. The Assessment Panel’s overall scores for each bidder are summarised in the table below:

No.	Proposer	Score
1	Aurora Academies Trust	45
2=	GLF Schools	42
2=	The Collegiate Trust	42
4	Southwark Diocesan Board of Education	41
5	The Kemnal Academies Trust	40
6	Everychild Trust	36

10. The **full bids** are available for further scrutiny, in addition the scoring rationale underpinning the above scores is contained in the assessment sheets appended as Annex 3. The Panel’s overall preference for Aurora Academies Trust was based on the following key points:
- The Panel was genuinely engaged by Aurora’s '8 Pillars' educational model and vision, together with the 'Paragon' curriculum that Aurora had set out in the bid. The pillars are indicated below



- The proposed Paragon model is an approach to humanities at Key Stages 1, 2 and 3. Paragon is split into six units covering different periods of time and places in the world. Each unit incorporates parent and community events that end each learning unit. As such it is intended that the Paragon model is used as a way of increasing parental engagement in teaching and learning and thereby improve parental outcomes.
- The Paragon model and '8 pillars' approach is successfully operated in all Aurora Schools and therefore offers the opportunity for school to school learning in a local cluster and area. This unit based approach, whilst not new within education, is not widely used in the local area and therefore offers difference within the current pattern of provision. Amongst the panel there was a feeling that this would be particularly well suited to adding a different dimension to the educational offer in the local area (thereby promoting parental choice) whilst maintain a traditional focus on established outcome metrics.
- The Panel also felt that Aurora had grasped the local context and expected intake particularly well and reflected this in the formation of the Vision and Education Plan.
- The fact that, with five schools, Aurora represented a small, but firmly established Trust was a distinct advantage in the Panel's view. It was felt that this would lend the necessary capacity in establishing the new school, as well as the ability to truly focus on the school in building it as an individual institution, reflective of the needs of its local community.
- The proximity of the Gatwick School and the added support/capacity that this would bring to the start-up of the new school.

### Future Process

11. At the point at which the Cabinet Member has made a formal decision with respect to the Council's preferred proposer, this decision will be relayed to Secretary of State (along with the details of the assessment process), via the Regional Schools Commissioner for South-East England and South London. The Regional Schools Commissioner will then consider the Council's assessments and recommendation before deciding which proposer is in the best position to take forward the new school. The Regional Schools Commissioner will inform the Council and the successful proposer of this decision, and the Council will inform the unsuccessful proposers.

## School Building Requirements

12. The rationale for undertaking the appointment of the new school proposer at this stage is to enable their engagement in the development of the design for the new school. In outline, the building work is anticipated to comprise:
- a 420-place Primary School;
  - space for an Early Years setting;
  - external playing field;
  - hard play areas;
  - staff and visitor parking; and
  - such other ancillary facilities as might be required as part of the planning process.
13. The new school building will be designed in line with BB103 guidelines for a 2FE Primary School. SCC will manage and have ultimate budgetary responsibility for the project. The indicative timescales for the build project are set out in the below table:

No.	Action	Date
1	Feasibility Study	March 2017 – July 2017
2	Establishment of project resource	July 2017 – August 2017
3	Design and tender process, including securing planning permission	September 2017 – September 2018
4	Delivery of new school buildings	October 2018 – August 2020
5	New school opens	September 2020

### **CONSULTATION:**

14. Surrey County Council ran an eight week competition between 6 February 2017 and 31 March 2017, in which potential sponsors were invited to submit proposals for the new school. The Authority advised the Department for Education (DfE) of the proposal, in line with guidance, and the proposal was promoted on the DfE website.
15. Further consultation pertaining to the establishment of the new school following confirmation of the approved bidder will be managed by the successful Trust and determined by the Secretary of State in line with the provisions in the Education and Inspections Act 2006.
16. In relation to the master planning process, Reigate and Banstead Borough Council sought to involve all stakeholders in the process of formulating the Horley Master Plan, with a view to taking account of their concerns and ambitions into the plans as they were formulated. In particular, considerable work was undertaken to ensure that the necessary infrastructure, social and recreation facilities could be secured to meet the perceived needs of the new development, and so as to avoid over-burdening services elsewhere in the town. Consultation and engagement with local residents took the form of printed literature, public exhibitions and meetings with defined stakeholder groups.

17. In formulating the specific proposals for the Westvale Park development (and in advance of the submission of the associated outline planning application), the Horley North West Sector Development Consortium undertook consultation with local stakeholders which again incorporated printed literature, public exhibitions and meetings with defined stakeholder groups. This consultation was utilised to inform the further development of infrastructure and service proposals for the development.

#### **RISK MANAGEMENT AND IMPLICATIONS:**

18. There are naturally risks associated with the building project required to facilitate the creation of the new school. Ultimately, these are, in large part, related to cost and programme, i.e. the capacity to deliver the requisite project within the defined financial parameters, in line with the timeline for increased demand. A Risk Register is being maintained and updated on a regular basis by the Project Manager of the scheme and this should serve to both mitigate risk (in part) and to provide early foresight of any issues as they materialise. A contingency allowance appropriate to the scheme will be included within the project budget to mitigate for potential identified risks.

#### **Financial and Value for Money Implications**

19. The building project associated with this proposal is included in the 2017-22 Medium Term Financial Plan (MTFP). A scheme of works will be developed and agreed by Property Services and this will subsequently go to Cabinet for approval. All schemes are expected to remain within the funding that has been allocated to them in the MTFP.
20. The funding for this scheme comprises a S106 contribution from the developers of Westvale Park, to offset the forecast additional pupil demand created by the development, combined with a contribution from SCC's Basic Need programme, targeted at meeting increased demand in the wider area (primarily driven by increasing birth rates). The forecast S106 contribution amounts to £4.6 million and this will be augmented by an SCC capital sum, in line with the funding gap that is identified within the Feasibility Study. This is reflective of the fact that, at 2FE, the scale of the school means that it will serve pupil growth outside of the development itself.
21. SCC will provide the successful proposer with a one-off grant of £100,000 to cover the non-capital pre-opening development costs associated with establishing a new school, including advance appointment of staff and other costs. In addition to this, after the opening date, the Council will provide support with diseconomies of scale funding based on the number of missing year groups and with funding for classroom resources for new classes. The precise amount will be determined by the growth fund criteria agreed annually with the Schools Forum and/or by the school funding regulations in place at the time. Furthermore, the arrangements may well change as part of the introduction of a National School-level Funding Formula for schools in the near future. However, as an indication, for the 2016/17 financial year, SCC's diseconomies of scale rate was set at £13,500 per missing year group, per academic year. Additionally, £8,000 is presently provided for each new class for non-capital resources. It is expected that all other revenue costs will be met from the school's General Annual Grant, in the normal way.

#### **Section 151 Officer Commentary**

22. The basic need scheme for this school is included in the school basic need programme of works and has a funding allocation in the 2017-22 MTFP.

### **Legal Implications – Monitoring Officer**

#### **Free School Presumption**

23. Under Section 6A of the Education and Inspections Act 2006 (the ‘free school presumption’), where a local authority identifies the need to establish a new school it must, in the first instance, seek proposals to establish a Free School. In line with this, SCC ran an eight week competition between 6 February 2017 and 31 March 2017, in which potential sponsors were invited to submit proposals for the new school. This report sets out how the Authority will meet its duties in response to increasing demand for school places in Horley, in line with the general increase across the whole of Reigate and Banstead Borough. Under the presumption route the local authority is responsible for providing the site for the new school and meeting associated capital and pre/post-opening costs. Following the competition the local authority assessed all the proposals received and recommends its preferred proposer. Cabinet is asked to adopt the recommendation to select Aurora Academies Trust as its preferred proposer to the Secretary of State.

#### **General Decision-Making**

24. In coming to a decision on this issue the Cabinet Member needs to take account of all relevant matters. The weight to be given to each of the relevant matters is for the Cabinet Member to decide. Relevant matters in this context will include the non-statutory advice, the assessment of the proposals, the policy considerations, the impacts of the options on service provision, the medium term financial plan, the Council’s fiduciary duty, any relevant risks, the results of the consultation and the public sector equality duty.

#### **Fiduciary Duty**

25. The Council owes a fiduciary duty to its Council tax payers, analogous to that owed by trustees responsible for looking after property belonging to other people. Accordingly in deciding to spend money a local authority must take account of the interests of Council taxpayers who have contributed to the Council’s income and balance those interests against those who benefit from the expenditure. It will also need to act in a prudent way having regard to the short and long term consequences of the decision.

#### **Best Value**

26. The best value duty is contained in s3 of the Local Government Act 1999 as a result of which the Council is under a duty to make arrangements to secure continuous improvement in the way in which functions are exercised, having regard to a combination of economy, efficiency and effectiveness. The relevant guidance states that Councils should consider overall value, including economic, environmental and social value when reviewing service provision. This will become relevant once the Secretary of State has decided on the preferred proposer and on whom the Secretary of State wishes to enter into a funding agreement.

### **Equalities and Diversity**



27. An Equality Impact Assessment (EIA) has been produced in respect of the proposal to establish this new school, which is appended to this report as Annex 4. The EIA did not identify any significant issues arising from this proposal that would have a disproportionately negative impact on groups with protected characteristics. The Action Plan for the potential issues that were identified is shown below:

Potential impact (positive or negative)	Action needed to maximise positive impact or mitigate negative impact	By when	Owner
Children in the earlier cohorts will be in a largely empty school for the first years of their education, limiting their social opportunities.	School to support these children with a targeted range of after-school clubs.	September 2020	Free School Sponsor
Public transport links are yet to be established in/to the new development of which this school will be part. There is the potential that poor servicing in this respect could serve to undermine the utility of the new school, from the perspective of parents/carers, pupils and staff with a disability.	Engage with the wider Horley North West Sector Masterplan process, so as to ensure that sufficiently good public transport links are provided to the new school.	September 2018	SCC School Commissioning

28. The school building will comply with Disability Discrimination Act (DDA) regulations.
29. As its own admissions authority, it will be for the new Free School to determine its own admissions arrangements, with the proviso that these must be in line with the DfE's School Admissions Code and School Admissions Appeals Code. In addition, it is a requirement that the school will participate in SCC's coordinated admissions process and Fair Access Protocol.

**Corporate Parenting/Looked After Children implications**

30. This proposal would provide increased provision for primary places in the area which would be of benefit to the community served by the school. This would therefore also be of benefit to any Looked After Children who have the opportunity to attend the school with this grouping of children receiving the highest priority ranking within the terms of the School Admissions Code.

**Climate change/carbon emissions implications**

31. The design philosophy is to create buildings that will support low energy consumption, reduce solar gain and promote natural ventilation. The expansion will be undertaken in line with the local planning authority's adopted core planning strategy. In addition, the provision of additional school places to meet local demand is likely to have a positive impact on reducing journey times (and therefore carbon emissions), relative to the scenario of not doing this. The school will be expected to formulate a School Travel Plan which reflects its intake, with a view to ensuring that the majority of pupils attending the school use sustainable modes of transport when travelling to/from school.

<b>WHAT HAPPENS NEXT:</b>
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32. Subject to Cabinet Member approval of the recommendation to select Aurora Academies Trust as SCC's preferred proposer to open and operate the new 2FE Primary Free School in North West Horley, the next steps are:
- To submit details of the assessment process and preferred proposer to the Regional Schools Commissioner.
  - Upon receipt of the School Commissioner's final decision with respect to the appointment of a preferred proposer, to notify unsuccessful proposers of the outcome of the competition.
  - To take a Business Case for the associated capital works scheme to SCC's Cabinet at a future date.
  - If approval to the above referenced Business Case is granted, the project will move to delivery, with a view to having the expanded school facilities ready to accommodate the new cohort, in line with the timeline for increased demand.

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**Contact Officer:**

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**Consulted:**

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School Admissions Forum

**Annexes:**

Annex 1 – Proposed Site Plan  
Annex 2 – Specification for a new 2 Form Entry Primary School in North West Horley  
Annex 3 – Assessment Panel Scoring Sheets  
Annex 4 – Equality Impact Assessment

**Sources/background papers:**

N/A

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