TO: THE EXECUTIVE 17 NOVEMBER 2015

SCHOOL PROVIDER PROCESS AND UPDATE TO THE ARRANGEMENTS FOR A SPONSOR FOR THE BINFIELD LEARNING VILLAGE Director, Children, Young People and Learning

1 PURPOSE OF DECISION

1.1 To confirm the process for the appointment of school sponsors for proposed new schools, and to note an update to the timeline in relation to the Binfield Learning Village.

2 RECOMMENDATIONS

- 2.1 To agree the updated terms of reference and membership of the Education Review Group (Annex 1).
- 2.2 To agree the updated application evaluation criteria (Annex 2).
- 2.3 To note the updated timeline for the appointment of school providers for the new school at Binfield Learning Village (Annex 3).

3 REASONS FOR RECOMMENDATIONS

- 3.1 In June 2015, the Executive agreed arrangements to appoint a school sponsor for the Binfield Learning Village. So that the Council can be in a robust position to appoint a sponsor the timeline has been revised. Also further sub criteria have been added to the set of application evaluation criteria agreed by the Executive in June 2015 so that the Council can be assured that all areas of interest are fully covered by the criteria. The overall structure has not changed.
- 3.2 The Executive agreed in June 2013 the process for assessing applications for new schools in Bracknell Forest. A standing, consultative Education Review Group was established, and criteria agreed which potential providers should meet if they wish to be commissioned to run a school in the borough. These processes were intended to ensure that any providers will be equipped to deliver schools with the potential to be outstanding. The terms of reference have been sharpened in the light of Government advice and the Council's current needs.

4 ALTERNATIVE OPTIONS CONSIDERED

4.1 Not applicable. It is important that stakeholders are involved in the process through the Education Review Group and the Executive is best placed to make the decision on providers to recommend to the Regional Schools Commissioner.

5 SUPPORTING INFORMATION

5.1 The process for identifying a sponsor for a new academy school in the Borough is, in broad terms, for the Council to advertise the opportunity, for potential sponsors to

make their proposals, which are scored and evaluated by the Council before a recommendation is made to the Regional Schools Commissioner (RSC) of the preferred provider. The RSC will make the final decision, taking into account the Council's preference.

- 5.2 Subsequently, the Executive approved on 23 June 2015 the School Sponsor Appointment Plan, the timeline and the appointment application evaluation criteria in relation to the new 'all-through' Binfield Learning Village.
- 5.3 A feature of the Council's process is that the Education Review Group, established in June 2013 with a remit including commenting on the assessment of applications for new schools, is central to the evaluation stage in a consultative role. The terms of reference and membership have been updated in the light of the current Government advice and the Council's needs (Annex 1).
- The appointment application evaluation criteria have been extended from the version previously agreed by the Executive and Executive Member so that the Council can be assured that all areas of interest are fully covered by the criteria. Accordingly the weightings attached to the broad criteria have also been adjusted. Further sub criteria have been added to the set agreed. The extended set of criteria is attached as Annex 2. In addition to wording changes to make the criteria more precise and more directed at a possible sponsor, the additions are:
 - A: Meeting the demand for provision (weighting reduced 20% to 10%), a new subcriterion:
 - A3 to ask how the proposer's Education Plan will meet the needs of the local community
 - B: The proposed ethos of the school, extending sub-criteria:
 - B3 to ensure a proposer works supports the Council's strategy for supporting children with behavioural problems
 - C: Ability to achieve high standards of education, additional sub-criteria:
 - C3 to ask about aspirations to meet the needs of children with varying needs
 - C4 to ask about commitment to achievement above national expectations
 - C5 to ask about the proposed curriculum plan, demonstrating breadth and balance
 - C6 to ask about the curriculum, links to pupil intake and plans for progression
 - D: A clear commitment and strategy for ensuring inclusion of all, additional subcriteria:
 - D1 to ask about assuring high standards of inclusion
 - D2 to ask about support disabled children and children with statements of special educational need
 - D4 to ask about proposals for length of the school day, term and year.
 - D5 to ask about communications with parents
 - E: The organisation's track capacity to deliver a new school (weighting increased 10% to 20%), new sub-criteria:
 - E2 to ask about accessing appropriate and sufficient resources to deliver an excellent school

E4 to ask about plans for the build up of staff to deliver the education vision and plan

E5 to ask about the appointment of governors

F: The organisation's track record in delivering education in the relevant phase, no substantive changes

Additionally, proposers are being asked to confirm key understandings around admissions, fair access, safeguarding, use of the site and compliance with planning conditions.

- 5.5 An updated timeline in relation to the Binfield Learning Village is attached as Annex 3. The Executive should note that the timeline is based on the house build trajectories expected at the current time. These are outside the Council's control and timings may subsequently be affected, in particular regarding implementation and opening dates.
- 5.6 Since the papers to the Executive and Executive Member were approved, the Executive should note that the responsibility for making decisions on sponsors to be appointed has changed from the Secretary of State to the Regional Schools Commissioner.

6 CONSULTATION

Principal Groups Consulted

6.1 The outcomes of the process remain the same for stakeholders so consultation is not required on this procedural change.

Method of Consultation

6.2 Not applicable.

Representations Received

6.3 Not applicable.

7 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

7.1 Although the decision whether to enter into Academy arrangements with a sponsor rests formally with the Regional Schools Commissioner, he may consult with the local authority and be informed by its views when considering proposals made.

Borough Treasurer

7.2

Equalities Impact Assessment (EIA)

7.3 The EIA previously presented in the paper to the Executive regarding Binfield Learning Village is attached (Annex 4).

Strategic Risk Management Issues

7.4 A full assessment of risks was included in the previous paper to the Executive. The main risks identified are:

Table 1: Key strategic Risk Management Issues

	ISSUE	RISK	COMMENT				
1	Programme Risk	Not meeting timescales will jeopardise implementation.	 Need to continually pay strict attention to timescales and maintain effective liaison with DfE/RSC. Simplify processes where possible. Increase contingency in the process. 				
2	Cost Risk	Gap in revenue funding in the initial years following the school's opening.	Scenario modelling can raise awareness and minimise risk				
3	Cost Risk	Extra costs could emerge since we are dependent upon the DfE.	Need to maintain effective liaison with DfE/RSC				
4	Sponsor Risk	RSC not appointing the sponsor recommended by the Council.	 Need effective liaison with RSC and provide robust recommendations to the RSC 				
5	Sponsor Risk	Successfully delivering the school if the sponsor does not engage with the Council.	 Need to establish good relationships and effective communications with the sponsor appointed. 				

Background Papers

- a. Executive report, 11 June 2013, 'Procedures for assessing applications for the establishment of a new school in Bracknell Forest'
- b. Executive report, 23 June 2015, 'Binfield Learning Village appointment of school sponsor'
- c. Department for Education, 'The free school presumption; Departmental advice for local authorities and new school proposers', July 2015

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Annex 1: Terms of reference of Education Review Group

Name of Group	Education Review Group								
Purposes of Group	 To: Review and make comment on the specification and process for seeking expressions of interest for future school provision; Advise on the Council's assessment of proposals received prior to the Council submitting assessments to the Regional Schools Commissioner, either to any future approaches from school sponsors, Trusts or individuals wishing to set up a government funded school in Bracknell Forest; Respond to any consultation the RSC or Secretary of State might wish to make relating to proposed academy or free school arrangements within or outside the Borough. 								
Authority	The Group was established by	by The Executive in June 2013.							
Commencement of group	April 2014								
Date of review of terms of reference	November 2015								
Venue	Bracknell Forest Council premises.								
Frequency	As and when required.								
Membership	Roles are set. School representatives are drawn from a pool of possible representatives for each group. There will be periodic review of individuals assigned to the roles.								
Independent Chair	Peter Roffe								
Membership	Executive Member for Children, Young People & Learning, BFC								
	Director, Children, Young People & Learning, BFC	Dr Janette Karklins							
	Chair of the Overview and Scrutiny Panel for CYP&L, BFC	Cllr Gill Birch							
	One other BFC Councillor Cllr Mary Temperton representative from the opposition party								
	Headteacher representative	Trisha Donkin (Holly Spring Junior School)							
	Chair of Governors representative	Jan Edwards (Sandhurst School) AND Jan Sumner (Winkfield St Mary's CE Primary)							

Objectives of Group	Parent Governor representative David Mustoe (College Town Junior & Sandhurst Schools) The Review Group would wish to be assured that the specifications and processes for new schools required to meet basic needs are robust, to understand the performance record of any potential sponsor, to scrutinise their track record and approach and most importantly to be confident that the sponsoring organisation will be									
	able to deliver schools with the potential to be outstanding as the Council expects.									
Outcomes/Outputs of Group	 Review and make comments on the specification and process for seeking expressions of interest for future school provision. Advise on the assessment of proposals for new schools and agree responses to the Regional Schools Commissioner in relation to questions raised in relation to the suitability of potential sponsors for academies and free schools. Assess and comment on any proposals received for academy and free school arrangements within or outside Bracknell Forest. 									
Decision Making Powers	The Group has a consultative role only.									
Administrative Arrangements	Director's PA									

Annex 2: Updated application evaluation criteria

The criteria will be scored on a five point scale: 'fully met', 'partially met' (in 5 scale points) and 'not met'. The sub-criteria within a broad heading all carry equal weight in the overall score.

Weight

A. Meeting the demand for provision

10%

- A1. Your ability to meet the needs of the local diverse community.
- A2. Your proposed admissions policy, including the criteria to be used to prioritise places if your school is over-subscribed.
- A3. Explain how you will work with, and for, the local community including how your education plan addresses the needs of that community.

B. The proposed ethos of the school

25%

- B1. Your proposed vision, pedagogy, ethos and capability to promote high standards, innovate and drive system change.
- B2. Evidence of a track record of collaborative and partnership working with the local council and a commitment to work with Bracknell Forest Council in order to maintain an appropriate focus on Borough wide priorities.
- B3. Your willingness to work collaboratively in our local partnership of schools, that may or may not be academies, including supporting the Council's strategy for supporting children with behavioural problems.

C. Ability to achieve high standards of education

30%

- C1. A proven track record in your schools of high standards and school improvement.
- C2. Evidence of your ability to have appropriate staffing arrangements to ensure high quality teaching and learning from qualified staff and to deliver the proposed curriculum.
- C3. Your aspirations for the achievement of individual pupils with varying needs, and the school as a whole, and your strategies and plans for achieving these.
- C4. Demonstrate your commitment to achieving outcomes and rates of progress above national expectations.
- C5. Details of your proposed curriculum plan with appropriate breadth and balance.
- C6. Explain the rationale for the proposed curriculum, how it reflects the needs of the anticipated pupil intake and your plans for their progression and transition.

D. A clear commitment and strategy for ensuring inclusion of all

10%

- D1. Your proposed approach to assure high standards of pupil inclusion supporting children of all abilities and needs, behaviour, discipline and welfare.
- D2. Your approach to supporting disabled pupils and pupils with special educational needs, both with and without a statement.
- D3. Evidence of community access and use of facilities through agreed extended opening and lettings policies which encourage community use and sets costs are comparative with other local schools
- D4. Your proposals around the length of the school day, term and year.

D5. Describe your arrangements for home to school partnerships and communications to ensure parents are fully engaged in their child's development and achievement.

E. The organisation's capacity to deliver a new school

20%

- E1. Your organisational management structure and approach to relationships with schools: governance, delegations, accountability and allocations of responsibilities.
- E2. Show how you will access appropriate and sufficient educational, financial and other expertise to deliver your vision and operate an excellent school.
- E3. Evidence of maintaining an open dialogue with councils regarding the school's performance and willingness to alert the local authority to any issues causing concern in order that they may be addressed.
- E4. Your plans for an appropriate and phased build-up of staff, including the school's Principal/Headteacher, in line with planned pupil numbers and financial resources, showing how it will deliver your education vision and plan.
- E5. Describe how you will identify and appoint committed governors with the necessary skills to oversee both the establishment and running of the school.
- E6. Your proposed model to maintain financial viability, quality and deliverability of your business model (based on the completed business model template) ¹
- E7. An indication of your willingness to purchase services from the Council.

F. The organisation's track record in delivering education in the relevant phase

5%

- F1. A description of the size of your organisation, types and size of academies, rate of growth and your local infrastructure to support this proposal.
- F2. Your capacity to take on new projects and your experience of managing change.

In addition to the criteria on which possible proposers will be scored they will be asked to confirm key understandings, typically as listed below, but to be revised depending on the proposal.

- G1. That the proposed education model would support an open admissions policy that allows local schools for local people.
- G2. A commitment to inclusive practice and fair access to the school for all pupils as governed by the School Admissions Code and the Authority's In-year Fair Access Protocols.
- G3. A commitment to the Bracknell Forest Safeguarding Children Board (LSCB) and the application of tried and tested methods to keep pupils safe.
- G4. A commitment to provide education and the curriculum from the site, buildings and facilities being provided

¹ Proposers should demonstrate their capability and capacity to maintain financial viability. The proposer's financial plans should be consistent with the rest of their application, for example, in terms of staffing, pupil numbers and education plan. They should be based on realistic assumptions about income and expenditure and demonstrate that allowance has been made for unforeseen contingencies.

G5. A commitment to comply with any planning conditions associated with the new site and building including BREEAM, parking, sustainable drainage, traffic and the School Travel Plan (Appendix 4).

Annex 3: Timeline to seek a provider for Binfield Learning Village

It is important to note that the timelines are based on the house build trajectories expected at the current time. These are outside the Council's control and timings may subsequently be affected, in particular regarding implementation and opening dates.

1	Publication of Invitation to submit an expression of interest	Fri 9 October
2	Notify Regional Schools Commissioner (RSC)/DfE of intentions	9 October 2015
3	Initial meeting of Education Review Group	Late November 2015
4	Closing date	30 November 2015 (mid-day)
5	Liaison with RSC/DfE, scoring of proposals, meetings with providers, undertake due diligence and meetings of DMT and Education Review Group.	1 December to mid Feb 2016
6	Executive processes to agree providers to recommend to the RSC	Mid Feb to early March 2016
7	Executive meeting	8 March 2016
8	Send RSC the assessments of proposals and await decision by RSC	March 2016 to May 2016 (approx. 8 weeks)
9	Sponsors appointed by RSC.	May 2016
10	Work with the RSC/DfE, Council and partners on the delivery of the school	From May/June 2016
11	Sponsors consult on funding agreement	2016/17
12	New schools open as an Academy/Free School	Sept 2017

Annex 4: Equalities Impact Assessment – Binfield Learning Village

Date of Screening: 3 October 2014		ctorat	e: CYPL	Section: School Sufficiency and Commissioning							
1. Activity to be assessed	To commission Binfield Learning Village (BLV) to respond to pressure on school places from new house building and demographic change.										
2. What is the activity?	☐ Policy/strategy ☐ Function/procedure Y Project ☐ Review Y Service ☐ Organisational change										
3. Is it a new or existing activity?	Y New Existing										
4. Officer responsible for the screening	Graham Symonds										
5. Who are the members of the screening team?	Raje	sh Sir	ha								
6. What is the purpose of the activity?	To select and appoint an Academy provider to run the all-through school including SEN provision at the Binfield Learning Village (BLV).										
7. Who is the activity designed to benefit/target?		Nursery and primary aged children in the Binfield area Secondary aged children in North Bracknell Parents, adults, residents and business across Bracknell. SEN??									
Protected Characteristics		Please tick Is there an impact?				What evidence do you have to support this?					
8. Disability Equality	Y	H	Providers The principle need is to provide additional mainstream school places. Organisations	Historically 2.8% of children have special educational needs and need some form of specialist provision in a mainstream or special school.							
			currently providing special education would be welcome to put their names forward, but on the understanding that the		Year	Children from Bracknell Forest attending Bracknell Forest schools and early years settings	Children from elsewhere attending Bracknell Forest schools and early years settings	Totals	Children from Bracknell Forest attending schools elsewhere		
			requirement is for mainstream education with integrated SEN.		2010	452	57	509	166		
			will integrated SEN.		2011	453 484	58 52	511 536	197		
			Type of school		2013	491	54	545	199		
					2014	474	52	526	201		
			The Council's policy is to accommodate disabled children in mainstream schools wherever possible. BLV design will comply with the Equality Act 2010.								
			Detailed planning is undertaken to accommodate future increased numbers on children with special needs and								

	1		Uniestricted	
			in this context. The Learning Village will be available to all sections of the community.	Percentage of Pupils with Statement of SEN in Mainstream Schools in Bracknell Forest 2.8 2.6 2.4 2.2 2.6 2.4 2.2 2.1 2.1 2010 2011 2012 2013 2014 % Statemented Primary Pupils % Statemented Secondary Pupils
9. Racial equality	Y	N	Providers Not applicable Type of school BLV will be open to children of all races. School policies and practice will ensure equality. The Learning Village will be available to all sections of the community.	The proportion of minority ethnic pupils has risen steadily in the last 10 years, from 9.9% in 2004 to 18.7% in 2014. Full details are available at: http://boris.bracknell-forest.gov.uk/ethnicity-january-2014.pdf
10. Gender equality	Υ	N	The need is to construct additional places in mixed schools that cater for boys and girls. Providers Organisations currently providing single sex education would be welcome to put their names forward, but on the understanding that the requirement is for a mixed school. Type of school BLV will be open to children of both genders, with appropriate facilities where necessary. School policies and practice will ensure equality and respect for example in terms of changing for PE. The Learning Village will be available to all sections of the community.	School rolls approximately comprise the same proportion of boys and girls (50%)
11. Sexual orientation equality	¥	N	Providers Not applicable	

			Type of school The Learning Village will be available to all sections of the community						
12. Gender re-assignment	¥	N	Providers Not applicable Type of school The Learning Village will be available to all sections of the community						
13. Age equality	Providers Organisations single phase o welcome to pu provide places phases of educe pre-school place appropriate nu The Learning		Additional places are required for both primary and secondary phases. Providers Organisations currently providing for a single phase of education would be welcome to put their names forward to provide places for the same or both phases of education. Pre-school places will be provided in appropriate numbers and locations. The Learning Village will be available to all sections of the community.	Full details are available in the 'School Places Plan 2014-2019'					
14. Religion and belief equality	Y	¥	The need is to provide additional places to serve the needs of communities of all religions, no religion and all faiths. Providers Organisations currently providing faith-based education would be welcome to put their names forward, but on the understanding that the requirement is for the education of all children. Type of school Diocesan schools or Academy Trusts would be welcome to provide additional places. School policies and practice will ensure equality and respect. The Learning Village will be available to all sections of the community.	Total Pupils in Bracknes By Religion (as at 28/0 Baptist Methodist Jewish Jehovah Sikh Anglican Buddhist Muslim Refused Other Hindu Roman Catholic No Religion Christian Total Pupils Source: Bracknell Fore system	NBelief 18/13) Number 2 11 21 34 74 77 109 267 287 297 328 676 4,738 8,687 15608	% 0.0% 0.1% 0.19 0.29 0.5% 0.5% 0.7% 1.7% 1.8% 1.9% 2.19 4.3% 30.4% 55.7% 100.0%			

15. Pregnancy and maternity equality	Y	4	Provide Not app Type of The Lea sections	licable schoo arning V	ol /illage will be available to all community			
16. Marriage and civil partnership equality	¥	Z	Not app Type of The Lea	Providers Not applicable Type of school The Learning Village will be available to all sections of the community				
17. Please give details of any other potential impacts on any other group (e.g. those on lower incomes/carers/ex-offenders) and on promoting good community relations.	Sch	ools w	ill be acce	essible t	to children from throughout so	ociety.		
18. If an adverse/negative impact has been identified can it be justified on grounds of promoting equality of opportunity for one group or for any other reason?	No negative impacts are identified.							
19. If there is any difference in the impact of the activity when considered for each of the equality groups listed in 8 – 14 above; how significant is the difference in terms of its nature and the number of people likely to be affected?	There are no significant differences.							
20. Could the impact constitute unlawful discrimination in relation to any of the Equality Duties?	Y N Please explain for each equality group							
21. What further information or data is required to better understand the impact? Where and how can that information be obtained?								
22. On the basis of sections 7 – 17 above is a full impact assessment required? N Additional places are to be provided for all children from throughout the community. School will ensure equality and respect.								
23. If a full impact assessment is not required; what actions will you take to reduce or remove any potential differential/adverse impact, to further promote equality of opportunity through this activity or to obtain further information or data? Please complete the action plan in full, adding more rows as needed.								
Action		Times	scale	Person Responsible	Milestone/Success Criteria			

The process to seek providers to be open and transparent	October 2015 to March 2016	Graham Symonds	Processes seen to be open.
Promote the opportunity to potential providers and engage effectively with them	October 2015 to March 2016	Graham Symonds	Good quality responses are received.
24. Which service, business or work plan will these actions be included in?	Programme Pla	ans for implementation of BL	V, overseen by the CMT.
25. Please list the current actions undertaken to advance equality or examples of good practice identified as part of the screening?	Please list		
26. Chief Officer's signature.	Signature:	David Watkins	Date: 14/4/15