

TO: EXECUTIVE
DATE: 12 APRIL 2016

ACADEMY PROVIDER: BINFIELD LEARNING VILLAGE
Director Children, Young People and Learning

1 PURPOSE OF DECISION

- 1.1 To agree the academy trust that is to be proposed to the Regional Schools Commissioner to operate and manage the new school at Binfield Learning Village.

2 EXECUTIVE SUMMARY

- 2.1 An academy provider needs to be appointed for the new school required as a result of new housing at Binfield Learning Village.
- 2.2 The process followed is prescribed by the DfE, and the Regional Schools Commissioner will make the final decision of sponsor taking into account the Council's recommendation. The DfE will ultimately contract with the sponsor for the education provision at both schools. The land and buildings will be leased by the council to the sponsor for 125 years.
- 2.3 Robust processes were followed, using the agreed weighted criteria, to identify a preferred provider to recommend to the Regional Schools Commissioner.

3 RECOMMENDATION

- 3.1 **That Proposer E is recommended to the Regional Schools Commissioner to run the new school at Binfield Learning Village.**

4 REASONS FOR RECOMMENDATION

- 4.1 There is a presumption from Government that Councils will seek academy providers for new schools.
- 4.2 The Council has sought expressions of interest from possible providers and undertaken a robust selection process that has resulted in the recommendation.
- 4.3 The selection process, including the views of the Evaluation Panel and Education Review Group, led to the recommendation.

5 ALTERNATIVE OPTIONS CONSIDERED

- 5.1 Expressions of interest were received from seven academy trusts.

6 SUPPORTING INFORMATION

Background

- 6.1 As a response to new housing in North Bracknell and the subsequent need for additional school places, a new 'all-through' (ages 4 to 18) school is planned at Binfield Learning Village.
- 6.2 The Education Act 2011 changed the arrangements for establishing new schools and introduced Section 6A (the academy/free school presumption) to the Education and Inspections Act 2006. Where a LA thinks there is a need for a new school in its area it must seek proposals to establish an academy school.
- 6.3 It should be noted that the Department for Education now terms all new schools as 'free schools', which may be established through a parental route or academy route. In this paper the term 'academy' is used to describe a free school through the academy route.
- 6.4 The process followed is prescribed by the DfE and the Regional Schools Commissioner will make the final decision of sponsor taking into account the Council's recommendation. The DfE will ultimately contract with the sponsor for the education provision at the school. The Council is the DfE's agent in the process.
- 6.5 The process to appoint a sponsor was agreed in a report to the Executive (23 June 2015).
- 6.6 The process to appoint a sponsor was run separately but concurrently with the process to appoint a sponsor to the new primary school at Amen Corner North. Expressions of interest were sought for both schools on 9 October 2015. The date for return of proposals was 7 December 2015 (a one week extension on the date originally set to allow proposers sufficient time to complete the necessary proposals).
- 6.7 The Education Review Group (ERG) were involved in the process throughout. Among its purposes the ERG is tasked with:
- Reviewing and making comment on the specification and process for seeking expressions of interest for future school provision;
 - Advising on the Council's assessment of proposals received prior to the Council submitting assessments to the Regional Schools Commissioner.
- The membership of the ERG comprises an independent Chair, and representative members, including the Executive Member CYPL, headteachers, governors and the Director CYPL. These processes are intended to ensure that any providers will be equipped to deliver good and outstanding provision.
- 6.8 The opportunity was promoted directly by the Council to selected academy trusts, advertised on the Council's website and promoted by the DfE through the channels they use for this purpose.
- 6.9 Expressions of interest were received from seven academy trusts. In the DfE's view this was a very strong response. Three expressions of interest were for both Binfield Learning Village (BLV) and Amen Corner North, and four for Binfield Learning Village alone.

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Proposer	BLV	Amen Corner
A	Yes	
B	Yes	Yes
C	Yes	
D	Yes	
E	Yes	Yes
F	Yes	
G	Yes	Yes

- 6.10 The DfE require local authorities to notify them of proposals received so that they can comment on the suitability of proposers. The DfE were satisfied that we could recommend any of the proposers to them to run the academies and had no comments to make on any of them.
- 6.11 Expressions of interest were scored against the agreed weighted criteria. Four of the seven proposers were shortlisted to present their proposals to the Evaluation Panel and ERG on 13 January. Some clarifications were made to the scoring after the presentations. The final scoring is shown in Annex 1.
- 6.12 Financial checks on the highest scoring proposer were also undertaken and no issues were identified.
- 6.13 Proposer E was the highest scoring proposer and is therefore the preferred provider for the Binfield Learning Village.
- 6.14 As part of due diligence, some members of the Evaluation Panel and ERG subsequently visited an existing academy of Proposer E to observe practice. The scoring judgement was re-inforced by the evidence seen on the visit.

7 CONSULTATION

Principal Groups Consulted

- 7.1 Consultation was not appropriate for this stage of the process.

Method of Consultation

- 7.2 Not applicable.

Representations Received

- 7.3 Not applicable.

8 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 8.1 The Council has, by seeking expressions of interest from academy providers, complied with the statutory duties imposed on it by the Education and Inspections Act 2006. The Council may recommend its preferred proposer to the Secretary of State, who will provide DfE evidence about each of the sponsors to the Council. A DfE official can provide written feedback on each sponsor prior to the Council and after receiving DfE views the Council may recommend its preferred sponsor to the Secretary of State. In making her decision on with whom she wishes to enter into a funding agreement, the Secretary of State will take the Council's assessment into account, along with any additional factors she is aware of. The decision is delegated

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to the Regional Schools Commissioner, but the Secretary of State reserves the right to agree a sponsor of her own choice on the basis she may have further evidence about a proposer which means none of those put forward is suitable.

Borough Treasurer

- 8.2 The Borough Treasurer is satisfied that no significant financial implications arise from the recommendations in this report.

Equalities Impact Assessment (EIA)

- 8.3 An EIA was attached to the background paper detailed below.

Strategic Risk Management Issues

- 8.4

ISSUE		RISK	COMMENT
1	Cost Risk	Gap in revenue funding in the initial years following the school's opening. Meeting this cost will result in less funding available for allocation to all schools.	Scenario modelling can raise awareness and minimise risk. A funding paper has been taken to the school's forum.
2	Cost Risk	Extra costs could emerge as the DfE may require additional support outside expectations.	Need to maintain effective liaison with DfE
3	Sponsor Risk	DfE not appointing the sponsor recommended by the Council.	Need effective liaison with DfE.
4	Sponsor Risk	The sponsor not engaging with the Council will jeopardise the implementation.	Need to establish good relationships and effective communications with the sponsor appointed.
5	Demand Risk	Insufficient pupils to make the school financially viable or building the school too early could significantly increase costs.	Clarify housing completion trajectory from builders. Collect information from new residents on their children requiring education. Pupil forecasts reflect position. Be prepared to delay school opening until sufficient pupils are present in area.
6	Capital Cost Risk	Risk that the provider will seek additional capital costs to be incurred by the Council over and above the provisions of the S106 agreement.	A clear commitment from the provider is required that they will work with the building designs and associated planning conditions.

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Background Papers

- a. Paper to the Executive, 23 June 2015, 'Binfield Learning Village: Appointment of school sponsor'

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