

Report sponsor: Andy Smith, Strategic Director
for People Services.

Report author: Diane Whitehead, Head of
School Organisation and Provision

Appointment of academy sponsor for new primary school at Castleward

Purpose

- 1.1 An exciting regeneration project is underway at Castleward, along with a major new housing development proposed on the adjacent former Derby Royal Infirmary (DRI) site, both of which are close to the city centre. Following careful consideration, a new primary school is proposed on the Castleward site to serve the new housing at both the Castleward and the former DRI sites.
- 1.2 The current proposal is for the new primary school to open in September 2021, on a phased basis. The capital project remains on track and the Council will continue to monitor the potential impact of Covid-19 on the delivery of the new school. An indicative timeline for the proposed new primary school is attached as Appendix 1 to this report.
- 1.3 The Education Act 2011 changed the arrangements for establishing new schools and introduced section 6A (the free school presumption) to the Education and Inspections Act 2006. Where a Local Authority (LA) thinks there is a need for a new school in its area, it must seek bids from potential sponsors to establish an academy (free) school.
- 1.4 Following Council Cabinet approval on 12 February 2020, the competition process for Castleward primary school launched on 20 February 2020, with a six-week period for potential sponsors to submit bids. The deadline for bids was subsequently extended by three weeks from 2 April 2020 to 23 April 2020, in order to help support potential sponsors, given the challenges posed by Covid-19.
- 1.5 The Council has held a competition process, in line with Department for Education (DfE) guidance, to identify a sponsor to open the new school at Castleward. Following a detailed evaluation of bids, this report seeks approval to recommend to the Secretary of State the highest scoring bidder as the Council's preferred sponsor. It should be noted that the Secretary of State will take the Council's preferred sponsor into consideration, but has the option to decide to appoint an alternative sponsor.
- 1.6 The DfE asks that preferred sponsors are not made public until the Secretary of State has taken the final decision to appoint a sponsor. This report does not, therefore, name the Council's suggested preferred sponsor. Additional confidential information, based on the detailed evaluation and scoring of bids, will be provided to Council Cabinet to enable a decision to be taken on the approval of the Council's preferred sponsor.

Recommendation(s)

- 2.1 To approve the Council's preferred sponsor for Castleward primary school for recommendation to the Secretary of State.

Reasons(s)

- 3.1 A new primary school is required to accommodate pupils from housing developments at Castleward and the former DRI sites. Where a Local Authority (LA) thinks there is a need for a new school in its area, it must seek proposals from potential sponsors to establish a free school.
- 3.2 The Council is able to make a recommendation to the Secretary of State on its preferred sponsor, following an evaluation of proposals. The decision on which sponsor is appointed to open the new school is then taken by the Secretary of State.

Supporting Information

- 4.1 An exciting regeneration project is underway at Castleward, along with a major new housing development proposed on the adjacent former Derby Royal Infirmary (DRI) site, both of which are close to the city centre. Following careful consideration, a new primary school is proposed on the Castleward site to serve the new housing at both the Castleward and the former DRI sites.
- 4.2 The proposal is for the new primary school to open in September 2021, on a phased basis. The proposal is for the new school to open initially with one form of entry (30 pupils per year group) and build pupil numbers incrementally, increasing by one new reception intake each year. This approach would remain under review should demand for pupil places from the housing developments increase in year groups that are yet to open.
- 4.3 As further phases of the Castleward development are built, the school could expand from one to 1.5 forms of entry (45 pupils per year group). The new school will provide primary places for pupils from these future dwellings, as part of the Council's infrastructure planning and in readiness for future commissioning of additional school places to serve the longer term regeneration project underway in this area of the city.
- 4.4 The capital project remains on track and the Council will continue to monitor the potential impact of Covid-19 on the delivery of the new school. An indicative timeline for the proposed new primary school is attached as Appendix 1 to this report.
- 4.5 With regard to secondary school capacity, the developments are within the catchment area of Bemrose School, which currently has some surplus capacity. There are sufficient school places to accommodate secondary pupils from current phases and this will continue to be assessed as future phases move forward.
- 4.6 The Education Act 2011 changed the arrangements for establishing new schools and introduced section 6A (the free school presumption) to the Education and Inspections Act 2006. Where a Local Authority (LA) thinks there is a need for a new school in its area, it must seek bids from potential sponsors to establish a free school. In order to submit a bid to run a new school, an organisation must already be a Department for education (DfE) approved sponsor or must be assessed by the DfE through their sponsor approval process.
- 4.7 The Council has followed DfE guidance on the process for identifying a sponsor to open the new school at Castleward. Following Council Cabinet approval on 12 February 2020, the competition process for Castleward primary school launched on 20 February 2020, with a six-week period for potential sponsors to submit bids. The deadline for bids was subsequently extended by three weeks from 2 April 2020 to 23 April 2020, in order to help support potential sponsors, given the challenges posed by Covid-19.

4.8 Following the deadline for the receipt of bids, a detailed assessment process was carried out by the Evaluation Panel, and bids were scored against the DfE model criteria. The main headings for scoring were as follows:

- Vision
- Curriculum
- Measuring pupil performance
- Staffing structure
- Ensuring inclusivity
- Experience and credentials
- Governance structure

4.9 Each of the seven headings above was scored between 0 - 3, giving a maximum score of 21 as follows:

QUALITY SCORE CRITERIA	MARKS
The evidence and argument contained in the application is 'inadequate' .	0
The evidence and argument contained in the application is 'adequate' .	1
The evidence and argument contained in the application is 'good' .	2
The evidence and argument contained in the application is 'excellent' .	3

4.10 No weighting were applied to any of the criteria. The Evaluation Panel initially carried out individually scoring and then met to moderate their scores and give each bidder a final overall score.

4.11 Following the evaluation of bids, Council Cabinet approval is now sought to recommend to the Secretary of State that the highest scoring bidder is the Council's preferred sponsor. It should be noted that the Secretary of State will take the Council's preferred sponsor into consideration, but has the option to decide to appoint an alternative sponsor.

4.12 The Department for Education (DfE) requests that preferred sponsors are not made public until the Secretary of State has taken the final decision to appoint a sponsor. This report does not, therefore, name the Council's preferred sponsor. Additional confidential information, based on the detailed evaluation and scoring of bids, will be provided to Council Cabinet to enable a decision to be taken on the approval of the Council's preferred sponsor.

4.13 The process to identify a sponsor for the new primary school at Castleward has followed a similar approach as with the Hackwood Primary Academy competition process.

4.14 Update: Proposed new primary school at Snelsmoor Grange, Boulton Moor

At its meeting on 12 February 2020, Council Cabinet was advised that a Housing Infrastructure Fund (HIF) bid had been submitted for capital funding towards the cost of building the Snelsmoor Grange primary school. The bid was, unfortunately, unsuccessful and discussions have now re-opened with the developer on funding for the school.

- 4.15 The current proposal is for the new school to open in September 2022. The timing of the opening of the new school will, however, continue to be kept under careful review in light of timescales for the housing development programme and the identification of capital funding for the cost of constructing the school.

Public/stakeholder engagement

- 5.1 The Council has followed Department for Education (DfE) guidance in the promotion of the free school competition and has invited applications from DfE approved groups and organisations. Once a sponsor has been appointed, they are required to carry out formal consultation with stakeholders and the local community during the pre-opening phase of the new school.

Other Options

- 6.1 The Council has a statutory duty to plan sufficient school places for the City. The option of creating no additional provision was discounted as there is very limited surplus capacity available in primary schools close to the sites. It was not considered possible to expand existing primary schools to the extent needed to accommodate estimated pupil numbers.

Financial and Value for Money issues

- 7.1 With regard to the Castleward and DRI developments, the proposed new primary school is an important part of the Council's infrastructure planning, to support the regeneration of the area and meet demand for school places arising from the new properties. The school will be funded through £8 million of capital investment, which has been identified through funding sources such as the D2N2 LEP, Homes England Housing Infrastructure Fund and Section 106 funding. The capital funding package for the Castleward school was approved by Cabinet in September 2019.
- 7.2 Local authorities are required to meet the initial revenue costs of new school provision. These costs are eligible expenditure to be funded through the Dedicated Schools Grant.

Legal Implications

- 8.1 The Education Act 2011 reviewed 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 considers there is a need for a new school in its area, it must seek proposals to establish an academy / free school.

Other significant implications

- 9.1 An Equalities Impact Assessment has been completed in relation to the opening of the new primary school, which is required by the Secretary of State as the decision maker on the appointment of the successful sponsor.
- 9.2 Under regulations, the new schools will need to be free schools and the school sites leased by the Council to the new schools' sponsors for a term of 125 years, as required by the DfE.

This report has been approved by the following officers:

Role	Name	Date of sign-off
Legal	Madhuri Gembali, Solicitor	1 July 2020
Finance	Alison Parkin, Head of Finance – People Services	25 June 2020
Service Director(s)	Gurmail Nizzer, Director of Integrated Commissioning	26 June 2020
Report sponsor	Andy Smith, Strategic Director for People Services	26 June 2020
Other(s)	Jo Ward, Head of Quality, Standards & Performance	2 July 2020

Background papers:	None
List of appendices:	Appendix 1 – Indicative timeline and stages to open the proposed new primary school at Castleward

**Indicative timeline and stages to open the proposed
new primary school at Castleward**

Action	Timescale
Invitation to submit proposals opens and documents are published on Council's website	Thursday 20 February to Thursday 23 April 2020
Invitation to submit a proposal - submission deadline	Thursday 23 April 2020
Advise Secretary of State of all potential sponsors that have submitted proposals and send the proposals to the Department for Education.	Friday 24 April – Friday 5 June 2020
Assessment Panel to evaluate proposals.	Friday 24 April – Friday 5 June 2020
Assessment Panel to complete scoring against the criteria for each potential sponsor.	Friday 5 June 2020
Council Cabinet's approval of Council's recommended preferred sponsors.	August 2020
LA recommendation of preferred sponsors to Secretary of State.	August 2020
Secretary of State appoints sponsors	Anticipated November 2020
LA writes to successful and unsuccessful proposers to advise of outcome.	November 2020
Successful sponsors consult.	
Conclusion of funding agreements by Department for Education.	
Sponsors to make headteacher and staff appointments.	
Proposal for new schools to open.	September 2021