

## CABINET

21 DECEMBER 2010

### REPORT OF THE CABINET MEMBER FOR CHILDREN AND EDUCATION

<b>Title:</b> New Secondary School for Barking Riverside - Appointment of Preferred Bidder for Operational Management	<b>For Decision</b>
<b>Summary:</b> <p>The Cabinet, on 25 September 2007 (Minute 57 refers), agreed to adopt the Building Schools for the Future (BSF) Strategy for Change (Part 2) document. This document stated that “BSF will support Barking Riverside: secondary school places will be required by 2011 due to the Thames Gateway development. This school will be subject to competition”.</p> <p>At the Cabinet meeting on 25 March 2008 (Minute 146 refers), an Outline Business Case (OBC) was received to be submitted to Partnerships for Schools (PfS) and the Department for Education (DfE) (formerly the Department for Children, Schools and Families (DCFS)) to support the Council’s bid for BSF investment resources from Government. The Cabinet agreed to endorse the OBC principles and process and to engage further with the BSF programme.</p> <p>Following the change of government in May 2010 and the Spending Review, on 24 July 2010, the Secretary of State for Education cancelled the national BSF programme. Representation has been made to the Secretary of State with the support of the Rt Hon Margaret Hodge MP and it has been recognised that the Borough has a high demand for school places. The provision of funding to provide the new school will be a matter of determination later this year when basic need announcements for each local authority will be published.</p> <p>This report presents a proposal for the selection of a preferred bidder in relation to the operational management for Barking Riverside Secondary School for either The London Academies Trust Ltd (to establish an Academy) or for the Barking &amp; Dagenham Co-operative Learning Partnership (to establish a Foundation School with a Charitable Trust as the Foundation). This proposal is not in relation to capital funding for the build of the new school.</p> <p>The main criteria is for the school to be a mainstream secondary school to be open from 1 September 2012 (although this could be later as explained in the main report) to cater inclusively for pupils between the ages of 11 and 19 and provide places for 1,500 boys and girls for Years 7 to 11, 300 sixth form places together with specialist facilities for an additional 160 places for pupils with significant special educational needs (SEN) aged 3 to 19 when the school is operating at full capacity.</p> <p>The benefits of this proposal will be to make provision for pupils of secondary school age at the new Barking Riverside development where it is planned for approximately 10,800 new homes will be built and also to meet the increasing demand for school places caused by the changes experienced in the age profile of the Borough, most notably the rise in birth</p>	

<p>rates and changes in migration patterns into the Borough.</p> <p><b>Wards Affected:</b> Thames Ward</p>		
<p><b>Recommendation(s)</b></p> <p>The Cabinet is recommended to</p> <p>(i) Agree the preferred bidder for the operational management of the new Barking Riverside Secondary School, as named in the private and confidential appendix to this report, with the following conditions as allowed in the DfE Guidance 'Establishing a New Maintained Mainstream School' Part C [Paragraph 94]:</p> <p>a) the lease of the site on which a new school is to be constructed;</p> <p>b) the entering into an agreement for any necessary building project supported by the DfE in connection with grant funding from the DfE's former Building Schools for the Future programme, which will result in a delay of one year to allow for building works;</p> <p>c) These conditions being met by September 2013.</p>		
<p><b>Reason(s)</b></p> <p>To assist the Council in achieving its Community Priority of "Inspired and Successful" and in fulfilling its duty to provide every child in the Borough with a school place.</p>		
<p><b>Comments of the Chief Financial Officer</b></p> <p>The Corporate Director of Finance and Resources has confirmed that relevant financial issues are set out in section 7 of the report.</p>		
<p><b>Comments of the Legal Partner</b></p> <p>The Council cannot lawfully invite proposals for school provision whilst funding is uncertain, which is the position in which the Council currently finds itself following the Secretary of State announcement on 24 July 2010 re the BSF programme, therefore, until funding is confirmed, reasonable care should be exercised in relation to progressing the competition process.</p> <p>The Legal Partner (Procurement, Property and Planning) should be consulted in relation to the contractual aspects of the proposed arrangement.</p>		
<p><b>Head of Service:</b> Jane Hargreaves</p>	<p><b>Title:</b> Head of Quality and School Improvement</p>	<p><b>Contact Details:</b> Tel: 020 8227 4148 E-mail: jane.hargreaves@lbbd.gov.uk</p>
<p><b>Cabinet Member:</b> Councillor R Gill</p>	<p><b>Portfolio:</b> Lead Member for Children and Education</p>	<p><b>Contact Details:</b> Tel: 020 8724 2892 E-mail: rocky.gill@lbbd.gov.uk</p>

## **1. Background**

- 1.1 Building Schools for the Future (BSF) was launched in 2004 by the then Prime Minister, Tony Blair. Partnerships for Schools (PFS) was set up in 2005 to deliver the programme on behalf of the government.
- 1.2 The aims of BSF were to rebuild or refurbish every secondary school in England over a 15 to 20 years period with the aim of ensuring that secondary pupils learn in 21<sup>st</sup> century facilities. Councils would be required to enter into public-private partnerships, known as Local Education Partnerships (LEPs) with private sector companies. Funding for BSF was to come from Grants, PFI and capital receipts, and was targeted at local authorities with the most deprived schools first.
- 1.3 Each Local Authority, as a stakeholder in their LEP, would plan a co-ordinated renewal of their entire secondary schools estate through BSF, in phases of funding known as waves. Funding for ICT (managed services, hardware and software) was ring-fenced in the funding envelope for BSF.
- 1.4 33 LEPs had been established when the programme was cancelled in July 2010. At that point, 185 schools had received BSF investment.
- 1.5 The Cabinet agreed to support the BSF project and noted that it was intended that the Council would be in Wave 4 of the Government's programme at its meeting on 25 September 2007 (Minute 57 refers).
- 1.6 At the meeting of 25 March 2008 (Minute 146 refers), the Cabinet agreed to endorse the Outline Business Case (OBC) following a report from the Corporate Director of Children's Services, to be submitted to Partnership for Schools to support the Council's bid for BSF investment resources from Government.

## **2. Proposal - Barking Riverside Development**

- 2.1 The proposal at Barking Riverside to provide a new 11 to 19 Secondary School, and also 160 places for special needs provision, was part of the BSF programme.
- 2.2 The Barking Riverside development is to provide a mixed-use development that includes up to 10,800 homes in a phased build with the final homes being completed in 2024.
- 2.3 The increase in 0 to fifteen year olds residing in the South Riverside Area, as a result of the new housing developments, is forecast by 2016 to be as follows:
  - 0 to 4 year olds an increase of 957 children
  - 4 to 10 year olds an increase of 1,338 pupils, and
  - 11 to 15 year olds an increase of 884 pupils
- 2.4 With the overall rising birth rates in the Borough from 2,380 (2000-01) to 3,619 (2007-08) and the accompanied proposed development of new homes across the Borough and more specifically at Barking Riverside, there will be an increased demand for school places. It is, therefore, appropriate that as part of the new

Barking Riverside development, some new provision for school places should be made. In particular, it is intended some secondary school places are available for possibly September 2013 with a nominal number of places being available for September 2012. The opening date for the new school could be later than 2013 if the build of the school is delayed as this is dependent on funding being made available from the Secretary of State. By that time, there will already be a first primary school – a Voluntary Aided Church of England School – elsewhere at Barking Riverside.

- 2.5 It is especially important for residents in this new area that there is suitable and convenient access to school places.
- 2.6 Where Local Authorities have identified a requirement for a new school the DfE (formerly the DCSF) introduced procedures for creating a new school established under The EIA 2006 Regulation 2007.
- 2.7 The provisions apply in all circumstances where it is intended to establish a new school and applies for the establishment of any new maintained school whether they are to be brand new schools (e.g. to meet population growth) or to replace existing schools (e.g. following a reorganisation).
- 2.8 Therefore, where the Council wish to see a new school established they must either:
- Invite proposals for the school as provided for in Section 7 of the EIA 2006 Regulation 2007. This process is generally referred to as a “competition” and is expected to be the route by which most new schools will be established.
  - Apply to the Secretary of State for consent to publish proposals for a new school without running a competition. This is consent to **publish proposals only** and is **not** permission to establish a new school. Therefore, where consent is granted to publish proposals, it is not permission to establish a new school. The normal statutory process would still apply i.e. Consultation; Publication; Representations; Decision (by LA or schools adjudicator).
  - Work with the Secretary of State and sponsors to establish an Academy; or
  - For new maintained nursery schools and new 16 to 19 schools only, publish proposals for the new school under Section 11 of the EIA 2006.

This allows for a management structure to be in place for when the school is built.

### **3 The competition process for the selection of a preferred bidder for the management and operation of the new secondary school**

- 3.1 The stages in the competition process are as followed:

#### **Stage 1 Consultation**

In order to inform local people and seek their views about the specification of the new school the Council has conducted an extensive consultation process that has included writing to the residents of Barking Riverside; the Faith Forum; all secondary school head teachers in the borough and the governing bodies, Trade

Unions, the YPLA, the Barking & Dagenham Primary Care Trust; the Metropolitan Police (Partnership & Communications) at Barking Police Station; Local Businesses through Barking and Dagenham Business Enterprise; The Diocese of the Roman Catholic Church and the Church of England; Local Residents via The News and the Council corporate website; neighbouring Councils and the wider public via the consultation portal. In addition, a public meeting was held by the Council at Thames View Junior School, on 7 May 2010, to further inform the public of the consultation, the planned specification for the school and a brief explanation of the competition process.

### **Stage 2 Invitation to bid (first notice)**

This was published on 14 May 2010 in both The Times and The News (the local newspaper). The Notice has also been placed on the Council website.

A seminar was held on 15 June 2010 and was hosted by the then Office for Public Management (the then appointed consultants for the DfE). This was to inform potential proposers about the competition process for the operational management of the new secondary school and the requirements for submitting a proposal in response to the published notice. The Council were also able to explain the criteria and objectives for the new school at this event.

Bidders have four months from the date of publication within which to submit a bid. The final date for submission of bids was 24 September 2010.

### **Stage 3 Publication of Proposals (second notice)**

This summary of all the proposals received was published on 6 October 2010.

In addition the Council must hold at least one public meeting following publication of the second notice the purpose of which is to inform people of the proposals received and tell them how they can provide their comments and objections. All of the proposers must be invited to the meeting to give them an opportunity to outline their proposals in more detail and give people an opportunity to ask questions. This meeting was held on 11 October 2010 at Barking Town Hall.

### **Stage 4 Representations**

A six week period follows from the publication date of the second notice to allow for any comments and objections to be submitted. The end of the representation period was 16 November 2010.

### **Stage 5 Decision**

The Council must make a decision within two months of the end of the representation period i.e. by 16 January 2011. Should the Council not make a decision within two months, the matter would be referred to the school's adjudicator.

### **Stage 6 Implementation**

There is no prescribed timescale but would be as specified in the published notice subject to any modifications agreed by the Decision Maker. The date specified for the opening of the new school is September 2012.

## **4. The selection process**

4.1 A selection panel were nominated to determine the preferred bidder for the operational management of the new Barking Riverside secondary school and as part of the selection process, the selection panel were present at the Public Meeting, held on 11 October 2010, at which presentations were made by the two bidders. The two bids were submitted from:

- The London Academies Trust Ltd, who submitted a proposal to establish an Academy.
- The Barking & Dagenham Co-operative Learning Partnership, who submitted a proposal to establish a Foundation School with a Charitable Trust as the Foundation.

4.2 Following the 11 October public meeting, the selection panel members carried out an independent evaluation of the two proposals submitted and completed a score sheet for each bid.

## **5. Criteria for the new school**

5.1 The following are the criteria against which each proposal was scored.

1. Make a clear commitment to providing a school for the Riverside local community by implementing the LA's admissions policy as regulated from time to time.
2. Commit to working within the LA's policies and procedures for placement of children and young people with statements of special educational needs.
3. Demonstrate the capacity to provide an inclusive education at all ages and levels of attainment.
- 4.. Commit to working within the Authority's BSF programme in partnership with other schools in the Borough.
- 5.. Demonstrate an ability to plan and organise a campus of educational facilities for the ages of 3 years to 19 years including those learners with special needs.
6. Commit to providing all aspects of the extended schools' core offer, including wrap-around childcare.
7. Commit to equity and excellence, and set out plans to ensure that standards for the new school are high.
8. Develop the pedagogy of teaching and learning, embedded within a broader social pedagogical framework, focusing on speech, language, debate, discussion and dialogue

9. Provide plans that show how learning is to be personalised for each student so that her or his potential to learn is fully explored through the use of ICT, study programmes and other appropriate means, including the commissioning of support services in collaboration with the LA.
10. Show commitment to promoting and enabling new ways of working, for example, by developing shared social pedagogical transformation across all practitioners including those from the PCT, the VCS and Youth Support service working in the school with ICT at its heart.
11. Commit to joining the Authority's BSF ICT managed service.
12. Show commitment to enabling young people to remain engaged in education/training beyond 16 and thereby contribute to the Council's overall strategy to reduce the number of NEETs within the Borough.
13. Demonstrate strategies to achieve the following outcomes:
  - (a) to enable students to develop their potential for employability
  - (b) to raise their confidence and self esteem by working/earning/training
  - (c) to improve their qualifications and experience
  - (d) to provide them with skills for life and independence
  - (e) to enable them to avoid negative influences and lifestyles
  - (f) to develop concept of citizenship by contributing to and engaging with their community and the wider society
14. Demonstrate an understanding of and commitment to providing community leadership from the proposed school as a hub for the community, together with the strategies, structures and systems for supporting these objectives
15. Commit to ensuring a governance structure representative of all stakeholders.
16. Provide plans and commitment to supporting families especially those that are disadvantaged.
17. Demonstrate commitment to and provide clear and viable plans for working in partnership with Barking Abbey and other secondary schools, Barking College and other relevant providers in relation to 14-19 vocational education and post 16 education.
18. Provide clear and viable plans for working in partnership with Trinity Special School in order to ensure that good practice is shared and that service excellence is attained.

19. Commit to ensuring that the school's contribution to the PFI unitary charge is fully met.
20. Commit to ensuring that the school budget will be managed with economy, efficiency and effectiveness.

## **6. Scores of the bidders for the management and operation of the new school**

6.1 Each bidder was scored against the criteria set out in paragraph 4 above and were marked between 1 to 5 whereby 5 is excellent and exceeds expectations. If the criteria were not met, no score was given. The two bidders were:

- The London Academies Trust.
- The Barking & Dagenham Co-operative Learning Partnership.

6.2 Following the public meeting held on 11 October 2010 the selection panel members met to discuss the scores of the two bidders and are recommending the preferred bidder, as set out **Appendix A** in the Private and Confidential part of the agenda.

6.3 At the time of writing this report, no responses have been received in regard to the published notices or from the letters that were sent to local residents and schools. Any subsequent responses will be reported verbally at the meeting.

## **7. Financial issues**

7.1 There are no direct financial consequences attributable to this report, which is designed to seek the Cabinet's approval to appoint a preferred operator for the new school. Therefore, this proposal is not in relation to capital funding for the build of the new school.

7.2 At present the capital resources to provide the school have been put on hold by the Secretary of State and this is subject to a review. This directly affects the provision of this school. It is expected that the Government will be making an announcement about the allocation of resources to meet basic need provision to provide school places. Allocations are likely to be advised around the end of the calendar year. Once the determination is made on capital funding allocations, a further report will be brought to Cabinet.

7.3 There are additional revenue costs associated with the increased intake of pupils and these will be met from the Dedicated Schools Grant (DSG) budget allocated for this purpose from Central Government. Schools receive funding based primarily on pupil numbers and the increase in pupil numbers will generate sufficient funding to meet revenue costs. Although schools receive funding based primarily on pupil numbers, it is worth stressing that the funding is calculated on the January PLASC numbers. If the additional places are created from September onwards, these numbers will not be counted for the purposes of funding until the census the following year. This will create an in-year funding gap of 7/12ths on the DSG. The funding gap must be set aside as a provision within the DSG during the budget setting process for 2012/13.



7.4 Therefore, revenue funding to support the school will come from the Schools Dedicated Schools Grant (DSG) once the school starts to function; subject to set up costs to begin supporting the school's establishment, which would also need to come from the DSG.

7.5 It is expected that the cost of the Learning Partnership will be contained within the Barking Riverside School's delegated budget share as allocated through the s251 funding formula.

7.6 The provision of capital to support this project is subject to either a grant or PFI credits from the Secretary of State.

## **8. Legal Issues**

8.1 The proposals for a new school have been published in accordance with the Education and Inspections Act 2006 and the required procedural and implementation arrangements are being followed, in accordance with The School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2007 (as amended by The School Organisation and Governance (Amendments)(England) Regulations 2007 which came into force on 21 January 2008, and the related statutory guidance.

8.2 The statutory six week consultation period commenced on the 6 October 2010 (following publication of the second notice summarising the proposals from bidders) and concluded on 16 November 2010. The Council held a public meeting on 11 October 2010 the purpose of which was to raise public awareness of the 'competition' and allow proposers to outline their proposals. The Council is required to make their decision on the proposals within two months of the end of the statutory consultation period, i.e. by 16 January 2011, otherwise the matter has to be passed to the Schools Adjudicator to be determined.

## **9. Other Implications**

### **9.1 Risk Management**

The Council has a statutory obligation to make provision for additional pupil places in the Borough and these proposals mitigate the risk of failing to provide suitable numbers of places for pupils' learning.

### **9.2 Staffing Issues**

New teaching staff and non-teaching staff will need to be recruited for the new school and this will be funded through the school's DSG budget. This will be taken forward by the School's Governing Body that will be established prior to the opening of the new school.

### **9.3 Customer Impact**

The new housing development at Barking Riverside will ensure that those pupils living in the local area, including pupils with Special Educational Needs, have access to education in the secondary sector in their local area.

## 9.4 **Property / Asset Issues**

The new school will be an addition to the school estate portfolio.

The site designated at Barking Riverside for the school is owned by Barking Riverside Limited (BRL) and will be assigned as a lease to the Council for the purposes of providing a school. This will be subject to a separate agreement.

Further to the Spending Review currently underway by the new coalition government, at present the capital resources to provide the school have been put on hold and this directly impacts on the delivery of the school building that could be delayed by one year because of financing and land issues.

## 10. **Options appraisal**

10.1 Do Nothing - This is not practical due to the legal and statutory obligation placed on the Council to provide sufficient school places and the pressures currently faced across the Borough.

10.2 Accept the bid from the preferred bidder for the management and operation of the new secondary school, as set out in the Private and Confidential part of the Agenda, subject to funding being made available from the Secretary of State.

## 11. **Background Papers Used in the Preparation of the Report:**

- Legislation which allows this – Education and Inspections Act 2006
- Consultation Paper dated 5 March 2010
- Notices Published 14 May 2010 and 6 October 2010
- DfE Guidance: Establishing a new maintained mainstream school

## 12. **List of appendices:**

**Appendix A** – Scoring results and Sheets (In the Private and Confidential part of the agenda)