

**WOODFORD DEVELOPMENT - NEW SCHOOL GOVERNANCE DECISION  
AFFECTING THE QUEENSGATE PRIMARY SCHOOL OPTION**

Report of Deputy Chief Executive (Place) and Director of Education

**1. INTRODUCTION AND PURPOSE OF REPORT**

- 1.1 The Local Authority granted planning permission in 2014 for the redevelopment of the former BAE systems site at Woodford to deliver a predominantly residential led development comprising up to 920 dwellings. The planning permission also secured the provision of a single form entry Primary school which is to be delivered by the developer and to be available for occupation of the 450th dwelling. Once constructed, the freehold of the school is passed to the Council.
- 1.2 The purpose of the report is to update the Cabinet following the Cabinet meeting on 29 June 2021 and the early response to the pre-proposal consultation which commenced on 1 July 2021.
- 1.3 The report of 29 June 2021 outlined the 2 options available to Local Authority regarding the management and governance of the new Woodford Garden Village school. As per that report, the Local Authority can recommend that an existing community school transfers to the new site and is expanded or the site is offered, through a competitive process, as a free school/academy.
- 1.4 Since the Cabinet decision of the 29 June 2021, significant opposition has already been received to the option of relocating Queensgate to the new site. This has been evidenced from the online pre-proposal consultation survey, letters of concern from concerned parents and residents and directly from ward members (including via a petition).
- 1.5 Accordingly, this report recommends that the decision of 29 June 2021 be rescinded and a new decision taken as outlined in the recommendations contained at the end of this report which is that the relocation of the Queensgate Primary School to the Woodford Development site is no longer an option for consideration by the Council and that Cabinet agrees to offer the single form entry Primary mainstream school through a free school presumption process.
- 1.6 The decision to be taken is a Key Decision by the Cabinet pursuant to the council's constitution and a General Exception Notice has been published in this regard as to why 28 days' notice of the decision could not be provided.

**2. BACKGROUND**

- 2.1 The report that went to the Cabinet meeting on 29 June 2021 set out the detailed background to the historical position in relation to the new school site and the recent position in relation to interest that had been shown to operate a school from the new school site.

2.2 It is for the Cabinet to determine how the management and governance of the new school will be established and in making this decision, Cabinet will consider 5 key principles:

- We ensure sufficient school places in local schools
- We deliver places in a proactive timely manner
- We deliver value for money and maximise grant income
- We consider the implications of decisions made ensuring sustainability of existing local schools
- Our decisions deliver flexibility for the future needs of the school population

### **3. PLANNING, PROJECTIONS AND ADMISSIONS**

3.1 Due to timescales involved in the delivery of the redevelopment of a former brownfield site, added to the inevitable delays felt as a consequence of the pandemic and a need to phase anticipated pupil yield into projections there remains uncertainty as to when places will need to be created. Current school applications have shown some pressure in the system for extra places and pupil projections anticipate a further shortfall in capacity from September 2023.

3.2 Given the level of sufficiency required, consideration has been given to an approach that allows flexibility in the availability/provision of school places so as not to destabilise local schools in the area which could result in viability issues should too many places be created and/or those places be made available at the wrong time.

3.3 There remains uncertainty about forward demand for places and in order to assure that new school places do not destabilise existing schools it is recommended that further pupil place planning modelling and projections are sought for both strategic and tactical decision making.

### **4. OPTIONS FOR THE GOVERNANCE OF THE NEW SCHOOL**

4.1 As per the report that went to the Cabinet meeting on 29 June 2021, both Queensgate Primary (Community School) and at least one Multi-Academy Trust are interested in taking over the governance and management of the new school site.

4.2 The new 1FE school (with Nursery) has been funded by the developer to provide school places that will be generated by the Woodford Garden Village housing development. The local authority could choose to transfer Queensgate to an enlarged 2FE school building whilst managing the release of places as increased capacity is required in the local area **or** offer the school to a competitive process under the free school presumption process<sup>1</sup>.

<sup>1</sup> All new schools established through the presumption process are classified as free schools. This reflects the fact that 'free school' is the Department for Education's term for any new provision academy. 'Academy' is the legal term for state-funded schools that are independent of Local Authority control and receive their funding directly from the government. Schools established through the presumption process are not required to use the term 'free school' in their name.

- 4.3 As referred to above, there has already been significant opposition received from residents and ward councillors to the proposed option to the transfer of the Queensgate school to the new school site at Woodford Garden Village. An update in respect of the statistics regarding those in favour and those in opposition to the proposed transfer will be provided by verbal update at the extraordinary Cabinet meeting on 20 July 2021.

## **Admission Arrangements**

### **Queensgate**

- 4.4 The relocation of Queensgate to become the operator of the new school was a legitimate option that required consideration alongside offering the new site under a free school presumption process to select a sponsor. Since reporting that the transfer of Queensgate was a potential outcome, significant concerns have been raised by both Queensgate and Woodford parents and carers, community members and local ward members.
- 4.5 The previous report outlined that there would be less disruption to admission arrangements and flexibility to release places when needed if Queensgate were relocated. However, there are some challenges associated with relocating and expanding Queensgate which include:
- The ability for the Council to provide absolute clarity to prospective families about the arrangements at Queensgate Primary School and/or the new site at the beginning of the application process which opens in August 2021 and closes in January 2022.
  - To be able to welcome pupils in September 2022 at the new site would have required a period of split site operation while the school was able to fully set the new site up.
  - The timeline for completion of construction of the new school site is reliant on there being no issues in the build process.
  - Feedback from parents/carers raised by writing to the council and responding to the survey has highlighted that a significant number of Queensgate families would no longer continue to walk or cycle to school and would switch to less sustainable modes of travel which will increase road congestion and have a negative environmental impact.

### **Multi Academy Trust**

- 4.6 A multi academy trust operator of the new site, on becoming the appointed sponsor, would publicly consult under statutory requirements outlining the proposed fine detail of the new school and its arrangements. This would include proposed admissions arrangements for the new school. The academy trust cannot begin to accept applications without determined admission arrangements and cannot admit pupils to the new school without a signed funding agreement. The application process for Reception places is governed by a statutory timeline which starts in the August, a year prior to the pupils being admitted.

- 4.7 It is feasible for a free school operator to be in place and accept pupils by September 2022. An indicative, lean timescale of 6 months is required from the point at which a Council makes its decision to proceed with a preferred option to the earliest point that an academy trust could be able to determine admissions arrangements. The earliest point at which the admissions authority could begin to accept applications for Reception places at the new school would therefore be May 2022 to start in September or shortly after September 2022.
- 4.8 There are a number of potential risks and challenges that arise from a free school presumption process which include:
- The governance needed to establish a new school through the presumption process is delayed, ultimately delaying the project development grant and funding agreement.
  - The Department for Education determine that a 1 form entry primary school is unviable and refuse to support the project.
  - The timeline for completion of the construction of the new school site is reliant on there being no issues in the build process.
  - Current applications for state-funded places indicates that an additional 1FE is not needed for September 2022 and will not be needed until 2023.
- 4.9 There is an expectation that nursery provision is included on site. The arrangements for nursery admissions are non-statutory meaning that an application process can happen much earlier in the process however it is anticipated that the successful sponsor will likely set the admissions criteria for nursery and reception places at the same time.

### **Free School Presumption (competition)**

- 4.10 We are aware of interest from at least one Multi-Academy Trust to take ownership and manage the Woodford Garden Village school site in line with the free school presumption process. However, this is an open and competitive process and there is no guarantee of who would win the bid.
- 4.11 Opening a free school academy has the lowest immediate capital costs and has proven so far to be popular for those that want to keep the Queensgate school on its existing site.
- 4.12 Due to a slow yield from the Woodford development, the existence of a new 1FE school is likely to create additional capacity in the area which could have a negative impact on pupil numbers at other local primary schools in and around the area.
- 4.13 The free school presumption process is a well-defined process with open competition for an operator. There are 2 defined stages of consultation:
- 4.13.1 Stage 1 LA consultation at the start of the process to consult on the parameters for the school specification. This is not a formal statutory consultation, but it is included in the described process and should take place before publication of the specification of the new free school. Questions have been asked through the pre-proposal consultation survey to support this pre-specification phase.

- 4.13.2 Stage 2 “Section 10” statutory consultation after the decision on who to award as the school academy sponsor. This is carried out by the sponsor after appointment and should inform stakeholders and the local community about details of the project in the pre-opening phase. There is no specified length of time for the consultation, however, the Department for Education recommend a minimum of 6 weeks.

## **5. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS**

### **5.1 Revenue and Capital consequences of report recommendations**

- 5.1.1 The costs incurred if Queensgate was relocated to the Woodford school site would be approx. £2.0-£2.5M. Further design work would be required to be clear on costs. As a current estimate, this is viable within the capital programme, however, these costs would be funded from the school’s capital programme which is in competition with investment needed for the existing school estate. Latest indications show a condition need across the education portfolio of at least £94m for which there is significant demand and insufficient funding.
- 5.1.2 The Secretary of State will not enter into a funding agreement for a new presumption free school without adequate assurances that the school will be financially viable in its initial years as it builds up to capacity, and once operating at steady-state (this can take between 5-7years). This may require revenue support from the Local Authority, though expectations are that ESFA will provide start-up costs/grants.

### **5.2 The effect of the decision**

- 5.2.1 The decision should be based on the best use of available resources this includes the consideration of existing conditions issues, creation of sufficient good local and inclusive school places and the avoidance of turbulence in other schools who may be put at risk.

### **5.3 Risks**

- 5.3.1 The key risks are in relation to:

- Sufficiency of school places for children and families
- The sustainability of local schools
- The quality of education and inclusion
- Timeframe of completion of scheme;
- Admission arrangements – The trust board of any new free school would be free to implement their own admission arrangements

### **5.4 Options**

- 5.4.1 The option open to the Council are as previously outlined, which include:

- Build 1FE new free school via S106 developer funds and retain Queensgate as is.

- Relocate and expand Queensgate into 2FE school site but manage the intake of pupils in line with increased sufficiency needs.

## 5.5 Future savings/costs/efficiencies

- 5.5.1 Future maintenance/repair costs to capital program are estimated at £0 – 1.0m over the next five years.

## 6. **LEGAL CONSIDERATIONS**

- 6.1 Local authorities must plan for and secure sufficient schools for their area in line with their duties under section 14 of the Education Act 1996, ensuring that the school estate is managed efficiently and to reduce or find alternative uses for surplus capacity to avoid detriment to schools' educational offer or financial position. This can be achieved through various means, including expansion of existing schools, transfer of site or the creation of a new school.
- 6.2 There are 2 options open to the local authority regarding the governance decision to manage a new school:
- 6.2.1 Propose the creation of a new “free” school. Section 6A of the Education and Inspections Act 2006 requires local authorities to seek proposals to establish an academy/Free School in the first instance where they identify a need for a new school in their area.
- 6.2.2 Propose the expansion of an existing community school and transfer to an entirely new site.
- 6.3 Legal Advice has been provided to Cabinet Members in relation to the decision to proceed with one option, namely to follow the free school presumption process at this time. That advice is protected by legal advice privilege and is therefore confidential and private. The reference to that advice in this report is not a waiver of the privilege that attaches to that advice.

## 7. **HUMAN RESOURCES IMPACT**

- 7.1 If the school were opened as a new free school, further staffing would be required as the school expands to provide sufficiency in line with the Woodford Garden Village Housing Development.

## 8. **EQUALITIES IMPACT**

- 8.1 As part of the planning process for new schools, the Local Authorities will undertake an assessment of the impact of the proposal, both on existing educational institutions locally and in terms of impact on particular groups of pupils from an equalities perspective. This will be undertaken as part of the next phase in developing the school specification and will be part of the pupil place modelling and projections data analysis.

- 8.2 In order for the Secretary of State to meet his duties under section 9 of the Academies Act 2010 and under section 149 of the Equality Act 2010, the Local Authorities will provide the Secretary of State with a copy of the assessment.

## **9. ENVIRONMENTAL IMPACT**

- 9.1 Environmental considerations of the construction of a 1FE school on the Woodford site have been assessed at the planning stage with relevant impact assessments carried out. The assessments were based on the retention of Queensgate primary school and operation of Woodford Primary school as 1 FE free school.

## **10. CONCLUSIONS**

- 10.1 In determining the decision for the future governance of the new Woodford site, there are 5 key considerations that should be taken into account:
- Ensuring sufficient places in local schools
  - Delivering the new 1FE school in a timely manner (September 2022)
  - Delivering value for money and maximising grant income
  - Ensuring the sustainability of local schools (this should be understood to mean any expansion should not place any existing school at risk of closure)
  - Delivering flexibility for the future
- 10.2 As referred to above the overwhelming feedback already received via the pre-proposal consultation from residents (and via other means as referred to above) is to proceed with the new free school option. A Free School presumption would facilitate a school operator in time for September 2022 and has lower capital costs, although it potentially carries a risk for other schools.
- 10.3 As noted at section 3.3 of this paper further pupil place modelling and planning projections are needed. This is essential as there remains uncertainty about forward demand for places and implications on both existing educational institutions locally and in terms of impact on particular groups of pupils from an equalities perspective.
- 10.4 It is not proposed that the pre-proposal consultation be stopped as a result of the decision of the Cabinet on 20 July 2021. The pre-proposal consultation is currently fulfilling a best practice element of the free school presumption process (not just the process regarding the change of a maintained school), namely, the requirement to hold a Local Authority consultation prior to publication of a school specification and the beginning of a competitive process.
- 10.5 If the pre-proposal consultation were to end on 20 July 2021, then the Council would have to commence a further local authority consultation at the start of the new academic year and keep it open for 4 weeks before the Council could publish a school specification. This would essentially delay the free school presumption process by 4-6 weeks.

10.6 Accordingly, the Council will use the pre-proposal consultation which is currently open until 29 July 2021 to inform the school specification for the new free school process.

## **11. RECOMMENDATIONS**

11.1 The Cabinet is recommended to:-

- (1) Give approval to the rescission of the Cabinet's decision of 29 June 2021 (CAB307) with regard to 'Woodford Development - New School Governance Decision';
- (2) Confirm that the relocation of the Queensgate Primary School to the Woodford Development site is no longer an option for consideration by the Council;
- (3) Affirm that the only option now available to the Council is the presumption process which will establish the new school as an academy in order to meet the need for additional places;
- (4) Note that the pre-proposal consultation which was launched on 1 July 2021 continues and forms part of the first stage of the free school presumption process, namely, to hold a Local Authority consultation prior to publication of a school specification and, the beginning of a competitive process;
- (5) Give approval that the decision to publish the school specification for the new free school and begin the competition period be delegated to the Deputy Chief Executive (Place) and the Director of Education in consultation with lead portfolio holders for Children, Family Services and Education and Resources, Commissioning & Governance;
- (6) Give approval that the decision on the Local Authority's preferred sponsor after the assessment period has concluded be delegated to the Deputy Chief Executive (Place) and the Director of Education in consultation with lead portfolio holders for Children, Family Services and Education and Resources, Commissioning & Governance.

## **12. NEXT STEPS**

12.1 The following is an indicative timeline following the chronology of steps required to be taken up until September 2022 should Cabinet agree to the recommendations within the report.

Date	School Organisation process	Responsible
1 July – 29 July (4 weeks)	Pre-proposal consultation - consultation on the type of school the community would like ie. (what is most important to parents about primary provision in Woodford Garden Village, Size of school etc.)	Place Planning Group
20 July	Extraordinary Cabinet meeting	Portfolio Lead member



August	Draft School spec / Equalities Impact Assessment / Travel Impact Assessment / Environmental Impact assessment	Place Planning Group
August	Director of Education notifies Secretary of state of intention to publish School Specification document	Director of Education
August	Local Authority publishes of specification document / Local Authority and DfE marketing of competition begins	Place Planning Group
August to October (10 weeks)	Local Authority publishes of specification document / Local Authority and DfE marketing of competition begins	Place Planning Group
August	Publish Prospectus, open Primary Application Process	Admissions
October	Evidence submitted to Secretary of State of marketing activity undertaking to publicise competition period and responses received	Place Planning Group
October to December (~4 weeks)	Required by DfE to research sponsors / LA due diligence checks	DfE / SMBC Legal
January (2 weeks)	Assessment Panels held by LA and DfE (Duration dependent on number of bids received, allowed 2 weeks to allow for availability of officers and sponsors)	Place Planning Board / DfE
January	Primary School Application Process closing date	Admissions
January	Place planning board meet and consider assessment and scoring and decide on preferred sponsor, can be brought forward if assessment panels conclude early.	Place Planning Board
January	Send LA sponsor recommendations to Regional Schools Commissioner	Place Planning Board
February to March	Secretary of state appoint sponsor	DfE
March to April (6 weeks)	S10 consultation by academy sponsor pre-opening phase. Inform stakeholders and the local community about details of the project.	Academy Sponsor
April	Primary National Offer Day	Admissions
April to May	Negotiating/Confirming Funding agreement	DfE / Academy Sponsor
March to May	Earliest time that the Academy sponsor could accept applications for Nursery and Reception	Academy Sponsor
June	School Site handed to Academy sponsor (reliant on no delays to build, June 2022 indicated by Redrow)	Redrow / Academy Sponsor
September	New academic year starts, Nursery and Reception start at new free school (subject to Free School presumption process and school being ready to hand over)	Redrow / Academy Sponsor

## BACKGROUND PAPERS

Anyone requiring further information should contact Geraldine Gerrard on Tel: 0161 474 3837 or by email on [geraldine.gerrard@stockport.gov.uk](mailto:geraldine.gerrard@stockport.gov.uk)