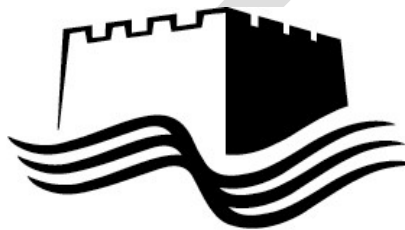


# **APPENDIX ONE**

## **Free School Site Allocation Scrutiny Challenge Session Report**



**TOWER HAMLETS**

**London Borough of Tower Hamlets  
February 2017**

## **Chair's Foreword**

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Free schools - state-funded schools that are run independently of local authorities - are a relatively recent addition to Tower Hamlets. Introduced nationally by the coalition government in 2010, they provide a way for groups of parents, teachers, charities, existing schools or other organisations to respond to a need for a new school in their community – whether for extra places, to raise standards or to offer choice.

While successive Tower Hamlets administrations have been sceptical about the free school movement, in July 2015 the Department for Education stipulated that any new school opened since May 2015 would now be designated as a free school. As such, I believe it is timely for us to examine how well the Council is responding to this direction as it plans how best to meet the needs of Tower Hamlets' rapidly-expanding population.

Although the free school process is meant to be largely independent of local authority control, in a crowded borough such as Tower Hamlets - where new schools sites tend to come up only as part of large planning applications - the Council effectively retains a large degree of control. In being able to define in some cases the design spec of new school buildings and the scope of any consultation for a school provider under the free school presumption process, the council is able to influence the outcome of that process.

This makes it important that we understand how the free school presumption process is operating in this borough.

Council colleagues and residents have expressed to me their concern that the presumption process is insufficiently transparent and failing to reflect the desires of local people, many of whom want to have a greater say over the kinds of schools opening near to them. Parents are increasingly anxious about their ability to access high quality academic and technical education places for their children, and they are fearful that an insufficient number of such places are currently on offer in our borough. Indeed all too many parents have been saying to us that if they cannot get a decent place for their child, they will need to move out of the borough.

My choice of scrutiny session was dictated by a desire to ensure Tower Hamlets offers families the kinds of school places they seek, in great enough numbers to meet demand both now and in future, and revealed a variety of views on the challenges and opportunities we have in fulfilling this objective.

I wish to thank the educators, parents, councillors and officers who have contributed to this review. I believe that we have been able to produce a strong and workable set of recommendations to improve the planning, consultation, tendering and design processes for schools on local authority sites and I hope that Tower Hamlets will now adopt them as policy to benefit of our whole community.

**Cllr Julia Dockerill**  
**St Katharine's & Wapping (Conservative)**

## Recommendations

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**RECOMMENDATION 1:** Children's Services and Corporate Research Unit services keep under review additional household composition and other data that may support the output from the GLA School Roll Projections model.

**RECOMMENDATION 2:** Children's Services service to review the inclusion in the specification to be used in a free school presumption process of a requirement to support the THE Partnership.

**RECOMMENDATION 3:** Children's Services to engage a wide range of parents and other stakeholders in initial consultation on the school specification to ensure that proposed schools reflect the education and ethos parents prefer.

**RECOMMENDATION 4:** Children's Services to ensure a transparent and open free school presumption process where bids from providers are evaluated by the Council by:

- inviting the Regional Schools Commissioner to take part in the selection assessment of potential providers of new free schools
- holding a local engagement session during the bid submission period and another during evaluation for potential providers to meet parents and others; and
- hold a public forum as part of the evaluation process prior to submitting the Council's evaluation of bids to the Secretary of State

**RECOMMENDATION 5:** Children's Services to publish the Council's free school presumption process including indicative timescales where available for site allocations identified through the Local Plan and include the indicative consultation plan. To be updated as proposals develop. Include information on the Council's website about proposed development of new free schools by the Council, promoted and accessible for all interested parties including parents, and potential providers

**RECOMMENDATION 6:** Children's Service and Planning division to assist in the unblocking of delays in gaining access to identified development sites by reviewing existing planning permissions (including associated phasing and delivery plans and s106 agreements). Work with landowners to agree programmes for start dates of development of land identified for education provision where a need has been identified.

**RECOMMENDATION 7:** Children's Services to consider the merits of earlier appointment of school providers so they can be involved in the school design process

**RECOMMENDATION 8:** Children’s Services and Planning division to explore ways to better promote effective joint working between Members, Officers and other interested parties, through the committee system.

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## 1. Introduction

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- 1.1 Free schools are state-funded schools independent of local authorities. They provide a way for groups of parents, teachers, charities, existing schools or other organisations to respond to a need for a new school in their community – whether for extra places, to raise standards or offer choice. Free schools and academies are legally the same type of school. Free schools have a range of freedoms which include being independently governed; they are run by an Academy Trust and are independent of local authority oversight.
- 1.2 Free schools are established by two routes:
1. The local authority can meet the need for places by proposing a new school and appointing the operator via what is known as the free school presumption process, which sees free school providers bid to operate the new school; or
  2. Schools can be opened via the central government programme where proposers apply directly to the Department for Education (DfE).
- 1.3 Whilst the DfE has opened new free schools in the central programme by acquiring sites (such as former office buildings), in a crowded borough such as Tower Hamlets, new school sites to meet population growth generally arise as part of large site developments. Through an evidenced based exercise as part of preparing the Local Plan, the Council has identified a number of site allocations for schools and these will require the *free school presumption process* for the provider to be appointed.
- 1.4 Members were concerned that in using the free school presumption process there is a risk that the Council can retain a large degree of control which could be seen as being contrary to the free school ethos. Members felt that there was an additional risk that the Council, in being able to define the specification and design of new buildings, and consultations for a new school, could influence the outcome of the free school process.
- 1.5 The aim of the Challenge Session was therefore to explore ways in which the Council can ensure it offers families the kind of school places they seek, sufficient to meet demand both now and in future. The session looked at how the Council is planning to address projected need through new school provision, and, given the free school presumption, how it will implement the required process.
- 1.6 The session was underpinned by the following core questions;
- a) What impact does national policy on free schools have on the Council's ability to plan for need?
  - b) How can the Council influence the number and location of new school sites through its planning policy and development management and other policy?

- c) How will the Council ensure its consultation and specification meets the needs of key stakeholders?
- d) Given the free school presumption, how will the Council be dealing with expressions of interest and applications from local stakeholder schools, and new school groups for buildings or sites in the borough?

1.7 The session was chaired by Councillor Julia Dockerill (Scrutiny Lead for Children’s Services and St. Katharine’s and Wapping Ward Councillor) on Tuesday 21<sup>st</sup> February 2017. The session took the form of a round table discussion, informed by:

- An introduction by Tim Coulson, Regional Schools Commissioner; and
- A presentation by Pat Watson, Head of Building Development (Children’s Services) on the Council’s approach

1.8 Members that were present at the session were:

<b>Councillor Rachael Saunders</b>	Deputy Mayor and Cabinet Member for Education and Children’s Services, and Councillor for Mile End Ward
<b>Councillor Denise Jones</b>	Councillor for St. Katharine’s and Wapping Ward
<b>Councillor Andrew Wood</b>	Councillor for Canary Wharf Ward and chair of Isle of Dogs Neighbourhood Planning Forum

1.9. The session was supported by

<b>Vicky Allen</b>	Strategy, Policy and Performance Officer
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1.10. Evidence was received from a range of officers and experts:

Adele Maher	Strategic Planning Manager
Ann Sutcliffe	Divisional Director, Corporate Property and Capital Delivery
Cath Smith	Tower Hamlets Education Partnership
Christine McInnes	Divisional Director Education and Partnership
Debbie Jones	Director of Children’s Services
Dr Vanessa Ogden	Head, Mulberry School
Floyd McDonald	Canary Wharf College
Gill Kemp	Head, Cyril Jackson School
Mariya Talib	Parent and Isle of Dogs Neighbourhood Planning Forum representative
Owen Whalley	Divisional Director Planning and Building Control
Pat Watson	Head of Building Development (Children's)
Paul Bew	Parent and Isle of Dogs Neighbourhood Planning Forum representative
Sarah Counter	Founder, CEO and Executive Principal, Canary Wharf College
Terry Bryan	Head of Pupil Services
Tim Coulson	Regional Schools Commissioner

## **2. National and Local Context**

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- 2.1 Free schools and academies are legally the same. Some new free schools are called academies and Local Authority (LA) maintained schools which convert to academy status generally include academy in the name.
- 2.2 The Education Act 2011 made changes to the arrangements for the establishment of new schools by introducing a presumption that when local authorities identify the need for a new school it will be established as a free school. This is known as ‘the academy/free school presumption’.
- 2.3 Under Section 14 of the Education Act 1996, LAs have a statutory duty to provide sufficient school places. Changes to the law in recent years have emphasised the role of LAs as commissioners of school places rather than provider. The option to open a new community school where a new school is needed is expected to be the last alternative after others have been exhausted.
- 2.4 Free schools are proposed by ‘providers’ in education such as parents, teachers, existing outstanding schools, community groups and charities. In making an application to the DfE’s central programme, providers can evidence a need for a new school by looking at:
- Basic need – projected shortage of places
  - Education need – due to low standards in local schools shown by Ofsted and results data
  - A need for greater choice and diversity – by providing information about the current local choice
  - Social need – by demonstrating that the school will address a social issue relevant to its location
  - Parental demand – by providing evidence that local parents want and would choose the school; and
  - A need for innovation – that will lead to better outcomes for students
- 2.5 The DfE’s central free school programme is largely dealt with outside LA involvement as the Education Authority but with a regulatory role as the Local Planning Authority.
- 2.6 The LA, as a Planning Authority is guided by the National Planning and Policy Framework (NPPF) which identifies that ‘government attach great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. In 2011 the Government published a ministerial policy statement ‘Planning for schools development’. This sets out the principles for the planning system to

‘operate in a positive manner when dealing with proposals for the creation, expansion and alteration of state-funded schools’ including the importance of enabling the development of state-funded schools in their planning decisions; and that LAs should make full use of their planning powers to support state-funded school applications.

### Regional Schools Commissioners

- 2.7 Regional Schools Commissioners (RSCs) are an intermediary structure between the Government and individual academy schools and have an oversight and decision-making role relating to free schools. One of the RSCs main responsibilities includes advising on proposals for new free schools and encouraging and deciding on applications.
- 2.8 In the spring 2017 budget, the Government has announced extra money for new free schools equating to a one-off payment of £320m for 140 new free schools. The free school funding will help to meet a pledge made by the Conservative Party during the general election in 2015 to open 500 new free schools before the end of this parliament in May 2020. Nationally, 124 free schools have opened since the election, with a further 243 “in the process” of opening – meaning a further 133 are needed to hit the 500 target.

### Setting up a free school

- 2.9 Free schools can be established via a central government programme where proposers apply directly to the Department for Education (DfE). Extensive guidance from the DfE is available to assist providers with the application process, and the New Schools Network has been set up to assist by providing information and advice to providers.
- 2.10 The RSC on behalf of the DfE then assesses the application against the criteria. The DfE consults a LA on the applications; however the final say on a decision to open is with the DfE.
- 2.11 The existing Free Schools in Tower Hamlets have all been established by the central DfE programme. A list of free schools in Tower Hamlets is attached as **Appendix 1**.
- 2.12 When the DfE agrees the opening of a new free school it is responsible for providing the building. Proposers of new free schools are assisted in the set up process, including procurement of a site, by the DfE. To aid site procurement for new free schools, permitted development rights (PDR) were put in place which limits the circumstances where planning consent is required.
- 2.13 In May 2013, a permitted right was introduced to support state-funded free schools to set up while they are looking for permanent premises. This



allowed the change of use from any building to a free school for a period of one academic year. In addition, a new permitted development right for permanent change of use was introduced to enable offices, hotels, residential institutions (such as children's homes), secure residential institutions, agricultural buildings, and assembly and leisure uses (such as cinemas) to change use to a free school without the need for planning application. The change of use to a school is subject to prior approval by the Local Planning Authority on specific planning matters covering noise, contamination and transport & highways. Temporary set up is not being encouraged as an option by the RSC as frequently as in previous rounds.

#### Free school presumption process

- 2.14 In addition to schools being opened via the central government route, a LA can meet the need for places by setting up a new school via the free school presumption process, which sees free school providers bid for a proposed new school. Under this model, a LA is responsible for providing the new school site and building and the school's trust will take a long lease of the school.
- 2.15 The local authority has a lead role where it is proposing the need for a new school to meet the need for places. It is responsible as both planning and Education Authority for securing sites for new schools to meet population growth. The need for new sites in Tower Hamlets is taken account in its Local Plan where the Council goes through a process of securing site allocations for schools in negotiation with landowners.
- 2.16 The Council's Managing Development Document includes eight site allocations which have been safeguarded for new primary or secondary schools. The free school presumption process will apply for these sites as shown in the table at **Appendix 2**.
- 2.17 For the appointment of the school provider, a LA will set the specification for the school in consultation with key stakeholders including parents. The specification will set out basic details of the school such as its size, opening date and education vision. It will also include the need for providers to engage with the local community, the need to provide inclusive education and support for all children and operating as the local school for the community. In Tower Hamlets, the specification will include a requirement of support to the Tower Hamlets Education Partnership.
- 2.18 A LA then publishes its specification for the proposed new school and invites expressions of interest (EOI) from providers. The LA will make its evaluation of the expressions of interest and then submits them and the evaluation to the Secretary of State / Regional Schools Commissioner (RSC). The decision on the appointment of the school provider is made by the RSC on the Secretary of State's behalf.

### 3. Key Findings and Recommendations

#### Understanding Need

- 3.1 In Tower Hamlets, there is tension between the Council's statutory duty to ensure basic need for school places which are appropriate for the needs of schoolchildren in the borough, and the applications for new schools made direct to the DfE.
- 3.2 To fulfil their duty to plan for the need for places, Councils obtain annual forecasts from the Greater London Authority (GLA). The GLA provides the school roll projections using a standard model which takes account of school rolls, data on fertility, births and migration trends. The GLA provides these projections for the majority of London boroughs. In Tower Hamlets, there is an annual report to Cabinet on the projections of need and plans to meet the shortfall.

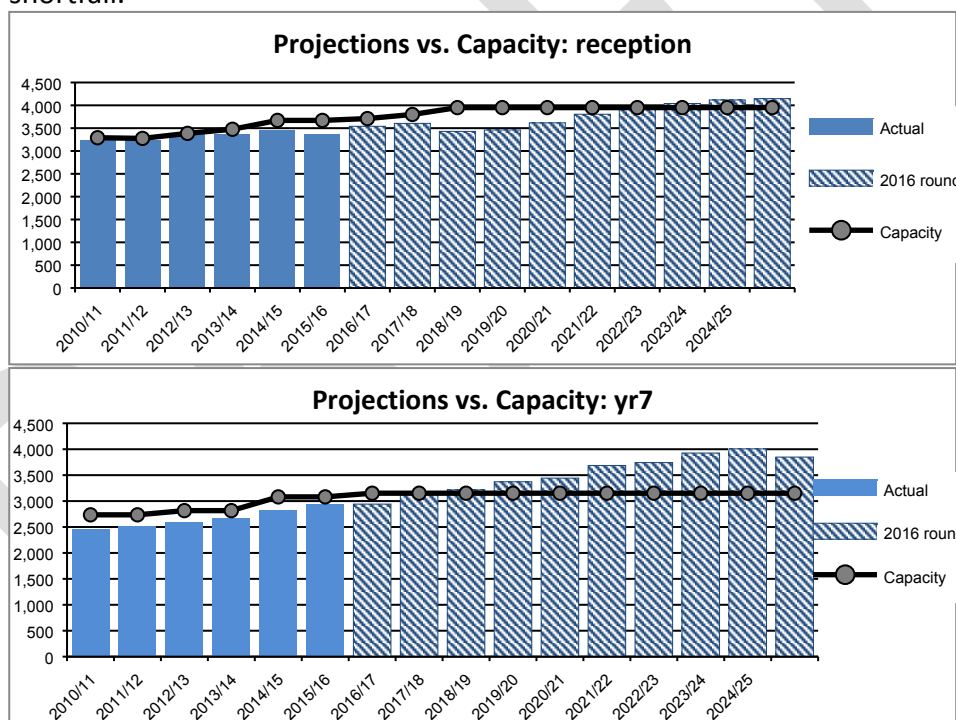


Figure 1 & 2: School roll projections vs capacity at Reception and Yr7. Produced for pupil place planning by Corporate Research Unit, July 2016

- 3.3 The 2016 projections shown in the charts above indicate that in Tower Hamlets there will be sufficient primary places in the borough until 2023-24. For year 7 secondary provision, need is predicted to exceed capacity by September 2018, rising to a need for up to 800 additional places by 2024-25. The projections take into consideration the forecast capacity of the primary and secondary free schools with confirmed opening dates.
- 3.4 Members were concerned that the Council's pupil place planning projections are underestimating the number of school places needed in the borough, particularly at secondary school level in the south of the borough where the

majority of current demand exists, and the majority of future demand is likely to occur.

- 3.5 Members heard that while the projections take into account the number of new housing units being delivered, the model did not consider the size and type being built. They also challenged the assumptions made about current and future household composition, and cited their constituents' wishes to put down roots in the local community.
- 3.6 Members heard that schools in the borough are popular and they provide a high standard of education. The case for opening free schools to address the education need to address low standards is not as strong as in other areas. Statistics from the Department for Education<sup>1</sup> show that the borough is a net importer of pupils residing in other boroughs attending its schools, but that the number of imports is very low in comparison with other boroughs. The borough has one of the highest ratios of pupils residing and attending schools in the borough. 98 percent of resident primary school aged children and 94 percent of secondary aged children attend a school within the borough, significantly higher than both the London and national averages. In addition, the number of schools rated as good or outstanding in Tower Hamlets is higher than the London average.
- 3.7 The view from Members and parent representatives at the meeting, however, was that parent choice was often overlooked in the local debate on school places. Participants felt that many parents were choosing to 'opt out' of the local state system either by making their own education arrangements, or by leaving the borough altogether, and this hampered the ability of the Council to establish accurate demand levels in the borough.
- 3.8 Parents that attended the meeting reported that their concern was less about getting the right number of places, and more about getting the right type of schools that parents wish to send their children to. They reported that this was leading to situations of high demand at diverse, high quality schools, and low demand elsewhere in the borough. However, as funding for schools is directly linked to the number of pupils, some existing local schools reported that proposed new free schools opening as part of the DfE's central programme when there is already excess capacity, leads to financial difficulties and instability in some instances, affecting quality and breadth of provision.
- 3.9 A report by the Policy Exchange<sup>2</sup> argues that there is no clear educational rationale for limiting free schools to areas where there is a basic need. The report claims that the effects of a new free school are felt more where local schools have surplus places, because the competitive effect that it generates;

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<sup>1</sup> Table 12a. Local Authority cross border movement of state-funded primary and secondary school pupils resident in England, January 2016. By Local Authority area.

<sup>2</sup> A Rising Tide; the competitive benefits of free schools, Policy Exchange 2015

helping to raise standards, not just for the pupils who attend them but for other pupils across the local community, especially for those in lower performing schools, particularly at secondary level. However, standards are high in Tower Hamlets (para 3.7). In addition, there are several examples elsewhere in England where free schools have had their opening postponed by DfE in the past two years were due to concerns that they would not offer a good or better standard of education<sup>3</sup>.

- 3.10 A report by the National Audit Office<sup>4</sup> (NAO) recommends that the Department for Education should work more closely with local authorities to understand and meet need in the local areas in making decisions about new free schools. For example, it should share information earlier on the need for places and improve how it liaises with local authorities about the location of free schools. The NAO also recommends that in assessing application for new free schools, the Department of Education should explicitly assess whether the value gained from increasing choice and competition outweighs the disadvantages of creating an oversupply of school places in local areas, including the impact on the financial sustainability of surrounding schools, recommending that the DfE should minimise capacity where it adds limited value.
- 3.11 At the meeting, Members heard evidence that some existing schools were being put at financial risk because of what they saw was unnecessary competition being put into the system because of a lack of basic need for the school. Where schools had seen a drop in admissions due to surplus capacity in the system, they were concerned that the subsequent reduction in funding would lead to redundancies and affect the quality of provision they could offer.
- 3.12 In addition Members heard that some free schools had deferred opening where the basic need for school places had not been established. According to government figures<sup>5</sup> around 25 schools defer opening each year citing problems finding a suitable site and insufficient demand for places as the main reasons for deferment. In Tower Hamlets the Livingstone Academy was proposed to open as an all-through school in September 2017 but there is no need for additional primary places at this stage or in this location (Aldgate). The opening has now been deferred until September 2019 to allow the redevelopment of the building although this still does not align with the projected need for primary places.

**RECOMMENDATION 1:** Children’s Services and Corporate Research Unit to keep under review additional household composition and other data that may support the output from the GLA School Roll Projections model.

<sup>3</sup> Schoolsweek, <http://schoolsweek.co.uk/delayed-free-schools-eat-up-nearly-12m/>

<sup>4</sup> Capital funding for schools, Department for Education / National Audit Office, February 2017

<sup>5</sup> Schoolsweek, <http://schoolsweek.co.uk/25-free-schools-delayed-each-year/>

## Ensuring a fair and transparent process

3.13 The process of undertaking a free school presumption exercise is new in Tower Hamlets and there is an overwhelming desire by Members and Officers alike to ensure the process is right first time, given the Council's efforts to restore its reputation on transparency and on regaining the public's confidence.

3.14 Members felt that there was a lack of information about how and when the council would conduct the free school presumption process on its development sites. In their view, they felt that:

- Officers should run the Council's free school presumption process in a clear and inclusive manner which was not seen to favour any provider.
- There should be sufficient consultation for local residents, many of whom want to have a greater say over the kinds of schools opening near to them.
- The Council retains too much control over the opening of new schools by defining the timetable for a new school, the specification, and fit out on development sites which might inhibit some providers from applying.
- The Council's indicative timetable as outlined in the Planning for School Places 2016/17 Review Cabinet Report<sup>6</sup> was too tight. The timetable assumes a two year process, and allows a four week period for public consultation on specification and opening proposals, and a six week publication of the school specification and Expression of Interest.
- The identification of sites and the triggering of the free school presumption process had been uncoupled which risked favouring more established providers as they were able to spot opportunities before they were advertised. They could then apply direct to the DfE and potentially bypass the free school presumption process.

3.15 In addition, Members were concerned that the requirement<sup>7</sup> for providers to join the Tower Hamlets Education Partnership (THE Partnership) may put off some applicants who were philosophically not keen to engage and pay the fee required to join. THE Partnership is a schools-led vehicle for driving continued school improvement and innovation; around 90% of schools in the borough are members (2015/16). It is wholly independent of the Council but it works closely with it and is supported by it as well as a range of other local organisations.

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<sup>6</sup> September 2016 Cabinet

[http://democracy.towerhamlets.gov.uk/documents/s91135/CAB%20060916%20school%20places%20review%202016\\_17.pdf](http://democracy.towerhamlets.gov.uk/documents/s91135/CAB%20060916%20school%20places%20review%202016_17.pdf)

<sup>7</sup> As above

- 3.16 The DfE's 'Free school presumption: annex A, model specification template for local authorities seeking proposals to establish a new school'<sup>8</sup> specifies in its vision section that applicants should provide evidence of excellent support facilities to meet the needs of all children, and the commitment to excellent outcomes and high quality of teaching and learning. The Council sees membership of THE Partnership as an effective way for new schools to access this support. Where Free Schools apply who do not wish to join THE Partnership, their suitability as a provider in the borough can be judged by the Council in partnership with the wider community, and ultimately by the RSC.
- 3.17 The DfE's guidance<sup>9</sup> for LAs and new school proposers cites that where a free school (proposed by the DfE route) might meet the identified need, a LA can: postpone a competition; deem that the proposed free school would meet the identified need and decide not to run a presumption process; or hold a competition in parallel to any application for a central free school.
- 3.18 Members were concerned that following the DfE's first two options risked conflicting with their desire to ensure quality provision by opening up the process to a wider range of providers.
- 3.19 The Policy Exchange makes recommendations to improve the current process for approving new basic need schools including:
- Strengthening the way a LA publishes the opportunity by publishing the opportunity through forums in addition to those populated by those already interested, including outside the immediate LA (and if possible outside the RSC / DSS region); and
  - Lengthening the window of opportunity for applications so that they are open long enough for groups previously not closely involved in the local area have a chance to express interest and put a bid together within the deadline required. A short process benefits experienced and expert groups.
- 3.20 DfE guidance also states that where LAs have identified a need for new places and are considering ways to address this; they can, as part of their review of how best to meet need, liaise with groups that are considering or already applying for free school via the DfE route.
- 3.21 The RSC identified best practice examples when undertaking the free school presumption process. These steps would significantly reduce the likelihood of the RSC finding against a LA decision, which he estimated happened in around 25 percent of cases. His advice was to get input from the RSC very early on in the process. The RSC also indicated that he was keen to see

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<sup>8</sup> <https://www.gov.uk/government/publications/establishing-a-new-school-free-school-presumption>

<sup>9</sup> Free Schools presumption departmental advice for local authorities and new school proposers, Department for Education, February 2016

invitations from a wide field, and a short EoI increased the risk of favouring those in the know or already known to a LA.

- 3.22 To ensure the proposed school meets the needs of the local community, the RSC recommended LAs open up the selection process to scrutiny by parents and the wider public who are keen to have a say on the kind of school that will be on offer. The RSC advised that involving residents in the selection process had worked well in Cambridgeshire where the authority had screened out providers who had not met the basic specification and then opened up the selection process to public scrutiny. Parents who had been opposed to a particular kind of school were able to challenge specific areas of concern in a public arena.

**RECOMMENDATION 2:** Children's Services service to review the inclusion in the specification to be used in a free school presumption process of a requirement to support the THE Partnership.

**RECOMMENDATION 3:** Children's Services to engage a wide range of parents and other stakeholders in initial consultation on the school specification to ensure that proposed schools reflect the education and ethos parents prefer.

**RECOMMENDATION 4:** Children's Services to ensure a transparent and open free school presumption process where bids from providers are evaluated by the Council by:

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- holding a public forum as part of the evaluation process prior to submitting the Council's evaluation of bids to the Secretary of State

**RECOMMENDATION 5:** Children's Services to publish the Council's free school presumption process including indicative timescales where available for site allocations identified through the Local Plan and include the indicative consultation plan. To be updated as proposals develop. Include information on the Council's website about proposed development of new free schools by the Council, promoted and accessible for all interested parties including parents, and potential providers.

**Working together**

- 3.23 Land is scarce in areas where new schools are needed as these are also where housing is needed. In Tower Hamlets property prices are at a premium and landowners are, unsurprisingly, keen to ensure they can develop and sell as much of their sites as possible for housing. However through the strategic planning process and by negotiation, the council has safeguarded a number of strategic sites to provide new schools as part of a wider mixed use development. The development of a school site in these developments would be secured through the Section 106 agreements.
- 3.24 Members were concerned that the phasing and delivery of developments prioritised housing over infrastructure such as schools. Members felt that there was a need to release the development sites identified for secondary provision earlier. They argued that as secondary schools serve a large catchment area, there is less need to wait for housing delivery on the site, because the school would benefit the wider area.
- 3.25 At the meeting members put forward the frustration and disappointment of some parents that the development timetable for the school at the London Dock site is still to be determined. They were concerned that the school would not be ready before their children reached secondary school age. There was a feeling that any delay in starting construction was unnecessary given their desire for choice in their locality.
- 3.26 The meeting noted that the Council did not necessarily need to involve itself in the design and building of the school and could save considerable sums of money by not doing so. They felt that the Council's desire to retain control over this was a contributory factor in holding up of delivery. At the meeting, provider representatives said that they were keen to gain control on building to ensure the new school fits with the requirements and timescale they are working to.
- 3.27 However Members did recognise that where development sites have been secured through the strategic planning process, the development timetable is in the hands of the developers and therefore timely development may not always be guaranteed. Planning permission is a negotiation process between a LA and the developer. The phasing, approach, parameters and deliverables of the school will be agreed through the detailed planning process when considering the site as a whole. There are a range of dependencies and interactions between different parts of the development for example, relating to accessibility, parking, land contamination, demolition and safety which may mean that a school cannot be developed at an early stage of the individual site development.
- 3.28 In addition to waiting until there is a basic need for school places, the Council has taken the approach of not triggering the free school presumption process until an appropriate time in the development timetable and when the design of the building and anticipated opening date are confirmed.



- 3.29 A practical example is the proposed school at Millharbour where the school is being built as an integral part of a housing development. There is no confirmed start date for the building of this development. It is therefore preferable to undertake the free school presumption process when the opening date is clarified.
- 3.30 Where schools are opened by central government, the DfE provides all funding for free schools including capital funding, via the Education Funding Agency (EFA). Once approved, free schools are given an EFA contact who will work with them to acquire a suitable site for the school. The EFA will pay for the purchase and lease of the building or land as well as any building work or refurbishment that needs to be done.
- 3.31 The DfE provides capital funding to a LA based on projections of need for new school places. In Tower Hamlets, the Council also has access to Section 106 funds from residential developments in the borough to support additional school places. If a need for accelerated delivery was established and all parties agreed it was desirable and practically possible, then the S106 agreement may be adjusted through a Deed of Variation to enable it. However this may also result in changes to planning permissions already granted.

**RECOMMENDATION 6:** Children's Services and Planning division to assist in the unblocking of delays in gaining access to identified development sites by reviewing existing planning permissions (including associated phasing and delivery plans and s106 agreements). Work with landowners to agree programmes for start dates of development of land identified for education provision where a need has been identified.

**RECOMMENDATION 7:** Children's Services to consider the merits of earlier appointment of school providers so they can be involved in the school design process

### **Coordinated approach**

- 3.32 The Council's Infrastructure Delivery Framework provides a robust governance structure to deal with infrastructure planning in the borough. The Infrastructure Delivery Board (IDB) chaired by the Mayor and attended by Cabinet specifically considers infrastructure matters including the allocation of Section 106 (and CIL) funding, including funding for schools. The provision of new schools cuts across a number of different departments within the council, including Children's Services and Place Directorates. Officers within these departments come together in the Infrastructure Delivery Steering Group (IDSG) to support the IDB, developing projects for funding by Section 106 income and monitor delivery.

- 3.33 At the challenge session, Members heard evidence that some schools were being approached by providers and parents about forming free schools. In these instances schools had used their own school networks to manage a coordinated response to these approaches. It was also reported that discussions have been held by some schools about the growing need for business technical colleges and university technical colleges to tackle youth unemployment and under employment.
- 3.34 Members acknowledged the effective joint working and relationships in the Council's departments around setting up free schools, however they expressed a view that working 'behind closed doors' led to a lack of transparency for councillors, parents, and those seeking to provide new schools.
- 3.35 Members wanted a wider group of councillors to be able to have a say in school infrastructure planning in the borough. They also wanted existing school heads and potential free school providers to be invited into discussions to allow for the free flow of information and sharing of ideas and plans.

**RECOMMENDATION 8:** Children's Services and Planning division to explore ways to better promote effective joint working between Members, Officers and other interested parties, through the committee system.

**Free Schools in Tower Hamlets**

<b>Already opened</b>	
Canary Wharf College, East Ferry Road	Opened in September 2011. East Ferry Road. Primary School provision. 40 places per year.
Wapping High School, Commercial Road	Opened in September 2012. Commercial Road. Secondary School provision. 81 places per year.
Solebay Primary School	Opened in September 2012. Solebay Street. Primary School provision. 50 places per year
City Gateway	Opened in September 2012. Mastmaker Road, E14. 14-19 provision
Canary Wharf College 2	Opened in September 2014. Occupying temporary accommodation in East Ferry Road, E14. Permanent site in Glenworth Road, E14 in development. Primary School provision. 40 places per year.
London Enterprise Academy	Opened in September 2014. Commercial Road. Secondary School (11-16) with 120 places per year.
East London Academy of Music	Opened in September 2014 in temporary accommodation in E15, 16-19 with up to 300 places. Permanent accommodation in development in Bromley-by-Bow to be occupied in 2017
Canary Wharf College 3	Opened September 2016. Originally approved as an all-through Christian faith school with 1,330 places, opened for secondary only offering 40 Year 7 places. Pupils will initially occupy temporary accommodation. Permanent accommodation and planned capacity to be identified.
<b>Planned</b>	
Mulberry UTC (University Training College)	Opening planned for September 2017, Parnell Road, E3. 14-19 provision, specialising in healthcare and medical services, and digital technology.
Aldridge Studio School	Opening to be confirmed. 14-19 provision, specialising in entrepreneurship. Original proposal to be based at Asda Crossharbour site but now searching alternative site which could be outside LBTH.
Livingstone Academy East London	Approved for opening in September 2017 but subsequently deferred to 2019. All-through, mixed, non-faith school with 1,570 places. Site in Aldgate. Specialising in computing and sciences.

**Development sites for schools in Tower Hamlets**

<b>Primary Schools</b>	
Bromley by Bow district centre	Primary school. Development timetable to be confirmed. LLDC reviewing masterplan.
Fish Island (Mid)	Site allocation for a primary school at Neptune Wharf. Planning application approved by LLDC in March 2014 includes outline permission for a 3FE school. The Section 106 funding requires LBTH to exercise the option to develop within 5 years of start on site in summer 2015.
Fish Island East, Sweetwater (within LLDC area)	Primary school. Originally 3FE school proposed in Legacy masterplan with a new secondary school elsewhere in the area. It is now proposed to open an all-through school, the Bobby Moore Academy, from September 2018. The school will have 1,560 pupils in total with 60 places for Reception and 180 for Year 7. The primary site falls in Tower Hamlets and the secondary site in LB Newham. The school has proposed to operate within the LBTH admissions arrangements.
Bow Common and Leven Road Gas Works sites	Primary school site allocation at both sites. Development timetable to be confirmed.
Ailsa Street	Primary school site allocation, former Bromley Hall School site
<b>Secondary Schools</b>	
London Dock (former News International site)	Site allocation for a 6FE secondary school. Planning application approved March 2014 includes outline permission for a school. LBTH has 10 year period to exercise the option to develop the school. The design is in development. Programme and cost information to be developed to confirm timetable for Cabinet decision to proceed.
Westferry Printworks	Site allocation for a 6FE secondary school. Planning application determined by Mayor of London includes site for the school. Section 106 agreement completed which allows LBTH to take a lease and develop the school site. Development timetable to be determined.