


Non-Executive Report of the: Overview and Scrutiny Committee May 2017	 TOWER HAMLETS
Report of: Graham White, Interim Corporate Director Governance	Classification: Unrestricted
Challenge Session Report – Free School Site Allocation	

Originating Officer(s)	Sharon Godman, Divisional Director strategy, policy and partnership Vicky Allen, Strategy, Policy and Partnership Officer
Wards affected	All Wards

Summary

- 1.1 This report submits the report and recommendations of the Free Schools Site Allocation Challenge Session for consideration by the Overview and Scrutiny Committee.

Recommendations:

- 2.1 The Overview and Scrutiny Committee is recommended to:
- (a) Agree the draft report and the recommendations.
 - (b) If necessary authorise the Divisional Director strategy, policy and partnership to amend the draft report before submission to Cabinet, after consultation with the Scrutiny Lead.

3. BACKGROUND

- 3.1 The challenge session took place on 26th February 2017 as a result of concerns amongst some Members about how the Council would be implementing the free school presumption process. Whilst the DfE has opened new free schools in the borough, a number of site allocations for schools have been achieved through negotiations with developers for which the free school presumption process will apply.
- 3.2 Members were concerned that 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. There is 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 such that any new school does not meet the expectation of local parents and children.
- 3.3 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.
- 3.4 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. The Regional Schools Commissioner attended the session.
- 3.5 The session was underpinned by the following core questions;
- What impact does national policy on free schools have on the Council's ability to plan for need?
 - How can the Council influence the number and location of new school sites through its planning policy and development management and other policy?
 - How will the Council ensure its consultation and specification meets the needs of key stakeholders?
 - 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?
- 3.6 The report with recommendations is attached as Appendix 1. Eight recommendations have been made:
- **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 service 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 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 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 Services and Planning division 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 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 explore ways to better promote effective joint working between Members, Officers and other interested parties, through the committee system.
- 3.7 Once agreed, the Working Group's report will be submitted to Cabinet for a response to the recommendations.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 The report has no direct financial implications currently, following any bid agreements from the Department of Education (DEF), the capital programme will pick up the assessment and the financial implications.

5. LEGAL COMMENTS

- 5.1 The Council is required by section 9F of the Local Government Act 2000 to have an Overview and Scrutiny Committee and to have executive arrangements that ensure the committee has specified powers. Consistent with this obligation, Article 6 of the Council's Constitution provides that the Overview and Scrutiny Committee may consider any matter affecting the area or its inhabitants. The Committee may also make reports and recommendations to the Full Council or the Executive in connection with the discharge of any functions.
- 5.2 This report advises as to the Free Schools Site Allocation Challenge Session. Free schools are directly funded by and directly accountable to the Department for Education (DfE) and therefore are not run by local authorities. Free schools have more control over how they do things: they can set their own pay and conditions for staff; and change the length of school terms and the school day. They also do not have to follow the national curriculum.
- 5.3 The aim of the Challenge Session was 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 and eight (8) recommendations have been proposed.
- 5.4 As to the recommendations, all are capable of being undertaken within the Council's powers.
- 5.5 When considering its approach to this report and its recommendations, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who do not. Information relevant to this is contained in the One Tower Hamlets section below.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 Ensuring that Free Schools cater for the needs of all of the young people in the borough is important – educationally, in the quality of their facilities and in their ethos and practice.
- 6.2 Two of the recommendations of the Challenge Session focus on ensuring the services reflects the needs and preferences of parents in the local community by engaging a wide range of parents, and involving them (and other stakeholders) in the free school presumption process which will enable them to have a say on whether the proposed school provider reflects the education and ethos parents prefer.

7. BEST VALUE (BV) IMPLICATIONS

- 7.1 The recommendations in this report are made as part of the Overview & Scrutiny Committee's role in helping to secure continuous improvement for the council, as required under its Best Value duty. Getting the Council's pupil projections as accurate as possible ensures the DfE allocates its funding commensurate to the borough's need. Schools that open where there is no need risk becoming financially unsustainable in their current form due to surplus capacity.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 8.1 There are no direct environmental implications arising from the report or recommendations.

9. RISK MANAGEMENT IMPLICATIONS

- 9.1 There are no direct risk management implications arising from the report or recommendations.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 10.1 There are no direct crime and disorder reduction implications arising from the report or recommendations.

Linked Reports, Appendices and Background Documents

Linked Report

- NONE

Appendices

Appendix 1 – Free School Site Allocation - Scrutiny Challenge Report

Local Government Act, 1972 Section 100D (As amended)

List of "Background Papers" used in the preparation of this report

List any background documents not already in the public domain including officer contact information.

- These must be sent to Democratic Services with the report
Vicky Allen ext 4320
vicky.allen@towerhamlets.gov.uk

Report authors should refer to the section of the report writing guide which relates to Background Papers when completing this section. Please note that any documents listed in this section may be disclosed for public inspection.

Report authors must check with Legal Services before listing any document as 'background papers'.

Officer contact details for documents:

- N/A