

**Wards Affected:**

Middleton, Walton Park

**ITEM 11****CABINET****30 JANUARY 2013****EXPANDING THE BEST – DECISION ON THE FUTURE OPERATION OF OAKGROVE PRIMARY, BROOKLANDS SECONDARY AND BROOKLANDS PRIMARY (SITE 2) SCHOOL SITES**

Author: Michael Bracey, Assistant Director, Education, Effectiveness and Participation

**Executive Summary**

The Expanding the Best (ETB) approach was endorsed by Cabinet in December 2011 following the recommendations of the Select Committee Review Group into school place provision. ETB seeks to look first at expanding existing high performing schools onto a second campus, prior to consideration being given to establishing a new organisation. The findings of the Review Group are attached at Annex A.

Three opportunity sites were released in July 2012 (Oakgrove Primary, Brooklands Secondary and Brooklands Primary (Site 2)). Three proposing organisations submitted business cases to expand onto these sites, and have been subject to a robust professional assessment by an independent professional advisor, and a member assessment through the establishment of a Cabinet Advisory Group.

A Cabinet decision is now required on which of the proposing organisations, if any, should be supported by Milton Keynes Council to expand onto a new campus.

**1. Recommendations**

- 1.1 That Oakgrove School (in partnership with Middleton Primary School) be supported to expand to provide primary provision on Oakgrove.
- 1.2 That Walton High (with Milton Keynes Education Trust [MKET]) be supported to expand to provide secondary provision on Brooklands.
- 1.3 That Brooklands Farm Primary School be supported to expand to provide the second primary provision on Brooklands.

**2. Issues**

- 2.1 The ETB approach was endorsed by Cabinet in December 2011. This innovative approach seeks to look first at expanding high performing current school provision within two miles of a primary site and three miles of a secondary site onto a second campus, before consideration is given to establishing a new organisation.
- 2.2 The approach (Annex A) outlines seven stages in the decision making process, from an initial expression of interest (stage 1) with eligible organisations (against the agreed criteria) invited to submit a business case that includes the results of consultation (stage 2), to a professional assessment

(stage 3) and a member assessment (stage 4), before the final local decision (stage 5). For academies, the Secretary of State will need to confirm the decision based on the school's own application and the judgement of the Education Funding Agency, while for maintained schools a statutory process will need to be followed to formally expand the school (stages 6 and 7).

2.3 The Department For Education (DFE) reviewed the approach and provided a steer that single schools can operate from more than one site, but that:

*"...to be regarded as an expansion of an existing school, rather than a 'new school', there needs to be sufficient similarity to the existing school in terms of the community being served, staff, pupils, governance and ethos to demonstrate that this is an expansion rather than a new establishment."*

2.4 In July 2012, three ETB opportunities were advertised and applied for. The sites and the proposing organisations are:

| Site                        | Proposing Organisation 1                               | Proposing Organisation 2                               |
|-----------------------------|--|--|
| Oakgrove Primary            | Oakgrove School with Middleton Primary School          | Walton High, with Milton Keynes Education Trust (MKET) |
| Brooklands Secondary        | Walton High, with Milton Keynes Education Trust (MKET) |  |
| Brooklands Primary (Site 2) | Brooklands Farm Primary School                         | Walton High, with Milton Keynes Education Trust (MKET) |

2.5 After the initial expressions of interest were presented to the council, the ETB criteria were considered further. The Cabinet Member with Portfolio for Children and Learning considered that the criteria for schools to be judged by Ofsted as 'outstanding' did not take into account schools that are considered by Ofsted to be high performing and not warrant a further full inspection, or schools that are new and therefore do not yet have the data to support anything other than a 'good' overall effectiveness judgement. Consequently, the qualifying criteria were adapted.

2.6 All interested organisations were asked to develop a full business case.

2.7 Each proposing organisation's business case was reviewed by an independent professional consultant, including a desk based analysis and site visits to all organisations. An independent report was then produced with recommendations for the next stage of the process.

2.8 A Cabinet Advisory Group (CAG) was established to fulfil the Member Assessment stage of the process. The group met on 6 December 2012 and produced a separate note summarising their process and recommendations (Annex B).

- 2.9 Cabinet is now asked to consider progressing with the ETB approach for one, two or all three of the sites, and if so which proposing organisation it determines to support.
- 2.10 If Cabinet chooses to proceed with a maintained school then a statutory process to expand the school will need to take place following the requirements defined in the Education and Inspections Act 2006. Should the school the Cabinet proceed with be an academy then the school itself will need to make an application to the Education Funding Agency as a “Significant Change” to their funding agreement, which must be approved by the Secretary of State.

### **3. Cabinet Advisory Group Recommendations**

- 3.1 There are three opportunities for which Cabinet need to make a decision. When considering the local decision Cabinet should take into account the DfE’s guidance outlined in paragraph 2.3:

(a) Oakgrove Primary

- (i) Option 1: (Recommended by CAG) for Cabinet to support the proposal of Oakgrove School to expand (via lowering its age range to become an all through school from the age of 4-19), working in partnership with Middleton Primary School. This option has been proposed by the Professional Assessment and is supported by the Cabinet Advisory Group. Further reference to the decision behind this can be found in Annex B.
- (ii) Option 2: for Walton High (with MKET) to expand (via lowering its age range to become an all through school from the age of 4-19).
- (iii) Option 3: for neither school to expand and for the council to refer the site to DfE and for a new organisation to open a school on the site.

(b) Brooklands Secondary

- (i) Option 1: (Recommended by the CAG) for Cabinet to support the proposal of Walton High (with MKET) to expand. This option has been proposed by the Professional Assessment and is supported by the Cabinet Advisory Group. Further reference to the decision behind this can be found in Annex B.
- (ii) Option 2: for the council to refer the site to DfE and therefore a new organisation to open a school on the site.

(c) Brooklands Primary (Site 2)

- (i) Option 1: (Recommended by the CAG) for Cabinet to support the proposal of Brooklands Farm Primary School to expand. This option has been proposed by the Cabinet Advisory Group.

Further reference to the decision behind this can be found in Annex B.

- (ii) Option 2: for Walton High (with MKET) to expand (via lowering its age range to become an all through school from the age of 4-19). This option has been proposed by the Professional Assessment.
- (iii) Option 3: for neither school to expand and for the council to refer the site to DfE and for a new organisation to open a school on the site.

## **4. Implications**

### **4.1 Policy**

The ETB approach strives to ensure the council is fulfilling its statutory duty to ensure there are sufficient high quality school places in the system. This is fundamental to delivering the council's vision that our residents have access to all the services they need and have the support to access opportunities and enjoy a healthy and good quality of life.

The council acknowledges that national policy intention is to increase the number of academies and free schools, it is important to note that the ETB approach does not seek to frustrate this. The status of the school (i.e. maintained or non-maintained) is irrelevant to the principle of the decision; however, it will determine the legal vehicle for expansion (see paragraph 2.10).

There is a clear local policy to increase capacity at high performing schools and good progress is being made to deliver on this policy.

### **4.2 Resources and Risk**

**Risks:** There is a risk that the Secretary of State may not agree to expand one or both of the academies involved in this process. If this happens then the opportunity will be offered to other providers. If a free school or alternative academy chain not operating in Milton Keynes is promoted then the quality of such provision will be untested and therefore carry some risk.

**Capital resource:** Capital to support the construction of the three expansions has been allocated in the Capital Programme. For Oakgrove primary £6m is currently allocated for a two form entry school. Brooklands secondary has an indicative allocation of £18.039m for the first phase and £10.839m for the second phase. Brooklands primary site 2 has £7.617m allocated for a three form entry school. This has been identified as a mixture of tariff, section 106 and DfE Basic Need grant. It is intended that the Council's established and successful frameworks, project management and governance arrangements will be used to procure, manage and deliver the capital building project in full collaboration with the successful provider.

Revenue resource: Schools revenue funding is part of the Dedicated Schools Grant (DSG) and therefore these proposals do not directly impact upon the council's general fund.

|   |         |   |                  |   |                  |
|---|---------|---|------------------|---|------------------|
| Y | Capital | Y | Revenue          | N | Accommodation    |
| N | IT      | N | Medium Term Plan | N | Asset Management |

#### 4.3 Carbon and Energy Management

This decision relates to the operational management of the sites, and not the capital construction.

Proposing organisations were limited to a distance (as the crow flies) of no more than three miles for secondary schools and two miles for primary schools. This helps to ensure that both sites are reasonably accessible to staff and pupils.

#### 4.4 Legal

The council has a statutory duty (under Section 14 part 1 of the Education Act 1996) to provide sufficient school places.

Cabinet is empowered to make a decision on the expansion of a maintained schools under The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007. For non-maintained schools (Academies) Cabinet will make a recommendation to be included in the submission to the Education Funding Agency on behalf of the Secretary of State.

#### 4.5 Other Implications

There are no Equality/Diversity, Sustainability, Crime and Disorder, Human Rights or E-Government issues to be considered as part of this decision.

|   |                      |   |                |   |                    |
|---|----------------------|---|----------------|---|--------------------|
| N | Equalities/Diversity | N | Sustainability | N | Human Rights       |
| N | E-Government         | N | Stakeholders   | N | Crime and Disorder |

#### Annexes:

Annex A: Expanding the Best: The Process. Creating additional places through multi campus schools (May 2012)

Annex B: Cabinet Advisory Group Final Report (December 2012)

#### Background Papers:

Professional Assessment Final Report (November 2012)