

Process for Change

Free School Presumption

1. In accordance with guidance issued by the DfE, where a local authority considers there is a need for a new school in its area it must seek proposals to establish an academy (free school) via a process known as the Free School Presumption.
2. The Council is currently seeking Expressions of Interest to operate the new SEMH, the process will close on 2nd December 2019. To ensure wide coverage, information has been published on the DfE national list of local authorities seeking academy/free school proposers, and on the County Council's school organisation webpage. To encourage interest from local academy proposers, information has also been directly sent to those established Multi Academy Trusts (MATs) successfully operating in Leicestershire schools.
3. Each organisation expressing an interest has been provided with access to an information booklet, 'Information for Academy Proposers', and a detailed application form. The information booklet, which covered the background, specification for the new school, the application process, timeline, assessment criteria and the Council's expectations of the selected sponsor, can be accessed via the following link –
<https://www.leicestershire.gov.uk/education-and-children/schools-colleges-and-academies/school-organisation/school-place-planning>
4. In keeping with DfE guidance for the free school presumption, the Council is required to assess all proposals received and forward to the Secretary of State via the Regional Schools Commissioner for a decision. The fundamental purpose of the assessments undertaken is to satisfy the Council in relation to each Academy Trust of:
 - The capacity to establish the new school on the basis of high expectations and high performance.
 - A strong desire and vision to work closely with other education providers in the locality to promote partnership working and community cohesion.
 - Evidence of a proven track record of school improvement or sustained high standards and how the proposed governance model will drive and support high standards.
5. The DfE further requires that all organisations recommended to the Secretary of State for consideration are already 'approved' sponsors on the DfE register or are in the process of progressing sponsor approval.
6. Each applicant will be subject detailed assessments. The assessments will follow a three-stage process, comprising the initial written application, a presentation by the applicants and an interview by the Council and finally a visit by the Council to an existing similar academy currently operated by the

applicant. The detailed assessment work will lead to a preferred shortlist of applicants deemed suitable to establish and operate the new school.

7. In order to keep to required timescales to enable the appointed academy trust to be in place by the start of the autumn term 2020, a decision on the shortlist would be required to be taken by LA in late February; this would allow referral to the Regional Schools Commissioner during March.
8. As there is no Cabinet meeting scheduled for early March, and mindful that the Regional Schools Commissioner will take the final decision on appointment, then members are asked to agree that the Director of Children and Family Services in consultation with the Lead Cabinet Member for Children, Families and Safer Communities agree the shortlist of preferred academy trusts.

Statutory Notice

9. The process for making changes to maintained schools is defined by the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 and requires the publication of a Statutory Notice where certain criteria are triggered.
10. Although this process would not normally apply to changes to a Pupil Referral Unit such as Oakfield, which are generally less well defined in law, the publication of a Statutory Notice would nevertheless ensure that the process follows good public law principles of transparency and effective consultation.
11. The publication of a Statutory Notice and details of full proposals requires that; the proposals are published on the County Council's website and in a local newspaper. The proposals must also contain a statement setting out how copies of the proposals may be obtained, how a person may object or comment on the proposals, and a date by which said objections or comments must be sent. The LA is required within one week of the publication of the proposals, to send a copy of the proposals to:
 - The governing body of the schools forming part of the proposals.
 - The parents of every registered pupil having an EHCP.
 - Any other body or person that the proposer thinks appropriate.
12. Following the publication of the Statutory Notice there is a four-week representation period for further comment or objection to the proposals.
13. The Local Authority must take a decision on the implementation of the proposals within two months of the end of the representation period.
14. It is intended that the Statutory Notice detailing the planned changes to the Oakfield School will be published in the week commencing 2nd December 2019. This would enable, in keeping with the expected timescales a decision on determination of the Notice to be taken by the Director of C&FS in late January. However, in the event that there were significant objections to the proposals then the matter would be referred to the Cabinet for a decision.