

Report to: Children, Young People and Families Scrutiny
Committee

Cabinet

Date: 12 November 2009
19 November 2009

Subject: School Competitions: Criteria and Process for Judging
Proposals

Report of: Executive Director of Children and Young People's
Services

Contact officer: Janet Newton 01942 486238 j.newton@wigan.gov.uk
Lynn Mappin 01942 486028 l.mappin@wigan.gov.uk

Purpose / summary: To advise Cabinet of the factors it is required to take into consideration when considering proposals that come forward as a result of the school competition process and to suggest a procedure for judging the proposals.

Alternative options considered and reason for selecting the one recommended: Cabinet is statutorily required to consider the factors listed. However, the weighting attached to each of the factors and the scoring matrix can be altered.

Recommendation / decision: It is recommended that Cabinet:

- adopt the factors to be considered in the judging of school competitions;
- determines the relative weighting of each of the factors;
- determines the scoring matrix to be used; and
- requests the Executive Director of Children and Young People's Services to establish a panel to judge the proposals on the basis of the approved scoring matrix.

Key Decision: This report does not involve a key decision. The decision made as a result of this report will be published within **48 hours** and cannot be

actioned until **seven working days** have elapsed, i.e. before 1st December 2009

Risks / Implications:

Financial:	None
Staffing:	None
Policy:	Wigan's Strategy for School Places and Buildings
Equal Opportunities - Has a Diversity Impact Assessment been conducted?	Yes
Wards affected:	None

Property Implications – Does the proposal involve a reduction, addition or change to the Council's asset base or its occupation?

No

If yes, have the property implications been agreed with the Corporate Property Officer?

Does this proposal have significant implications for the Council and the local population?

No

Does this proposal involve a new policy or procedure or significant changes to an existing policy or procedure?

A diversity impact assessment has been undertaken and is attached as an appendix to this report.

Has the Service Director - Borough Solicitor confirmed that the recommendations within this report are lawful and comply with the Council's Constitution?	Yes
Has the Service Director - Corporate Services confirmed that any expenditure referred to within this report is consistent with the Council's budget?	Yes
Are any of the recommendations within this report contrary to the Policy Framework of the Council?	No

* delete which applicable

For Cabinet reports only :

Categorisation of the report:			
Discussion leading to a decision		Discussion	
Monitoring		Decision	X
Sharing for corporate understanding		Information	

Tracking/Process:

	Consultation	Ward Members	Partners
Committee	Overview & Scrutiny	Cabinet	Council
12 November 2009		19 November 2009	

There are no Background Papers to this Report within the meaning of Section 100D of the Local Government Act 1972.

Proper Officer



Date

November 2009

1. Background

- 1.1 The School Organisation Act 2006 (section 7) required local authorities to invite proposals from potential providers for any new school. This includes schools that are required to replace one or more discontinuing schools.

2. Competition process and decision making aid

- 2.1 The statutory processes are clearly defined in The School Organisation (Establishment and Discontinuance (England) Regulations 2007 and Department for Children, Schools and Families (DCSF) statutory guidance, including how proposals to discontinue one or more schools run in parallel with the competition process.
- 2.2 The protocol and procedure for establishing a new school by competition is detailed in Wigan's Strategy for School Places and Buildings but is repeated at Appendix A for ease of reference.
- 2.3 On 7 February 2008, Cabinet determined that it would be Cabinet that performs the LA decision making function in terms of school organisation proposals, including the determination of school competitions, where appropriate.
- 2.4 In addition to deciding which proposals best meet the LA's specification for a new school, as detailed in the competition notices, DCSF guidance specifies the factors that decision makers must consider in judging each proposal. It is, however, a matter for the LA to decide how much weight to give to each of the criteria in each particular case.
- 2.5 Appendix B lists these criteria, attaches a suggested weight to each, and proposes a scoring matrix against which each of the proposals can be objectively judged.

3. Preparation prior to Cabinet determining the outcome of the competition

- 3.1 In order for Cabinet to be able to make an informed decision on the relative merits of each potential provider and to ensure transparency of decision making, it is suggested that officers will need to undertake a number of tasks prior to presentations to Members and Cabinet's decision as follows:
 - 3.1.1 To undertake a validation check of each proposal received prior to publication of the second competition notice, which outlines each of the proposals received and invites comments from the public. This will involve validation against the LA's specification for a new school as set out in the first competition notice and against the statutory criteria listed in Appendix B. Provided that proposers meet these validation checks, their proposals will be detailed in the second competition notice.
 - 3.1.2 To invite potential providers to discuss their proposals in detail with a panel of appropriate officers and members. This will ensure that due diligence is applied to the competition process and clarifications can be sought on any points of doubt. It is suggested that these discussions take place toward the end of the six week representation period.

3.1.3 That the same panel score each of the proposals using the approved scoring matrix. It is suggested that the scoring matrix is an aid to the decision making process only and will show the panel's judgement on the relative strengths and weaknesses of each of the proposals. The report to Cabinet will also contain contextual information, such as how well each proposal matches the Authority's vision as outlined in the Readiness to Deliver submission and the public response to each of the proposals, so that Cabinet can consider each proposal in full prior to making its decision.

3.1.4 That the panel considers how well the proposals match the LA's specification for a new school as detailed in the first competition notice. If a proposal is not in line with the specification, the panel will consider the potential impact of the difference and advise Cabinet accordingly.

3.2 Full details of all relevant documents will be made available on the LA's school competition web-site and to DCSF consultants for onward transmission to interested parties.

4. Alternative options considered and reason for the recommended option

4.1 The alternative option is for a more unstructured approach to be taken where Cabinet makes a decision as a result of the information provided only, or with the information provided plus officers comments after the due diligence checks.

4.2 It is suggested that due to the amount and range of detailed information provided, an objective decision without some form of analysis will be difficult to achieve. Whilst there is no appeal mechanism for school competitions, it is important that the LA is seen to be acting according to the rules for public accountability.

5. Recommendations

5.1 It is recommended that Cabinet:

- adopts the factors to be considered in the judging of school competitions;
- determines the relative weighting of each of the factors;
- determines the scoring matrix to be used; and
- requests the Executive Director of Children and Young People's Services to establish a panel to judge the proposals on the basis of written submissions and due diligence checks and using the approved scoring matrix.

Diversity Impact Assessment form

Section: Children and Young People's Services

Policy/Service Area:
School Place Commissioning

Person Completing Form:
Lynn Mappin

Date:
30 October 2009

Do any of the below groups suffer specific disadvantage (please indicate)

	Yes	No		Yes	No
Race		X	Disability		X
Ethnicity		X	Gender		X
Age		X	Religion		X
Class		X	Sexual Orientation		X

Is there evidence of disadvantage or associated problems?

No. Part of the rationale behind the school competition process is to ensure that proposals are inclusive and promote community cohesion. The statutory decision making criteria ensure that proposals are judged on how well they are likely to ensure inclusivity, fairness and equity amongst all social identities.

How was the information collected and/or who have you consulted with?

Not applicable. It is Cabinet's decision to determine how it wishes school competitions to be judged in accordance with statutory criteria.

Action Plan – *What specific actions are planned to tackle any disadvantage identified?*

Not applicable

Is the policy in line with current equality legislation and relevant codes of practice?

Yes

Timescale

The first school competition to be judged is scheduled for 18 March

Responsibility

Executive Director CYPS – pre Cabinet judgements

Comments

Are the actions specified included in any other documents/plans?

Departmental Service Plan

Section/Team Plan

Other (Specify)

Protocol and Procedure for establishing a new school by competition

1 Introduction

1.1 Scope of the protocol

Only the local authority can hold a competition for a new school. Any other proposer of a new school must apply to the Secretary of State for permission to establish a new school without a competition.

If permission not to hold a competition is granted, the five stage statutory consultation process outlined in the 'Protocol and Procedures for Conducting Provision Planning Reviews' must be followed.

1.2 Aim of the protocol

The local authority is responsible for holding competitions for new schools. The aim of this protocol is to establish procedures which engage all interested parties at the appropriate stages in the process and to ensure that:

- information from all sources is collected;
- partners understand the local authority's strategic role in this area; and
- consultation complies with the law and DCSF guidance.

This protocol may need to be curtailed or modified if the local authority were to conduct a whole borough review of provision.

2 Pre-consultation

If the pre-consultation stage of a provision planning review outlined in the 'Protocol and Procedures for Conducting Provision Planning Reviews' identifies that a new school is required, it will be necessary to hold a school competition in most circumstances.

2.1 Specification of new school

The outline specification of the new school will be agreed during the pre-consultation stage. This should include:

- the number of places to be provided at the school;
- the age range, including any proposed sixth form or early years provision;
- whether the school will be mixed or single sex;
- the proposed admission number;
- the location, including playing field provision and transport links;

- the opening date;
- the estimate capital costs of the school and funding sources in accordance with DCSF guidance;
- any provision that will be reserved for pupils with special educational needs;
- the area and community to be served by the school;
- any extended services or other community use;
- any preferred specialism that the school should have; and
- proposed arrangements for transport to the new school and sustainable transport alternatives.

Cabinet will be invited to agree the proposal and outline specification for the new school and to decide whether to give permission to commence consultation.

The stages below reflect legislation, regulations and DCSF guidance.

3 Statutory consultation

3.1 Stage 1: Consultation

Consultation will take place for a period of six to eight weeks during term time.

The purpose of the consultation is to:

- inform local people about the proposal; and
- seek their views on the specification for the new school.

not how the specification may be met or what the category of the school should be, for example whether or not it should be a community, voluntary aided or foundation school.

Consultation documents will be issued to all interested parties (listed at Appendix A). Written consultation responses will be requested.

Consultation documents will contain the:

- proposal(s);
- reasons for the proposal(s);
- specification of the new school;
- details of the consultation process;
- relevant timescales;

and will clearly explain when and how to make views known.

A public meeting or drop in sessions will also be held and notes will be taken.

The consultation gives all interested parties the opportunity to make comments on the proposal(s). These will be presented to Cabinet. The local authority will not enter into correspondence on individual responses.

3.1.2 Children and Young People's Panel and Cabinet.

Following consultation, Cabinet will determine the final specification for the new school and whether it wishes to proceed to Stage 2. Cabinet will also decide whether the local authority will submit a bid as the proposer of the new school.

If new options emerge as a result of the consultation and members wish to amend the proposal, a second round of stage 1 consultation must be held.

3.2 Stage 2: Invitation to bid (first statutory notice)

The local authority must publish a statutory notice inviting interested parties to submit proposals to set up the new school. The notice must be:

- published in a national newspaper covering education issues;
- published in a local newspaper;
- posted in a conspicuous place in the area to be served by the school; and
- sent to those parties listed at Appendix A within one week of publication.

Proposers have up to four months to submit their bids.

3.3 Stage 3: Publication of competition proposals (second statutory notice)

Within three weeks of the expiry date for submitting proposals the local authority must publish a second statutory notice summarising all the proposals received. The notice must be:

- published in a local newspaper;
- posted in a conspicuous place in the area to be served by the school; and
- published on the local authority's website.

Copies of the complete proposals must also be made available on the local authority's website.

The local authority must also send full copies of all proposals to all listed in Appendix A.

3.4 Stage 4: Representations

There is a period of six weeks from the date on which the statutory notice is published during which comments can be submitted.

A public meeting to inform people of the proposals received and to tell them how they can make their comments or objections must be held within two weeks of the publication of the second notice.

3.5 Stage 5: Decision

Cabinet will make the decision on the competition unless:

- the local authority fails to make a decision within two months of the end of the consultation period;
- the local authority is a proposer for the school; or
- the proposal is for a foundation school in certain circumstances.

If any of the above applies the schools adjudicator will make the decision.

3.6 Stage 6: Implementation

The proposers and local authority are under a statutory duty to implement any proposals which the decision maker (the local authority or the schools adjudicator) has approved.

4 Linked proposals

Where proposals are related, for example when a new school will replace a school proposed for closure, the consultation and notices for both proposals are linked as illustrated in Appendix B

New school competition

Stage 1: Consultation

Consultation documents will be sent to:

- the families of pupils at any other school who may be affected, including primary schools for secondary school proposals as appropriate
- pupils who may be affected
- the governors of any other school that may be affected
- the staff of any other school that may be affected
- any other local authority likely to be affected
- trade unions and professional associations
- all elected members
- the diocesan authorities
- the Learning and Skills Council (if 14-19 proposals)
- private and voluntary early years providers (if early years proposals)
- the member of parliament for the area
- the Early Years and Childcare Strategic Management Group (if early years proposals)
- any other interested parties, such as those who might use school premises.

Copies of consultation documents will also be placed at:

- local libraries
- town halls

Stage 2: Invitation to bid

Statutory notices will be sent to:

- any local authority likely to be affected by the proposals
- the Secretary of State
- the Diocesan authorities
- any other person or organisation that has expressed an interest in writing to the authority in establishing a new school to serve pupils in the area;
- the Learning and Skills Council for 14-19 provision
- the schools adjudicator
- any other body or organisation that is likely to be interested; and
- the relevant health authorities if the proposed school is a special school.

Stage 3: Publication of competition proposals

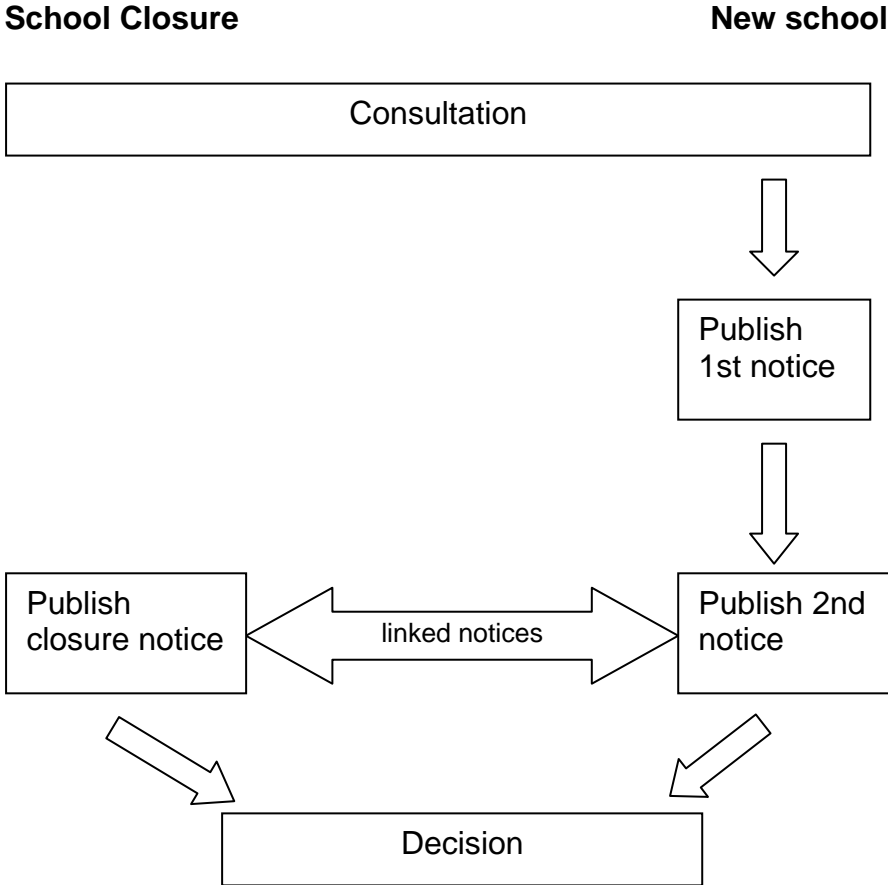
Copies of the full proposals will be sent to:

- all proposers who have submitted proposals in response to the competition notice;

Appendix A

- any other local authority likely to be affected by the proposals
- the Diocesan authorities;
- any other person or organisation that has previously expressed an interest in writing to the local authority in establishing a school to serve pupils in the area;
- the Learning and Skills Council if 14-19 provision;
- the relevant health authorities if the proposed school is a special school; and
- the Secretary of State.

If there are linked proposals to close a school or schools and hold a competition to establish a new school the process is as follows:



Appendix B

School Competitions: Proposed Scoring Matrix

Criteria	Weight	Fully meets requirements Score 3	Mostly meets requirements Score 2	Partly meets requirements Score 1	Does not meet requirements Score 0
Effect on standards and contribution to diversity. Extent to which the proposals will:					
Improve the quality of educational provision in the area, help raise standards, improve attainment and narrow the attainment gap for under-performing groups	3				
Improve the diversity of educational provision in the area	3				
Provide a broad and balanced curriculum, the national curriculum, religious education and, if a secondary school, sex education	3				
Help every child and young person at the school achieve their full potential, e.g. through personal development, access to academic and vocational training, and by removing barriers to participation	3				
Meet the aspirations of parents and the local community, and whether the LA's proposals are the result of parental pressure for a new school	2				
Admissions					
Whether the school's proposed admission arrangements are equitable and allow fair access for all, and whether they comply with the law and the Schools Admissions Code	3				

Finance					
Whether the capital resources the proposer needs are available	3				
Whether the proposals are viable and represent a cost effective use of public funds	3				
Whether new VA schools have provided evidence (Form 18) that the governing body will be able to meet their financial responsibilities for future building work	3				
Site. If the proposer is providing their own site:					
The land tenure arrangements and, if a voluntary or trust school where the Trust will not hold the freehold of the site, whether the land tenure arrangements are satisfactory	2				
Whether the new school will meet the statutory requirement for the provision of playing fields	2				
Community cohesion and inclusiveness					
Whether the proposals tackle divisions in the community – religious, social, racial and cultural – and the extent to which the school will promote community cohesion	2				
The extent to which the school will collaborate with other schools, FE colleges and other educational providers in the area	3				
Whether the school will have strong links with families and the local community; whether it will have extended services that contribute to the Every Child Matters agenda, and whether it has the funding needed	3				

14 – 19 Issues (if the school is catering for this age group)					
The extent to which the proposals will extend the range of options available to 14 – 16 year olds opportunities for collaborative arrangements with other providers	3				
If the school includes 16 – 19 provision, the extent to which the proposals offer high quality provision, breadth of curriculum, and meet the diverse needs of all young people through collaborative arrangements with other providers	3				
Trust schools					
The nature and constitution of the proposed Trust and the activities and reputation of the proposed trustees	3				
If the Trust is to hold the majority of the governing body, plans for setting up a parent council and its proposed constitution	2				
The nature and strength of existing and proposed relationships with partners	3				
Other issues					
If the school is to have a specialism, whether there is existing provision of the specialist subject in the area, and the links proposed with other schools	3				
Whether the proposals are to join an existing federation or to jointly establish a new federation, and whether the arrangements will help raise standards	2				

Whether the arrangements are to join an existing group foundation body or to jointly establish a new group foundation body. (The latter requires Secretary of State approval and approval of the proposals is conditional)	2				
Whether there are any equal opportunities issues – sex, race or disability discrimination or human rights	2				
If the proposals are for a primary school with early years provision, the level of integration of pre-school education with childcare and other child/family services	2				
Views of interested parties					
Parents, pupils, families, local residents affected by the proposals or who have an interest in them	3				
Pupils, staff and governing bodies/ Trusts of other schools and colleges in the area	3				
Any local authority affected by the proposals or with an interest in them	1				
The Church of England and Roman Catholic Dioceses in the area and any other religious bodies providing schools	3				
If proposals affect 14 – 19 provision, the Learning and Skills Council	2				
If the proposals affect early education provision, the Early Years Development and Childcare Partnership or any partnership in its place	2				
Total Score					

