

NEW SECONDARY SCHOOL IN NORTH KINGSTON – STATUTORY CONSULTATION

Report by the Director of Learning and Children's Services (Interim)
Executive Member for Children and Young People's Services

Purpose

Kingston was formally accepted into the Building Schools for the Future (BSF) programme on 14 December 2009 in partnership with the London Borough of Croydon. The programme will enable every secondary school, Pupil Referral Unit and Special School in Kingston to be rebuilt or refurbished over the next ten years, at a cost currently estimated to be over £280 million.

This will enable the Local Authority to both meet the needs of a growing population of children and young people whilst providing vastly improved educational resources to ensure that all learners can achieve their potential.

The commissioning of a new secondary school in the north of the borough is a key part of the local authority's strategy to ensure there are sufficient places to provide for the increased number of children living locally who will start secondary school in September 2015.

Between July and September 2009 the Council undertook a pre-statutory consultation in respect of the proposed location of a new school. The results of that informal consultation were considered by the Executive on 29 September 2009. The Executive agreed to develop a proposal for a new secondary school on the North Kingston Centre site including ways to address the impact on current users of the site and to commence the statutory consultation process to establish a new school.

The first stage of the consultation regarding the proposed new school took place between 15 January and 26 February 2010, with a public meeting on 9 February 2010. This report summarises the responses to the proposal and provides information regarding the next stage of establishing a new school; the competition stage to determine the provider of the new school.

Action proposed by the Executive Member for Children and Young People's Services

The Executive is requested to:

1. consider the outcomes of the consultation set out in Annex 2-4 and confirm the specification for the new school is as set out in the consultation document;
2. agree to proceed to the competition stage of the statutory process to establish a new secondary school; and
3. note the work being undertaken to develop the design proposals and the development brief approach.

Reason for action proposed

The Council has a duty to provide secondary school places for the increasing population in Kingston. A decision to issue a Competition Notice is required to continue the statutory process to establish a new secondary school to secure the necessary capital funding for the new school via the Building Schools for the Future (BSF) programme in order to deliver the school places by September 2015.

BACKGROUND

1. In June 2008 the Council approved the Local Authority's BSF Strategy and Primary Capital Programme Strategy. BSF will provide the resources to transform secondary education, both in terms of continuing to improve overall standards and in particular to improve the life chances and achievements of under-achieving groups of learners, and the schools where performance is currently below expectations. It will also provide the capital investment, currently estimated at over £280m, to expand the number of secondary school places available in the Borough to match the recent demographic changes.
2. The BSF strategy identifies the need for a new school and it is prioritised as Kingston's first project within the BSF programme. Kingston is required to provide an assurance that it is able to deliver the new school building as part of the submission of the Outline Business Case in November 2010 to Partnerships for Schools to formally secure the funding for the school.

THE STATUTORY PROCESS TO ESTABLISH A NEW SCHOOL

3. The Council has a duty to provide school places for statutory school age children i.e. up to sixteen and is required to commission sufficient places for all children in the area. As the new school is required to meet an increase in the local population, the Council is required by law to invite proposals from potential providers; this is known as a competition process. The statutory process for establishing a new school has six key stages. The following list sets out the stages in chronological order:
 - (i) statutory consultation on specific proposals – undertaken 15 January to 26 February 2010
 - (ii) publication of first notice (invitation to bid)/proposer engagement/submission of proposals
 - (iii) publication of second notice (proposals) and promotion of public awareness
 - (iv) representations (to allow for comments and objections to be submitted)
 - (v) decision by Local Authority (in some cases Schools Adjudicator)
 - (vi) implementation (subject to the planning approval)
4. Stages one to four take a minimum of ten months with the Council aiming to have the school open for Year 7 intake by September 2015. Should the Council wish to progress the proposal for establishing a new school on the North Kingston Centre sites a planning application would be submitted in 2011, with extensive community consultation at that time. The decision to progress to statutory consultation to establish a new school does not pre-suppose the outcome of the planning application that would be considered under the separate statutory planning process. Development of the new school would therefore still be subject to planning approval, and the Council acting as Local Planning Authority would determine the planning application against all relevant planning policies.

STATUTORY CONSULTATION JANUARY – FEBRUARY 2010

5. A consultation document 'A New Secondary School in North Kingston', was published on 15 January 2010 (attached at Annex 1). Respondents were asked if they agreed that a new secondary school should open on the North Kingston Centre site in September 2015, as well seeking their views on a number of

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elements of the outline specification of the new school such as designation, size, location and subject specialisms.

6. The consultation document and questionnaire were located prominently on the RBK website through a front page link and was widely publicised via a press release and publicity posters in schools, libraries and other prominent public places. All Councillors, local authority staff and professionals linked to the Children's Trust received details of the consultation via email.
7. In total 42,000 copies of the document were circulated to:-
 - All parents/carers of Kingston Borough primary school aged children via their schools
 - School staff and governors of all Kingston primary schools
 - 19,000 addresses in the Kingston town area (including north of the borough)
 - All current users of the North Kingston Centre
 - Users of the Hawker Centre
 - Tiffin Girls' School pupils, parents, staff and governors
 - Schools in close proximity to the site located in the London Borough of Richmond
8. Equalities monitoring was included on the questionnaire in order to demonstrate the range of respondents in the local community.
9. An open meeting was held on 9 February 2010 at Fern Hill Primary School. The Director of Learning and Children's Services (Interim) gave a presentation and answered questions from attendees, along with a number of Council Officers from Learning & Children's Services. The aim of the meeting was to give people the opportunity at an early stage in this process to find out more about the proposal and offer their views. Notes of the meeting detailing main points, comments and questions is attached as Annex 2.
10. The aim of this first phase of consultation is to gauge the level of support for the proposed new secondary school to inform the decision to issue a Competition Notice to invite bids from potential providers.

PLANNING ISSUES

11. At the time of writing the Consultation document for the new secondary school in North Kingston, it was thought that outline planning consent for the new school was required by the Autumn 2010, in order for the Council to progress to the next stage of the BSF programme. This created various problems, in that a planning application would need to be prepared and submitted before the summer and prior to the selection of the provider of the new school.
12. Following further consideration of the BSF guidance, it has been established that an alternative to outline planning consent is the preparation and approval of a Planning Brief for the site by the Council. A Brief would provide a more flexible approach and would avoid abortive and misleading work. As a result, this is the course of action which we are now proposing to pursue.
13. In planning terms, it has been agreed that a planning brief would provide useful advice to update and explain development plan requirements specific to this site, to

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guide its future development. The Planning Brief would be prepared and consulted upon by the Council's Planning Section (within the Environmental Services Directorate) and would provide a framework to guide detailed design proposals for the development of the site for a new secondary school.

14. The Planning Brief will:
 - collate information about the site and its surroundings, identifying constraints and opportunities
 - identify and interpret planning policies relevant to the development of the site
 - provide advice on what is likely to be acceptable in planning terms
 - focus on the site's characteristics and those of its surroundings and promote high quality development, in terms of site layout, design and access
 - consider the likely transport impact of the proposed development and any measures that may be required to mitigate the impact
 - set out design principles to provide a sound basis for detailed design
 - set out the role of the Brief in the Development Control process
15. Apart from public and statutory consultation on the draft Planning Brief, which is likely to be for 6 weeks from early June through to late July, the draft Brief will be considered and commented on by the Kingston Town Neighbourhood Committee and the Development Control Committee. Following assessment of the consultation feedback, the Brief will be amended and put before the Council's Executive for adoption as Council policy. It is likely that this would be at the end of September 2010.
16. A planning application would then be developed involving the provider of the school with an aim of undertaking pre-application consultation in early 2011 prior to the submission of a planning application.

SUMMARY OF FEEDBACK FROM PRE-STATUTORY CONSULTATION PROCESS

17. The consultation finished on 26 February, after this report was written. A summary of the responses received will be provided as Annex 3 to this report. A full record of all of the comments received has been placed in the Members Room and on the Kingston website for information. The Council's response to the main issues raised will be provided as Annex 4 to this report.

COMPETITION PROCESS

18. New school organisation regulations that came into force in 2007 mean that the Local Authority cannot simply decide to open a new school and choose the type of school. The regulations introduced a competition process which allows a number of prospective providers of new schools to come forward and bid to run the school.
19. Once the LA has considered the responses to the current statutory consultation that closed on 26 February 2010, the next stage in the process is to publish a competition notice inviting interested parties to bring forward proposals for setting up the new school. The regulations allow a minimum of four months to be specified in the invitation notice, for proposals to be submitted. The LA should publish the notice within a reasonable timeframe following consultation so that the proposals are informed by up-to-date feedback. Whilst the regulations allow for the notice, therefore, to be published within 12 months of consultation being concluded it is proposed that Kingston publish the notice on 1 April 2010. This will enable the

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outcome of the process to be able to inform the submission of the Outline Business Case to partnerships for Schools in November 2010.

20. The School Organisation Regulations 2007 therefore place the Local Authority as both the commissioner of a new school, and potentially as a provider. The Local Authority can enter its own bid in a competition for either a foundation, Trust, or (in specified circumstances) a community school.
21. Whilst the LA is responsible for publishing the competition notice it is the Department for Children, Schools and Families (DCSF) who appoints consultants to manage the engagement of providers. The Department has appointed consultants who will market a competition to potential proposers and will help to engage the local community in the competition. They will also alert national provider organisations who have expressed an interest in submitting proposals for new schools in response to competitions. The regulations require that LAs must consult with, and have regard to the advice of, the Department's consultants when running a competition.
22. The consultants will place advertisements, publicising the competition in the local newspapers. These advertisements will summarise the LA's requirement for the new school and offer the consultants as the first point of contact for advice on the competition.
23. Once potential proposers have been identified, the consultants will arrange and manage a seminar to inform potential proposers about:
 - the competition process;
 - the requirements that need to be covered in a proposal;
 - what it means to win a competition; and
 - consultancy support to help proposers formulate a proposal.

The LA will have the opportunity to attend and take part in the seminar, particularly the Q&A session.

24. In the event that the LA chooses to submit a bid during the competition stage as the second notice is published the LA role would change from that of commissioner to potential provider. If the LA chose not to bid then the LA continues in its commissioning role.
25. The final decision on competition proposals must be taken by the LA, except in certain circumstances when the decision will be taken by the schools adjudicator i.e. where the LA:-
 - a) is the proposer of any proposals;
 - b) is a member, or appoints a member, of the foundation of a proposed Trust School;
 - c) appoints a charity trustee of the foundation of a proposed Trust School; or
 - d) exercises any voting rights, or appoints a person who exercises voting rights, in the foundation of a proposed Trust School.
26. Where the LA decides the proposals, there is no provision to appeal against the decision to the schools adjudicator. If, however, the LA does not decide the

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proposals within 2 months of the end of the representation period, the proposals must be referred to the schools adjudicator for decision. The adjudicator's decision is then final.

27. The anticipated timetable is therefore:

15 January 2010 – 26 February 2010	Statutory consultation with Public meeting held 9 February
9 March 2010	Kingston Executive considers results of this consultation and decides whether to proceed to competition stage
1 April 2010	If agreed, Competition Notice inviting bids is issued
11 August 2010	Deadline for submission of bids to run the new school
1 September 2010	2 nd Notice giving details of all bids is issued and further consultation takes place (including a public meeting)
12 October 2010	Deadline for comments about bids
November 2010	RBK Executive or Schools Adjudicator makes decision about who will provide the new school
December 2010	*Scheme for new school in North Kingston formally agreed as part of the Building Schools For the Future Programme
January 2011 – August 2012	*Procurement stage and arrangements made to relocate existing site users to suitable alternative premises
September 2012	*Construction of new school begins
September 2015	New school opens to Year 7 pupils
September 2020	Sixth form provision opens

*subject to a separate statutory planning process with pre-application consultation

CONCLUSIONS

28. The Kingston Building Schools for the Future (BSF) strategy document 'Readiness to Deliver' was approved by the Executive and Department for Children, Schools and Families in December 2009. This sets out Kingston's plans to transform secondary education in terms of improving overall standards and the performance of underachieving groups of pupils. It also addresses the need to expand secondary schools to accommodate the increasing number of pupils.
29. The Council has a duty to ensure that there are sufficient schools places available and that parents have a reasonable range of options to consider when applying for a school place. Based on forecast pupil projections there is a need to progress the planning and implementation of a significant building programme across the authority area to ensure that there are sufficient places for when the increased intake to Kingston's primary schools move to secondary school from September 2015 onwards.
30. The commissioning of a new secondary school in the north of the borough is a key part of the local authority's strategy to ensure there are sufficient places to provide for the increased number of children living locally who will start secondary school in September 2015.
31. The Executive is asked to determine if they consider there to be sufficient support for the proposed new school in order to progress to the next stage of the statutory process to establish a new school; the competition process to determine who the provider of the school will be.

EQUALITY IMPACT ASSESSMENT IMPLICATIONS

32. In undertaking the role of commissioner of school places in the local area the Local Authority has a statutory responsibility to ensure that there are sufficient school places for all children, to ensure fair access to schools, and to ensure that there are sufficient schools in the area. There is also a duty to promote diversity and increase parental choice. The Government's stated aim is to secure a more diverse and dynamic schools system which is shaped by parents' preferences for a good local school.
33. There is clearly a responsibility for the Local Authority to ensure that the Strategy for expansion, and the creation of a new secondary school, reflects the needs of all children in the Borough, and not just those of parents who are more able to express their views. An underlying requirement is that the Strategy will contribute to improving the quality of local provision, and will lead to improved educational outcomes for children. The Local Authority is therefore required to pay particular attention to the effects on groups of children that tend to under-perform including children from certain ethnic groups, children from deprived backgrounds and children in care, with the aim of narrowing attainment gaps. The proposals will also be required to take the needs of other pupils into account e.g. children with learning difficulties and disabilities.
34. The proposals to be developed in Kingston will therefore support the detailed plans within the Children and Young People's Plan to ensure all schools are good and outstanding and the Strategy for Early Intervention and Prevention to support vulnerable young people and 'Close Gaps' in achievement across the Every Child Matters outcomes .

ENVIRONMENTAL IMPLICATIONS

35. There are significant environmental implications arising from the building works that will be required to provide additional school places. A new school will be designed to ensure sustainability and minimise impact. Wherever possible the agreed priorities within the Building Schools for the Future Strategy adopted by Executive in December 2008 and the Readiness to Deliver document approved by the Executive and Department for Children, Schools and Families in December 2009 will be incorporated into building plans. In this way it is hoped that greater efficiencies will be achieved through the design process and the use of ICT, and that the plans will maximise the use of outside spaces for outdoor learning and leisure through careful landscaping. There will also be implications for transport and access to schools; positively, more children living in the north of the borough will be able to walk to school.

Annexes:

1. Consultation document – A New Secondary School in North Kingston
2. Summary of public consultation meeting points, comments and questions.- **To follow**
3. Summary report of consultation responses – **To follow**
4. Council's response to the issues raised by consultees – **To follow**

Background papers: held by Duncan Clark (author of report), 020 8547 5221;
e-mail: duncan.clark@rbk.kingston.gov.uk

1. Building Schools for the Future Strategy and Readiness to Deliver
2. Pupil Number Projections Data

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3. Consultation Materials available on Kingston Website:
http://www.kingston.gov.uk/secondary_expansion
- 4.. Local Authority Proposal (Stage 1) Consultation Responses
5. Establishing a New Maintained Mainstream School – A Guide for Local Authorities
(published by the DCSF)