

**Collaboration Agreement and associated Funding Agreement with
 Cambridgeshire County Council in respect of the Hampton Gardens
 Secondary School project**

Councillor Holdich, Cabinet Member for Education, Skills and University

February 2015

Deadline date: February 2015

Cabinet portfolio holders:	<i>Cllr Holdich Cabinet Member for Education, Skills and University</i>
Responsible Director:	<i>John Harrison Executive Director, Resources</i>
Is this a Key Decision?	NO
Is this decision eligible for call-in?	YES
Does this Public report have any annex that contains exempt information?	NO

R E C O M M E N D A T I O N S

The Cabinet Member is requested to:

1. Approve the Council entering into a Collaboration Agreement and associated Funding Agreement with Cambridgeshire County Council in respect of the Hampton Gardens Secondary School, subject to being within the approved budget.
2. Approve the Council entering into an Operation Agreement with Cambridgeshire County Council and Hampton Academies Trust which shall govern the relationship between the parties upon opening of the school.
3. Authorise the Director of Governance to enter into any additional documentation considered necessary to document the partnership arrangements between the Council and Cambridgeshire County Council.

1. SUMMARY OF MAIN ISSUES

- 1.1 This report outlines the process for the creation of a new secondary school to be located on an area of land within the Hampton Gardens development in Hampton, Peterborough.
- 1.2 The new secondary school will provide places for children living in the Hampton area of Peterborough and the Farcet and Yaxley areas of Cambridgeshire. The new school places are required for September 2017.
- 1.3 The new school places created will be provided for children living in both Peterborough and Cambridgeshire. It is proposed that the Council will work in partnership with Cambridgeshire County Council to jointly fund and deliver the new school places. The project will be led by the Council (Schools Infrastructure Team, Resources) as the school will be located within the Council local authority boundary.

- 1.4 The site for the new secondary school is located within the Hampton Gardens development area and is subject to a Section 106 Agreement. A site feasibility study to assess the suitability of the site and identify any abnormal conditions that could impact on the viability of a school scheme, was commissioned by the Council. A number of investigative surveys were carried out and the results of these fed into an indicative block plan and site layout in order to formulate potential cost, programme and identify risks.
- 1.5 A Collaboration Agreement and associated Funding Agreement have been drafted and the Council is currently in negotiations with Cambridgeshire County Council to agree the final version. The Collaboration Agreement outlines the partnership arrangements which will govern the joint nature of the project until an Operation Agreement is established for all parties which will govern the relationship between the parties following the opening of the school.

2. PURPOSE OF THIS REPORT

- 2.1 The purpose of this report is to provide background information and seek the Cabinet Member's approval in relation to the recommendations.
- 2.2 This decision is proposed in accordance with the delegations for the Cabinet Member for Education, Skills and University exercising delegated authority under paragraph 3.4.3 of Part 3 of the constitution in accordance with the terms of his portfolio at paragraph (b).
3. **TIMESCALE** *(If this is not a Major Policy item, answer **NO** and delete second line of boxes).*

Is this a Major Policy Item/Statutory Plan?	NO	If Yes, date for relevant Cabinet Meeting	
---	-----------	---	--

4. DETAILS OF DECISION REQUIRED

- 4.1 The Cabinet Member is requested to authorise the Director of Governance to enter into the agreements as listed in the recommendations to facilitate the successful delivery of a new secondary school in Hampton Gardens. The new school will provide places for pupils living in the Hampton area of Peterborough and the Yaxley and Farcet areas of Cambridgeshire.
- 4.2 The Collaboration Agreement outlines how both Local Authorities will work together to deliver the project. It includes the agreed principles of collaboration, details of the arrangements for the Council to lead the project and how the project will be governed. The Agreement makes reference to the Funding Agreement which records the basis upon which both parties will fund the project.
- 4.3 The Funding Agreement provides the detail relating to arrangements for funding to be pre-agreed and split 50/50 between the Council and Cambridgeshire County Council. It is acknowledged that the Council as the project lead may need to forward fund costs related to the project via the project account. A payment mechanism and reporting schedule will be agreed between the parties via the Funding Agreement.
- 4.4 The Funding Agreement also makes reference to Transition Funding. As the school will have a phased intake from year 7 with full occupancy expected in 2023, the funding from the Department for Education may not cover the full running costs of the school. The Funding Agreement sets out how both parties will cover any deficit in the running costs.
- 4.5 Following the selection of education provider to manage the school in September 2014, the provider, Hampton Academies Trust has submitted a Free School bid to the Department of Education. If the bid is successful, the project will be allocated grant funding to support the establishment of the free school. This funding will reduce The Council and Cambridgeshire County Council's contribution.

4.6 The Council as the project lead will work with Hampton Academies Trust and Cambridgeshire County Council to commence the procurement and appointment of a contractor to design and construct the new school using the Education Funding Agency Contractors Framework. This will be key decision and subject to a separate decision notice.

4.6 In order to keep to the overall programme timescale for the delivery of the new school, careful consideration has been given to the decisions that will be required to ensure probity in the process. The following high level milestones and dates should be noted:

- Announcement of the successful provider to operate the new school 8 September 2014
- Sponsor to submit a Free School bid to DfE 9 October 2014
- Procurement of a design and build contractor January – August 2015
- Planning approval October 2015
- Financial close/execution of contract October 2015
- Start on site November 2015
- Practical completion/handover August 2017
- School opens September 2017

5. CONSULTATION

5.1 A joint Council and Cambridgeshire County Council Members briefing was held on 6 May 2014.

5.2 A joint Council and Cambridgeshire County Council briefing for primary and secondary headteachers and their Chair of Governors was held on 3 June 2014.

5.3 An event was held on 17 June 2014 for interested education providers to attend and find out more about the specification for the new school and the process for selecting an education provider.

5.4 A public consultation event was held at Hampton Hargate Primary school on 14 July 2014 for the public to find out more about the proposals for a new secondary school. A further event was held on 16 July 2014 at Fourfields Primary School in Cambridgeshire.

5.5 Representatives of the Council met with Cambridgeshire County Council on 14th July 2014 to discuss the principles of the Collaboration and Funding Agreements.

5.6 Key stakeholder departments within the Council are fully briefed on the proposals for the new school. These include Planning Department, Strategic Finance and Legal Services.

6. ANTICIPATED OUTCOMES

6.1 Subject to agreement by both parties to the Collaboration Agreement and associated Funding Agreement, the principles of collaboration will be applied to the delivery of the project as a joint venture between the Council and Cambridgeshire County Council.

6.2 The procurement of a building contractor to design and construct the new school building and facilities will be a key decision and will be subject to a separate decision notice.

6.3 As soon as is reasonably possible after the date of the Collaboration Agreement and associated Funding Agreement and before 1st September 2016, the Council and Cambridgeshire County Council will enter into an Operation Agreement. Hampton Academies Trust will also be party to the Operation Agreement. The agreement shall govern the relationship between the parties following the opening of the school

7. REASONS FOR RECOMMENDATIONS AND ANY RELEVANT BACKGROUND INFORMATION

- 7.1 The Local Authority has a statutory duty to provide school places. There are significant pressures on the city to provide school places in the areas most in need. Both the Council and Cambridgeshire County Council require additional secondary provision to meet demographic need and to provide local provision for children in the area.
- 7.2 The proposal is to build a new 8 form entry (with 300 sixth form places – a total of 1500 places) secondary school on land identified within the Hampton Gardens development area in order to provide the additional school places. This land is subject to a Section 106 agreement.
- 7.3 The Collaboration and Funding Agreements will ensure that both parties have an agreed set of principles in relation to the delivery of the project.
- 7.4 The Collaboration Agreement and associated Funding Agreement shall govern the relationship between the parties for the duration of the project. The Operation Agreement shall govern the relationship upon the opening of the school.
- 7.5 The school is required for September 2017.

8. ALTERNATIVE OPTIONS CONSIDERED

The following options were considered and rejected:

- 8.1 To not have Collaboration and Funding Agreements. This was rejected as it exposes the Council financially and legally.
- 8.2 To run a Council only process. This option was rejected in light of the proposal for the Council and Cambridgeshire County Council to work in partnership to fund and deliver the additional secondary school places.

9. IMPLICATIONS

- 9.1 The legal and financial implications of this Cabinet Member Decision Notice are set out in the main body of the report.
- 9.2 Legal – Section 6A of The Education and Inspections Act 2006 requires the Council to seek proposals to establish an academy or free school where they have identified the need for a new school in their area. The Council is responsible for providing the site for the new school and meeting all associated capital and pre- and post-opening costs. All new academy and free school proposals require the Secretary of State's approval as it is the Secretary of State who will enter into a funding agreement with the proposer. If the successful provider submits a free school bid the Council will be obliged to work with the Education Funding Agency in relation to the site of the school and the building contract. An expectation will be created that the Council will enter into a partnership arrangements with Cambridgeshire.
- 9.3 Environmental – None. The environmental implications will be considered as part of the decision notice relating to the procurement of a building contractor.

10. DECLARATIONS / CONFLICTS OF INTEREST & DISPENSATIONS GRANTED

None.

11. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985) and The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

School Organisation Plan 2012-2017
EFA Contractors Framework Guidance