

**Suffolk Education and Children's Services Scrutiny Committee
Infrastructure and planning for school places – Tuesday 6 September 2016
Written submission from Tim Coulson, Regional School Commissioner**

As Regional School Commissioner (RSC), I am responsible for making decisions about academies and free schools in fifteen local authorities including Suffolk.¹ My main responsibilities include:²

- taking action where academies and free schools are underperforming;
- intervening in academies where governance is inadequate;
- deciding on applications from local-authority-maintained schools to convert to academy status;
- improving underperforming maintained schools by providing them with support from a strong sponsor;
- encouraging and deciding on applications from sponsors to operate in a region;
- taking action to improve poorly performing sponsors;
- advising on proposals for new free schools;
- advising on whether to cancel, defer or enter into funding agreements with free school projects; and
- deciding on applications to make significant changes to academies and free schools.

To discharge these duties, I pay due regard to the RSC decision making framework.³ This includes the following points:

- Advising on free school applications:
 - RSCs advise ministers on free school applications (including mainstream free schools, 16 to 19, special and alternative provision) and will make recommendations about which applications to reject before interview and which to approve into pre-opening once interviews have taken place. Ministers will make the final decision. Free school, university technical college (UTC) and studio school applications are assessed against a set of published criteria set by ministers. RSCs will also make recommendations to ministers about actions to take on free school projects in pre-opening, including advising on whether to cancel or defer a project or enter into a funding agreement. Again, ministers will make the final decision. If at the pre-opening stage a free school, UTC or studio school proposer group suggests any change to the vision set out by the proposer group at the application stage, this must be in line with the published criteria.
- Proposals for new free schools under the LA free school presumption arrangements:
 - Where proposals are received via the local authority (LA) for the establishment of a new free school within their region, the RSC will make the decision about which proposer is most likely to deliver a high performing school. The RSC has the ability to exercise the Secretary of State's right to put in place a proposer of his/her own choice where there is further evidence about the suitability of a proposer or availability of a better proposer.

¹ <https://www.gov.uk/government/people/tim-coulson>

² <https://www.gov.uk/government/organisations/schools-commissioners-group/about>

³ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/517565/RSC-Decision-Making-Framework.pdf

The framework refers also to my responsibilities around any 'significant changes' to be made by academies.⁴ These changes can include, for example: governance; site; age-range; mergers; faith etc.

I am supported in considering all of the above by a regional Head Teacher Board.⁵

In taking account of the above guidelines, I am clear that I have some interest and influence over school place planning, which I would summarise in my own words as follows:

- Applications made to central DfE to establish a free school will, if approved, create new or additional places in a local area;
- Applications made through the LA presumption process to establish a free school will, if approved, create new or additional places in a local area;
- Decisions made in the free school 'pre-opening' process may affect the proposed number of places.
- Decisions made to intervene in an open free school may affect the supply of places in an area.
- The introduction of a sponsor to an area may affect the local 'market'.
- A significant change to an academy may affect places in an area.

I am also clear that while I exert some influence, the strategic responsibility for school place planning remains with each LA. There are a number of useful documents which refer at least in part to this interaction, such as from Parliament⁶ and the Local Government Association.⁷

The Education Funding Agency (EFA) has also a number of pupil place planning advisers. For Suffolk the contact is Chris Foster.

I try to assist LAs in their work in a number of ways, for example:

- Meetings with each LA, and occasionally with all LAs together;
- Sharing updated advice and guidance as it becomes available;
- Considering any casework in each LA; and
- Connecting LA officers to speak with DfE/EFA contacts as appropriate.

Here are some examples and illustrations of work I have overseen with Suffolk LA:

- January/February 2016 – exchanges with Sue Cook (Suffolk LA) seeking to agree a common understanding of the basic need for school places in the LA.
- February/March 2016 onwards – follow-up conversations between Dan Cooke (DfE) and Joy Stoddart/Gavin Bultitude (Suffolk LA) including about which local areas may require new schools.
- February 2016 onwards – exchanges about the Carlton Colville presumption competition for a SEMH school with Cheryl Sharland and others (Suffolk LA). (We

⁴ <https://www.gov.uk/government/publications/making-significant-changes-to-an-existing-academy>

⁵ <https://www.gov.uk/government/publications/east-of-england-and-north-east-london-headteacher-board>

⁶ <https://www.parliament.uk/business/publications/research/key-issues-parliament-2015/education/school-places/>

⁷ <http://www.local.gov.uk/documents/10180/5854661/The+council+role+in+school+place+planning/998e5667-6218-4a94-aa57-2633010edc51>

have also discussed previously the presumption competition for a secondary school in Bury St Edmunds (New Moreton Hall School).⁸

- March 2016 – information shared with me from exchanges between Ian Casey DfE and Pete Mumford (Suffolk LA).
- May 2016 – visit from Marie-Elise Howells (DfE) regarding special educational needs funding and the creation of special free schools.
- June 2016 – attendance and speaking slots at ‘EBDOG’ conference with Vicky Dare (DfE) and various colleagues from Suffolk LA.
- June 2016 – visit from Jo Smith (EFA) to Suffolk LA to see various colleagues – Gavin Bultitude, Pete Mumford etc
- Various – a number of exchanges and meetings regarding the Bury St Edmunds academy trust.
- Various – meetings with MPs from Suffolk constituencies, such as Peter Aldous, Jo Churchill.

When taken together, I feel this shows a high degree of co-operation and joint working across DfE, EFA and the LA. While I am responsible for overseeing fifteen LAs and so will never possess the intricate level of knowledge which LA officers hold, of course the kind of activity above provides me with a useful oversight of the planning challenges in Suffolk. I am keen to assist whenever I can.

In terms of possible improvements, I suggest:

- LA colleagues share with me any information they have published about the need for school places. (As does Norfolk local authority, for example).⁹
- DfE communicates better with the LA about the ways in which free schools can be approved where decisions do not rely on a basic need for places e.g. because of an educational need due to low standards in an area, a social need, or a need for greater choice and diversity in the schools available to local parents. (The most recent guidance on these points was published only on 29 July 2016, and so LA colleagues may not yet be familiar with it).¹⁰

I look forward to continuing work with colleagues to improve education in Suffolk. And if any of this submission raises further questions, please feel free to contact me.

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⁸ <https://www.gov.uk/government/publications/new-school-proposals>

⁹ <http://tinyurl.com/hjncycy>

¹⁰ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/541996/Free_schools_applications_criteria_for_assessment_for_mainstream_schools_and_16_to_19.pdf

