

APPENDIX ONE

EMAIL FROM DEPARTMENT FOR EDUCATION

From: DEMUNSTER, Anke <Anke.DEMUNSTER@education.gov.uk>

Sent: 04 October 2023 15:23

To: Mike Sharpe <mike.sharpe@nottscc.gov.uk>; CROMBIE, Ian <lan.CROMBIE@education.gov.uk>

Subject: RE: New school required by a District Council (s106 agreement)

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Good afternoon Mike,

I hope you are well and many thanks for flagging this.

As you will be aware, local authorities have a statutory duty (section 14 of the Education Act 1996) to ensure there are sufficient school places in their area. Where they identify the need for a new school, section 6A of the Education and Inspections Act 2006, requires them to first seek proposals for a new free school (academy). The final decision does however rest with the Secretary of State (normally delegated to the relevant Regional Director) regarding with whom they will enter into a funding agreement. The Regional Director will therefore consider all of the evidence provided as well as any other relevant matters of which he or she is aware before making a decision regarding the sponsor. In making decisions around the need for a presumption school, LAs need to balance their duty to provide sufficient school places with ensuring there is not an over-supply of places, which could make existing schools unviable.

Please keep in touch regarding how your conversations and plans progress.

Best,



Department
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