



Northumberland

County Council

CABINET

Date: 9th April 2019

Outcome of the Local Authority Special Free School Bid.

Report of the Executive Director of Adult and Children's Services: Cath McEvoy-Carr
Deputy Leader and Cabinet Member for Children's Services: Councillor Wayne Daley
Report Author: Sue Aviston Head of School Organisation and Resources

Purpose of Report

To advise Cabinet of the outcome of the Local Authorities bid for a Special Free School.

Recommendations

Cabinet are recommended to:

1. Approve the content of the report and also the potential capital implications for the authority associated with the project.
2. Approve the conditions of the offer to progress to the next stage of the process and begin the trust competition with the publication of the Local Authorities specification on the councils website from Tuesday 19 March 2019.

Link to Corporate Plan

This report is relevant to the Council's Corporate Plan 2018-2021: "*We want you to achieve and realise your potential*".

Key Issues

1. Within Northumberland there is an increase in the number of children and young people who have autism and social, emotional and mental health needs (SEMH). In addition, there has been a net increase in the number of pre-school children with complex needs of 50% since 2013. The number of children and young people in maintained special schools has also increased by 32% in this period. This increasing need, alongside greater financial constraints within our schools, has resulted in an increased demand for specialist educational places that has outstripped capacity. It has also resulted

in an increase in the number of SEND complaints received and tribunals attended.

2. As a result of the increased demand, the local authority has recently created additional capacity at Hexham Priory and Ashdale Special Schools. There is, however, further capacity required for secondary aged children with SEMH. In order to meet this demand, the local authority submitted a bid in October 2018 for a 80 place secondary SEMH school as part of the Department for Education 2018 Special Free School initiative.
3. A free school is a non-profit-making, independent, state-funded school which is free to attend but which is not wholly controlled by a local authority. This means that the free school has greater control over how it operates as it has complete freedom from the host local authority. In the case of a special free school, the local authority would still commission and fund the places required from the high needs funding block.
4. A key criteria set out in the application was to encourage local authorities to work together on joint bids. Although our neighbouring authorities declined an offer to make a joint bid, North Tyneside, Newcastle and Gateshead did commit to commissioning places in the new school if the Northumberland bid was successful. A total of 30 places have, therefore, been allocated for out of county pupils from the three neighbouring authorities.
5. In order for the bid to be successful, the Local Authority also had to identify a site that was in the ownership of the LA that could be leased on a peppercorn rent for a 125 years. The location of the site was also a key factor as it would need to be central to our neighbouring authorities in order that it was accessible for pupils traveling from out of county, as well as being in an area to best serve the demand for places in Northumberland.
6. The local authority also had to commit to run a fair and open competition which will be available to all proposer groups (academy trusts/sponsors) regardless of their location or level of experience.
7. If the project moves forward to the build phase, the local authority will be required to fund any off-site works in relation to highway improvements and the servicing of the site.

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Conclusions and recommendations

8. On Monday 11 March, the local authority received formal notification that its bid had been successful and should proceed to the next stage of the process, called the 'trust competition stage'.

The approval of the bid is subject to specific conditions as set out in Appendix 1.

The Local Authority must:

- run a fair and open competition to find a trust to run the school;
- lease the site to the trust for 125 years at a peppercorn rent;
- engage with the Local Planning Authority, DfE and DCS in order to secure planning permission in a timely manner;
- not use the process to expand an existing provision or close a school and re-open it as a special free school in a new building;
- ensure that the free school is affordable and sustainable within the Local Authority's high needs funding allocation;
- be aware that the provision is only for pupils with an Education, Health and Care Plan (EHCP);
- carry out an impact assessment of the proposal on existing schools in terms of impact on any particular groups of pupils from an equalities perspective.

9. There are two specific tasks that need to be completed immediately:

- The specification drawn up as part of the process must be published on the County Council website in order that proposer groups can start to engage with the council. The deadline for applications is 30th September 2019.
- A letter from the Director of Children's Services must be sent to the Department of Education confirming that the local authority accepts the conditions set out in Appendix 1.

IMPLICATIONS ARISING OUT OF THE REPORT

Policy:	The expansion of capacity in SEND is in line with the council's SEND strategy. <i>"We are committed to giving all children the best start in life and to support them to reach their full potential. We want vulnerable children and young people to develop their independence and resilience, to become confident adults who live fulfilled and productive lives."</i>
Finance and value for money	Whilst the funding for the potential new build school will be funded by the DfE, there is the expectation that the local authority will be responsible for any off site highways works and the servicing of the site. There will be a revenue finance implication for the Council as we will have to fund £500k based on 50 places at £10k each (if other OLA's take the other 30 places). However, it is anticipated that we will no longer need to send pupils to out of county to Independent Special Schools so an overall saving could be made within the Dedicated Schools Grant (DSG). There would also be an impact of transporting 50 children to the new school, but again it is anticipated that there could be a potentially saving within the overall transport budget if the pupils had been attending an independent school out of county.
Legal	The local authority will need to grant a 125 year lease for the site at a peppercorn rent, to the successful, trust.
Procurement	Any new buildings would need to be procured either locally or by the DfE. Clarity on the delivery route will be agreed with DfE at the next stage of the process.
Human Resources:	With the establishment of a new school there could be opportunities for existing Northumberland teachers to seek employment in the new establishment.
Property	see legal.
Equalities (Impact Assessment Attached) Yes <input type="checkbox"/>	A full equalities impact assessment will be undertaken at the next stage of the process in line with the conditions set out by the DfE.
Risk Assessment	A full risk assessment will be carried out at the next stage.
Crime & Disorder	This report has considered Section 17 (CDA) and the duty it imposes and there are no implications arising from it.
Customer Considerations:	The proposal of a special free school is a direct response to increased demand for places in Special schools in Northumberland
Carbon Reduction	it is not envisaged that this proposal will have either a positive or negative impact on carbon reduction.
Consultation	During October through to December 2017 the local authority undertook a county wide consultation on increasing capacity in our special schools. The application for a free school was as a result of this consultation.
Wards	Isabella

BACKGROUND PAPERS

Copy of the bid application

REPORT SIGN OFF

Monitoring Officer/Legal	LH
S151 Officer	AE
Relevant Executive Director	CM-C
Chief Executive	DL
Portfolio Holder(s)	WD

DATA PROTECTION IMPLICATIONS

When applying for the Special Free School as set out in this report, the Council has acted in compliance with the Data Protection Act 1998 via the Council's Data Protection Policy

The Council has set out how it deals with with information received as part of consultation in the Council's Privacy Notice, at

<http://www.northumberland.gov.uk/About/Contact/Information.aspx#privacynotices> .

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Appendices

Appendix 1. Outcome letter dated 11 March.