

**ESTABLISHMENT AND CONSTRUCTION OF A NEW 75 PLACE SPECIAL SCHOOL
FOR CHILDREN AND YOUNG PEOPLE (AGED 11-16) WITH SOCIAL, EMOTIONAL
AND MENTAL HEALTH (SEMH) NEEDS**

Cabinet date	9 October 2019
Economy, Education and Skills	Cllr Patrick Molyneux
Key Decision	Yes
Background Papers	<ul style="list-style-type: none"> • Gloucestershire County Council’s Special Educational Needs and Disabilities (SEND) Commissioning Strategy 2019-24 • Children and Families Capital Programme 2019-2020 • Gloucestershire’s Joint Strategy for Children and Young People with Additional Needs, including SEND 2018 – 2021 • High Needs Strategy
Location/Contact for inspection of Background Documents	Clare Medland, Head of Commissioning for Learning 01452 328686 clare.medland@gloucestershire.gov.uk
Main Consultees	<ul style="list-style-type: none"> • Headteachers and Governors of schools in Gloucestershire • Regional and national Multi Academy Trusts • Residents living close to the proposed site, when confirmed • Relevant County Councillor • Relevant Parish and District Councils • Neighbour Local Authorities
Planned Dates	Free school presumption competition process to launch October 2019 Public engagement November 2019 Planning submission December 2019 School to admit children during academic year 2021/22
Divisional Councillor	Cllr Vines, Brockworth
Officer	Tim Browne, Director of Education Tel: 01452 328693 tim.browne@gloucestershire.gov.uk

<p>Purpose of Report</p>	<p>To seek Cabinet approval to establish a new 75 place Special School for Children and Young People with Social, Emotional and Mental Health (SEMH) needs together with approval for commissioning, funding, land acquisition and construction of the new school.</p>
<p>Recommendations</p>	<p>That Cabinet approves the establishment of a new 75 place special school for children and young people aged 11-16 year with SEMH needs and delegates authority to the Director of Education , in consultation with the Cabinet Member for Economy, Education and Skills to:</p> <ol style="list-style-type: none"> 1. Hold a free school presumption competition in accordance with the Department for Education’s advice contained in, “The free school presumption” (May 2018) in order to identify a suitable Academy Trust to sponsor the school. 2. Upon conclusion of the competition, recommend to the Secretary of State the findings of the Local Authority’s assessment to enable him to decide upon the most suitable proposer to take forward the new free school. <p>That Cabinet delegates authority to the Head of Property Services, in consultation with the Cabinet Member for Economy, Education and Skills, to:</p> <ol style="list-style-type: none"> 3. Acquire the land on which to establish and construct the new special school. 4. Conduct a procurement process in accordance with rules of a public sector designed and managed framework agreement known as the “GCC procurement framework” for the purpose of awarding (a) a preconstruction design agreement and (b) subject to satisfactory planning permission, a contract for construction works relating to the establishment of a 75 place special school for children and young people aged 11-16 years with SEMH needs. 5. Use a mini competition process through the GCC procurement framework to determine the Council’s preferred contractor(s). 6. Upon conclusion of the mini competition to enter into the abovementioned pre construction design and, subject to satisfactory planning permission, a contract for the construction works with the preferred contractor(s) evaluated as offering the Council best value for money and quality for delivery of the new school. In the event that the preferred contractor(s) is either unable or unwilling to enter into that contract(s) with the Council, the Head of Property is authorised to enter into such contract with the next willing highest places and suitably qualified contractor. <p>To authorise the Director of Education and the Head of Property Services to:</p> <ol style="list-style-type: none"> 7. Undertake all ancillary matters to enable the establishment of the 75 place special school for children and young people aged 11-16 years with SEMH needs

<p>Reasons for Recommendations</p>	<p>Gloucestershire County Council's SEND Commissioning Strategy 2019-24, identifies the need for additional special school places for children and young people with Social Emotional and Mental Health needs to enable the local authority to provide high quality school places for children and young people locally. The High Needs Strategy approved by Cabinet in January 2019 sets out the aim of establishing new high quality SEMH provision locally for those who need it.</p> <p>This will reduce the Council's reliance on the independent/non-maintained special school sector, saving an estimated £1.5m annually in placements costs and £360,000 in transport costs.</p>
<p>Resource Implications</p>	<p>The total capital cost of the new school is estimated at £7.5m. It is proposed this will be funded from the Council's approved Children and Families Capital programme and is being considered as a subsequent agenda item at this Cabinet meeting. On-going revenue costs, along with a one off lump sum of £75,000 for start up costs, will be met from the High Needs Block of the Dedicated Schools Grant (DSG).</p> <p>The council currently has 98 SEMH pupils in these types of schools at a cost of £4.45m pa. Increasing local provision will reduce the Council's reliance on the Independent/non-maintained special school sector, saving an estimated £1.5m annually in placements costs and £360,000 in transport costs.</p>

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1. Introduction

1.1 The County Council has a statutory duty to ensure that sufficient school places are available within its area for every child of school age whose parents/carers wish them to have one. It is a commissioner of places rather than being a direct provider; working in partnership with providers and stakeholders to meet current and future demand across the county¹.

2. Background

2.1 Gloucestershire County Council (GCC) has completed an analysis of specialist provision across the county to inform the Special Educational Needs (SEND) Commissioning Strategy. SEMH needs are becoming more prevalent and, in Gloucestershire, were the most commonly identified need in both 2017 and 2018 (31% and 28% in Gloucestershire respectively). There is a resultant shortfall in the level of appropriate, high quality day places for secondary aged children and young people with SEMH needs in Gloucestershire. The High Needs Strategy, approved by Cabinet in January 2019, confirms the need for increased specialist day provision for children of secondary age with SEMH needs and makes a commitment to enabling children to have their needs met locally.

2.2 Analysis also identifies that the need for school places of this type is predominantly in the locality of Gloucester and Cheltenham.

2.3 The shortage of a local provision capable of meeting the increasing number of children and young people in this specific group means the local authority has to rely on commissioning places at independent and non maintained settings, often some distance from where the young person lives. The distances involved can result in these placements needing to be residential in nature. The council currently has 98 SEMH pupils in these types of schools at a cost of £4.45m pa. Increasing local provision will reduce the Council's reliance on the Independent/non-maintained special school sector, saving an estimated £1.5m annually in placements costs and £360,000 in transport costs.

2.4 The local authority's ambition is to educate children closer to home and make better use of the independent schools budget. The provision of a dedicated SEMH 11-16 Special Free School will support this ambition through providing high quality places to meet the needs of children and young people closer to where they live. This is underpinned by Gloucestershire's High Needs Strategy approved by Cabinet in January 2019 and the Joint Strategy for Children and Young People with Additional Needs, including SEND 2018 – 2021, which set out the county's vision to develop and provide services that achieve positive outcomes for children and young people with additional needs

2.5 The local authority will need to run a free school presumption competition process under Section 6A (the academy and free school presumption) of the

¹ The Education and Inspections Act 2006, Academies Act 2010 & Education Act 2011

Education and Inspections Act 2006 to establish the school. This would involve inviting DfE approved Academy Trusts to apply to the local authority to run the new SEMH special free school. While the local authority would be responsible for organising and running the selection process, it then makes a recommendation on a preferred sponsor to the Secretary of State who makes the final decision.

3. Options

Option 1: to commission additional places from existing providers

- 3.1 The one other state funded (maintained) special school in Gloucestershire catering for children and young people aged 11-16 years with SEMH needs (which is in the Stroud district), already has 60 places and there is insufficient capacity to further increase the commissioned number to meet demand. Furthermore, the additional need for school places has been identified nearer to Cheltenham and Gloucester, so expanding the existing setting will not create provision close to where the children live. The existing school is unable to meet the needs of children with complex SEMH needs, with seventeen of the eighteen children who were placed in independent SEMH provision during the academic year 2019/20 considered unsuitable for the existing state maintained SEMH secondary school and requiring a different type of learning environment.
- 3.2 The average cost of a placement in the local state maintained SEMH School is £17,273 pa, compared to £47,889 in the independent/non-maintained sector. Given the increasing need and associated cost of independent specialist placements, the commissioning of additional places from the independent/non-maintained schools is not a viable option.

Option 2: to commission the delivery of a purpose built SEMH special free school in the Cheltenham/Gloucester area where the demand is.

- 3.3 This option will allow children and young people aged 11-16 who require specialist SEMH provision to be educated closer to where they live. A purpose built provision will draw on current understanding of the type of physical environment and learning space best suited to the needs of learners with complex SEMH needs. It will also achieve savings of £1.5m annually on independent school placement costs and £360,000 in transport costs.

4. Risk Assessment

4.1 Risk 1

There is a risk that the council will not be able to secure the preferred site for the new school.

Mitigation - This will be managed through ongoing discussions and negotiations between representatives of the Council lead by the Head of Property Services.

In the event it is considered that an acceptable agreement cannot be reached a further land search will take place.

4.2 Risk 2

There is a risk that revenue funding is insufficient to meet the running costs of the school.

Mitigation - The school will receive revenue funding from the High Needs Block of the Dedicated Schools Grant, in accordance with the agreed special school funding formula – with a 75 place school being a viable size school.

4.3 Risk 3

There is a risk that planning approval will not be given.

Mitigation - There will be early pre-application engagement with key stakeholders including statutory bodies (planning and highways) to help identify any potential issues and appropriate mitigation incorporated into the final proposal.

5. Officer Advice

- 5.1 Officers recommend that Cabinet adopts option 2 and establishes a new 75 place SEMH school for pupil aged 11 – 16.
- 5.2 This will enable the needs of children with complex SEMH needs to be met closer to home and aligns with our ambition to further develop local provision and reduce our reliance on schools in the independent sector. This ambition is underpinned by the High Needs Strategy, the Joint Strategy for Children and Young People with Additional Needs, including SEND, and the SEND Specialist Commissioning Strategy.
- 5.3 The recommended option will save an estimated £1.5m annually in placements costs and £360,000 in transport costs.
- 5.4 Given the increasing need and high cost of independent specialist placements, commissioning additional places from this sector will not provide best value for money or provide places closer to where the children and young people live.

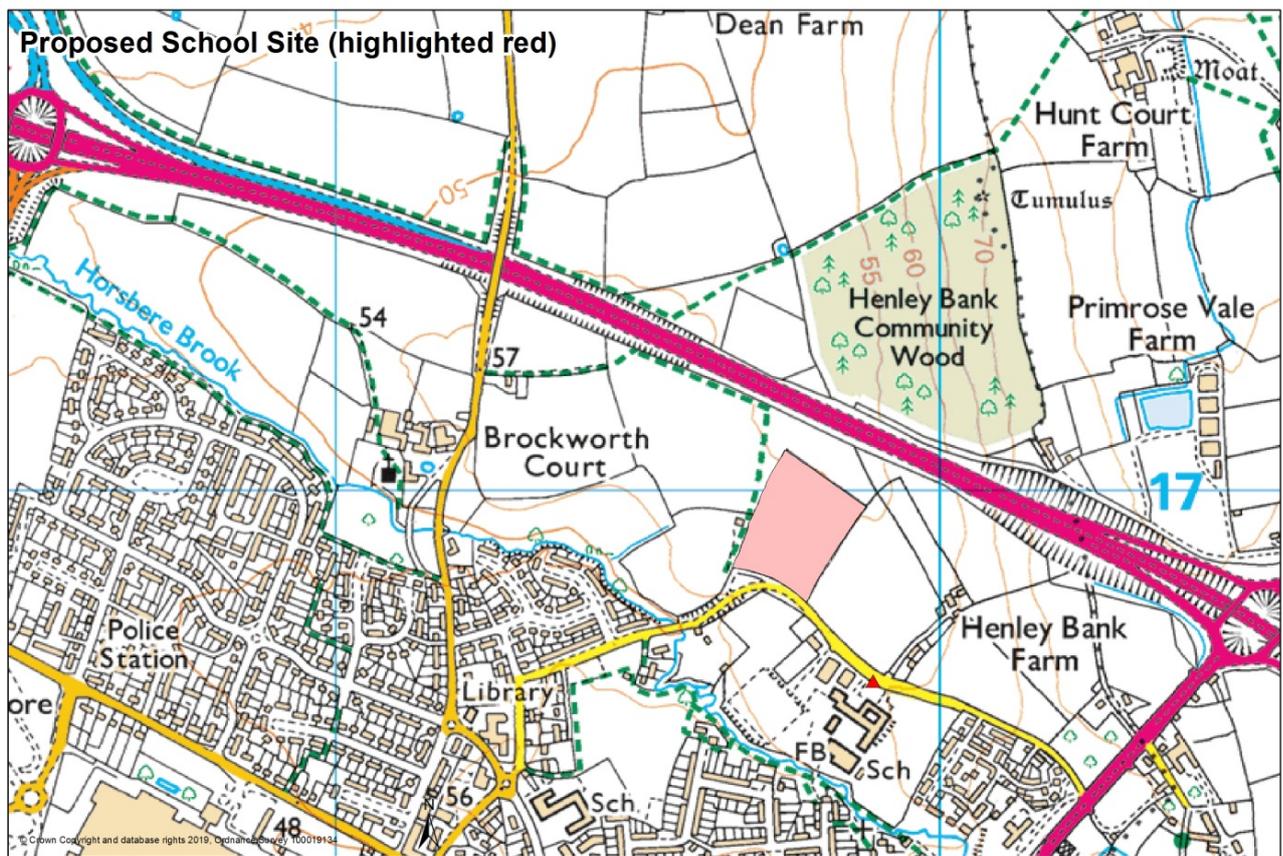
6. Funding

- 6.1 The estimated cost of providing the new school including the site and external areas is £7.5 million. Within the approved Children and Families capital programme there is an approved allocation of £5.0 million identified for specialist provision. It is proposed that this funding is combined with £2.5 million from the DfE grant for Specialist Provision, which is intended for improving the quality and range of provision for children and young people with SEND.

6.2 On-going revenue costs, along with a one off lump sum of £75,000 for start up costs, will be met from the High Needs Block of the Dedicated Schools Grant (DSG).

7. Land Implications

7.1 A review of land in the area of demand has established that the council owns a site of sufficient size to accommodate the school off Mill Lane, Brockworth. The land is currently leased to The Greenshaw Learning Trust which has an academy (Henley Bank High School) situated on part of the land. Officers are currently negotiating the possible surrender of an appropriately sized area should the proposal be approved. The site is located away from Henley Bank School and separated by Mill Lane (highlighted in red).



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8. Construction of the school building

8.1 It is proposed that the new school will be delivered using the Council's approved contractor framework. Officers have researched similar provisions in the South West to help inform the design specification. It is expected that a planning application will be submitted upon completion of the initial public engagement phase. It is anticipated that the school will open to pupils during the 2021/22 academic year.

9. Equalities considerations

9.1 A Due Regard statement has been produced. Many of the children attending the school will likely fall within the definition of disabled as defined in the Equalities Act 2010. The proposal would represent a significant improvement for children and young people with Special Education Needs and Disabilities through having access to purpose built high quality facilities closer to where they live.

10. Consultation

10.1 Gloucestershire County Council consulted extensively on the development of its high needs strategy, with developing and expanding local specialist provision being a key element of the strategy. There was strong endorsement on our proposal that where children have very high levels of need, we should create support packages closer to home rather than rely on schools outside of Gloucestershire. 96% of those that responded agreed.

10.2 Further consultation involving all stakeholders will be undertaken as part of the process of establishing the new school.

11. Performance Management/Follow-up

11.1 This project will be managed and kept under review by the Head of Commissioning for Learning.

<p>Report Title</p>	<p>Establishment and construction of a new 75 place special school for children and young people (aged 11-16) with Social, Emotional and Mental Health (SEMH) needs.</p>
<p>Statutory Authority</p>	<p>Education Act 2011</p>
<p>Relevant County Council policy</p>	<p>Gloucestershire County Council's Special Educational Needs and Disabilities (SEND) Commissioning Strategy 2019-24</p> <p>Children and Families Capital Programme 2019-2020</p> <p>Gloucestershire's Joint Strategy for Children and Young People with Additional Needs, including SEND 2018 – 2021</p> <p>High Needs Strategy</p>
<p>Resource Implications</p>	<p>Gloucestershire County Council's SEND Commissioning Strategy 2019-24, identifies the need for additional special school places for children and young people with Social Emotional and Mental Health needs to enable the local authority to provide high quality school places for children and young people locally. The High Needs Strategy approved by Cabinet in January 2019 sets out the aim of establishing new high quality SEMH provision locally for those who need it.</p> <p>This will reduce the Council's reliance on the independent/non-maintained special school sector, saving an estimated £1.5m annually in placements costs and £360,000 in transport costs.</p>
<p>Sustainability checklist:</p> <p>Partnerships</p> <p>Decision Making and Involvement</p> <p>Economy and Employment</p> <p>Caring for people</p>	<p>We will work in partnership with our suppliers, other local authorities and key stakeholders</p> <p>Consultation will be undertaken with key stakeholders as required</p> <p>The scheme will seek where appropriate to encourage the economy by providing improved access</p> <p>The ethos of the school is to provide nurture and care to some of the most vulnerable children in the county</p>

Social Value	Opportunities to enhance community access to the facilities will be explored.
Built Environment	The enhanced materials policy will be employed where appropriate
Natural Environment' including Ecology (Biodiversity)	Environmental assessments are undertaken as part of scheme development
Education and Information	We will keep stakeholders informed with progress on the individual schemes
Tackling Climate Change	Carbon Emissions Implications? Positive and Neutral Vulnerable to climate change? No
Due Regard Statement	Has a Due Regard Statement been completed? Yes - considerations included in main body of report A copy of the full Due Regard Statement can be accessed on GLOSTEXT Alternatively a hard copy is available for inspection from Jo Moore, Democratic Services Unit, e-mail: jo.moore@gloucestershire.gov.uk .
Human rights Implications	Articles 28 and 29 of the Convention on the Rights of the Child focus respectively on a child's right to an education and on the quality and content of education.
Consultation Arrangements	Consultation involving all stakeholders will be undertaken as part of the process of establishing the new school. A webpage will be set up and there will be the opportunity to record electronic responses and FREEPOST address for written responses. Drop in sessions will be held with the public/ interested parties.