



REPORT TITLE: Establishment and construction of a new special school for children and young people (aged 4-16) with Moderate and Additional Learning Difficulties (MALD)

Cabinet Date	19 July 2023
Cabinet Member	Cllr Philip Robinson, Cabinet Member for Education, Skills and Bus Transport
Key Decision	Yes
Purpose of Report	To seek Cabinet approval to establish a new 200 place Special School for Children and Young People aged 4-16 with moderate and additional learning difficulties, together with approval for commissioning, funding and construction of the new school.
Recommendations	<p>That cabinet:</p> <ol style="list-style-type: none">1. Approves the establishment of a new 200 place special school for children aged 4-16 with moderate and additional learning difficulties and delegates authority to the Executive Director of Children's Services, in consultation with the Cabinet Member for Education Skills and Bus Transport, to:<ol style="list-style-type: none">(i). conduct a free school presumption competition process to identify a suitable Academy Trust to sponsor such school;(ii). recommend to the Secretary of State, following conclusion of that competition process, the Council's findings from its assessment of prospective sponsors in order to enable her to decide upon the most suitable Academy Trust proposer to take forward the new free school.2. Approves the land owned by GCC at Wheatridge East as the land on which to establish and construct the new school3. Approves the allocation of £16.500 million to the approved Children & Families Capital Programme for the new Special School funded from the £14.000 million unallocated High Needs Provision Capital Grant and £2.500 million unallocated Basic Need Grant.4. Delegates authority to the Assistant Director of Asset Management and Property Services, in consultation with the Cabinet Member for Education Skills and Bus Transport and the Deputy Leader/Cabinet Member for Finance and Change, to:<ol style="list-style-type: none">a) conduct a mini-competition process under the Contractor Partnering Framework Agreement: Major Construction Works 2019 for the purpose of awarding:

	<ul style="list-style-type: none"> i. a preconstruction design agreement and ii. subject to planning approval, a contract for construction works relating to the establishment of the new special school. <p>b) Use a mini competition process through the Contractor Partnering Framework Agreement: Major Construction Works 2019 to determine the Council's preferred contractor(s).</p> <p>c) Upon conclusion of the mini competition, to enter into the preconstruction design contract and, subject to planning approval, a contract for the construction works with the preferred contractor(s)</p> <p>5. Delegates authority to the Executive Director of Children's Services, in consultation with the Assistant Director of Asset Management and Property Services, to undertake all ancillary matters to enable the establishment of the new special school.</p>
<p>Reasons for Recommendations</p>	<p>To enable the County Council to fulfil its statutory responsibilities, as local education authority, to ensure that there are sufficient special school places in the right places at the right time.</p> <p>Increasing the number of state maintained special school places available within county will reduce the council's reliance on the independent/non-maintained special school sector and out of area placements and reduce pressures on the high needs and home to school transport budgets as children's needs are met closer to home.</p>
<p>Resource Implications</p>	<p>The total capital cost of the new school is estimated at £16.500 million. It is proposed this will be funded from the unallocated High Needs and Basic Need Capital Grants. On-going revenue costs, along with a one-off lump sum of £75,000 for startup costs, will be met from the High Needs Block of the Dedicated Schools Grant (DSG).</p> <p>Establishing the new school will reduce pressure on the High Needs Budget through the provision of more cost-effective local places. The average cost of a placement in the local state maintained special school of this type is £20,980 pa compared to £51,380 in the independent/non-maintained sector.</p> <p>Fewer placements being secured out of county creates the opportunity for savings to me made on the home to school transport budget.</p>

Background Documents	<p>Gloucestershire's Special Educational Needs and Disabilities (SEND) Strategy 2022-25</p> <p>Gloucestershire's SEND Commissioning Strategy 2019-24</p> <p>DfE SEND and alternative provision improvement plan: right support, right place, right time, March 2023.</p> <p>Ofsted Local Area SEND Inspection Framework, April 2023</p> <p>Stakeholder engagement report (Premier Advisory Group) October 2022.</p>
Statutory Authority	<p>The Education and Inspections Act 2006 Academies Act 2010 Education Act 2011</p>
Divisional Councillor(s)	<p>Cllr Andrew Gravells MBE, Gloucester: Abbey</p>
Officer	<p>Clare Medland/Gareth Vine <i>Joint Head of Education Planning & Infrastructure</i></p> <p>Telephone: 01452 328686 or 01452 427547 Email: clare.medland@gloucestersire.gov.uk and gareth.vine@gloucestershire.gov.uk</p>
Timeline	<p>If approved, the intention would be to:</p> <ul style="list-style-type: none"> • Launch a free school presumption competition to identify the trust to run the school: September/October 2023 • Appoint principal contractor to design and deliver the school: late 2023 • School to open: January 2026

Background

1. Gloucestershire County Council (GCC) has completed an analysis of specialist provision across the county to inform the Special Educational and Disabilities (SEND) Commissioning Strategy. Alongside general population growth within the county, there continues to be an increasing prevalence of SEND amongst the county's children and young people. There are 5,467 children and young people with an Education Health Care Plan (EHCP) maintained by Gloucestershire County Council (which has increased from 4,906 in March 2022). There is a need to increase the number of special school places available locally to meet current and projected demand. Analysis also identifies that the greatest need for school places is close to the urban localities of Gloucester and Cheltenham and with good transport links to other parts of the county.
2. In order to respond to the increased need for special school places, the Council has recently established a new special school, The Brook Academy in Brockworth (an 80-place special school designated for children and young people aged 7-16 years with social, emotional and mental health needs) which opened in September 2022. In addition to this, the Council will deliver the new Sladewood Academy in Stroud (a 60-place special school designed for children aged 4-11 with moderate and additional learning difficulties), which is set to admit its first pupils in September 2023. Despite this recent increase in capacity, a further 400 specialist placements are likely to be needed to meet additional demand.
3. The shortage of local provision capable of meeting the needs of the increasing number of children and young people requiring special school places means the local authority has to rely on commissioning places at independent and non-maintained settings (INMS), often some distance from where the young person lives. The distances involved can result in these placements needing to be residential in nature and can bring high costs associated with home to school transport. For some children and young people long journey times to and from school, and living away from their families and local communities during the week, can impact on the outcomes they achieve. The local authority's ambition is to educate children closer to home and reduce pressure on the independent schools (high needs) and home to school transport budgets. This is underpinned by Gloucestershire Special Educational Needs and Disabilities (SEND) Strategy 2022-25, which sets out the county's vision to develop and provide services that achieve positive outcomes for children and young people with additional needs closer to home.
4. Furthermore, sufficiency of provision is an important element that is within the scope of the revised Ofsted Local Area SEND Inspection Framework, which is an inspection we are expecting later this year and is an important priority for the DfE who published the SEND and Alternative Provision Improvement Plan in March 23.
5. The council made a bid for two new 200 place Special Schools to be funded by the Department for Education (DfE) through the recent free school application wave, but this was unsuccessful. The feedback from the DfE indicated that whilst it was a strong and 'approvable' bid, there was a high number of applications and priority was given to those local authorities with a higher level of need. Local authority areas in the DfE's Safety Valve programme were well represented in the number that were successful in their bids, as were those in the Delivering Better Value programme (both of these programmes are

designed to support LAs reduce their high needs budget overspends). It is therefore necessary for us to seek to use our high needs capital funding to build the new school.

- 6. A review of available land in the areas of demand has established that the Council owned site in Wheatridge, Gloucester is of sufficient size and location to accommodate the new school. The site is subject to an existing restrictive covenant for education use and as it is already in GCC ownership, avoids the need to purchase land. This site is well situated within the county, close to where there is the greatest level of demand for special school places, and within reach of other parts of the county. The site is shown in the map below.

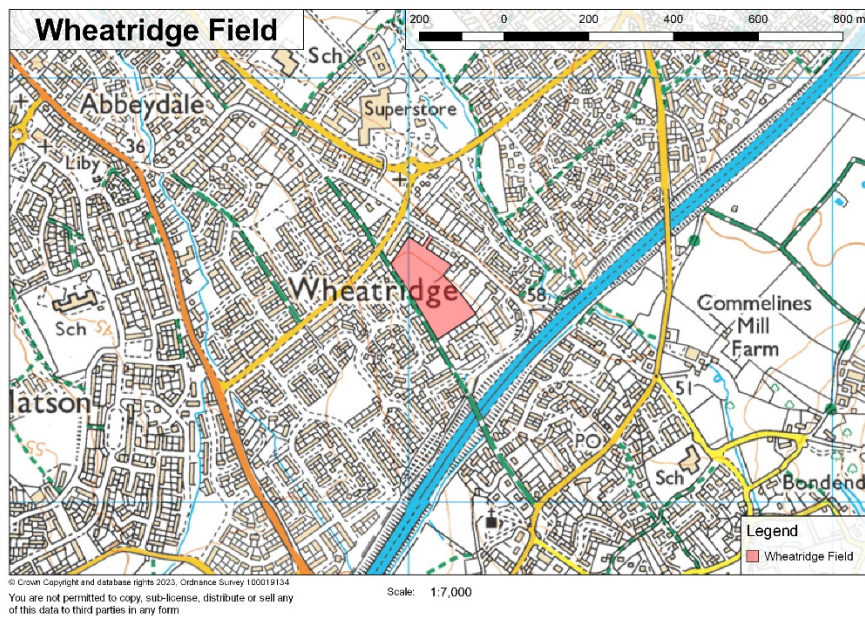


Figure 1: Wheatridge field site

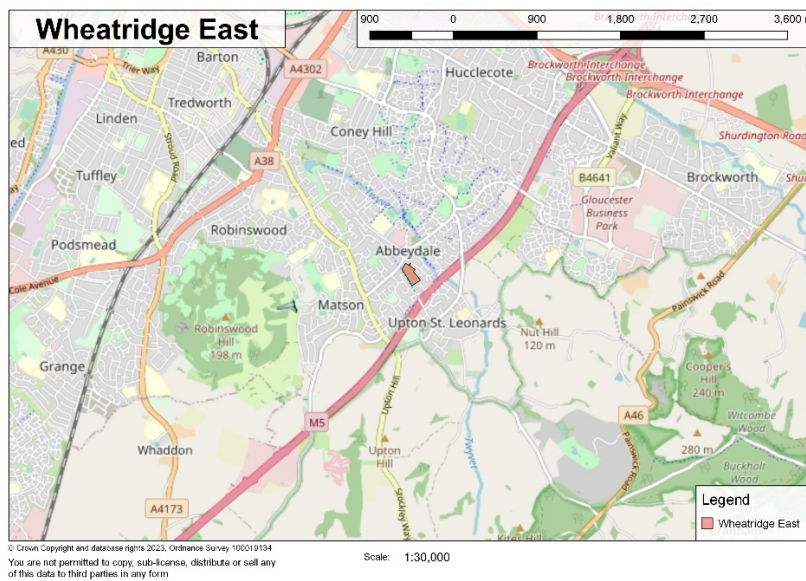


Figure 2: proximity of Wheatfield field site within Gloucester

7. An initial desktop review of the site indicates that the site is of sufficient size (2.3 ha) to accommodate the building and outdoor facilities required for a school of this type and size of 200 places, with potential room for further expansion of up to 50 places if required in the future. Detailed designs will be developed alongside public engagement events and an application for planning approval made next year in order for the school to be able to admit its first pupils in 2026. The school will be built based on the most up to date understanding of the type of physical environment and learning space best suited to the needs of learners with complex needs.
8. Work is ongoing to identify and secure an additional site for a second 200 place special school to meet projected demand in the future. The findings will be reported to Cabinet at a future meeting.

Options

9. **Option 1:** to commission additional places from existing state funded and INMS providers and not establish a new school.
10. Other state funded (maintained) special schools in Gloucestershire catering for this specific need type are already full and there is insufficient capacity to further increase the commissioned number to meet demand. Over recent years the Council has invested £2.7 million to create additional places at Alderman Knight School in Tewkesbury and Belmont School in Cheltenham, and we are creating additional spaces at Heart of the Forest Special School so that a greater number of children can be placed during the academic year 2023/24. There is very limited scope and potential to further increase capacity at existing special schools.
11. The average cost of a placement in the local state maintained special school of this type is £20,980 pa (comprised of an average 'top up' cost to GCC of £10,980 per pupil in addition to the standard £10k placement cost) compared to £51,380 in the independent/non-maintained sector. Given the increasing level of demand and associated costs of independent specialist placements, the commissioning of further additional places from the INMS sector to compensate for a lack of suitable places in state funded special schools is not a viable option and will not build capacity locally or address the high needs budget pressures.
12. The option of not establishing a new special school was rejected on the grounds that without increasing additional special school places within the county, the council is at risk of being unable to fulfil its statutory responsibilities to provide sufficient school places.
13. **Option 2:** increasing the number of special school places outside of the free school presumption competition route.
14. The option of working with one of the existing special schools (subject to DfE approval where the school is an academy) to establish satellite classes, under the prescribed alterations statutory process in the *Making Significant Changes (prescribed alterations) to Schools* guidance, was considered by officers but discounted as doing so risks overlooking the potential benefits that opening this opportunity to the wider market might bring to the educational landscape within the county. Furthermore, this is not the recommended route

given the scale of the number of additional places required. Expansions are envisaged to create only one or two additional classes. This approach limits the availability to deliver the additional places required.

15. **Option 3:** initiate a free school presumption competition to identify a suitable academy trust to establish and operate a new school of this type on the Wheatridge site from January 2026 to meet the projected demand for special school places and enable the council to meet its statutory responsibilities. There is a government policy presumption in favour of new schools being established as free schools (academies). Under Section 6A of the Education and Inspections Act 2006 (the 'free school presumption') where a local authority identifies the need to establish a new school it must seek proposals to establish an academy.

Risks

16. **Risk 1:** That there is insufficient interest on the part of academy trusts, very few trusts apply, or it is not possible to appoint a suitable trust.
17. **Mitigation:** the competition will be widely advertised, nationally, through established routes and processes that are widely accessed by academy trusts across the country. In addition, we plan to liaise closely with the Regional Director for Schools to ensure that this opportunity is widely advertised and known to a range of providers. In the unlikely event of being unable to appoint a trust there is the potential to develop option two (above) and collaborate with an existing provider over the establishment of a satellite base for one of the existing and successful special schools or academies in the county. However, it is considered very unlikely that we will be unable to attract a suitable trust given that when we previously launched a similar free school presumption route competition to establish a new special school, which opened in September 2022, we received six applications and shortlisted four strong candidates for interview. We anticipate a good level of interest on the part of established and experienced academy trusts.
18. **Risk 2:** There is a risk that it is not possible to proceed with establishing a school on the preferred site for the new school or that planning approval will not be given.
19. **Mitigation:** A site has been selected that is already in GCC ownership and is subject to an existing restrictive covenant on its use for educational purposes and feasibility work has not identified any site abnormalities other than electricity cables and a mains water supply pipe crossing the site. Early engagement will take place with key stakeholders and throughout all stages of the process. Early pre-application engagement with key stakeholders including statutory bodies (planning and highways) will take place to help identify any potential issues and appropriate mitigation incorporated into the final proposal. In the unlikely event it is considered that this is not a proceedable site, other GCC owned sites, identified as possible options for a future special school, can be promoted but this may delay the delivery of the new school.
20. **Risk 3:** There is a risk that the capital funding allocation of £16.500 million will be insufficient to deliver a 200-place special school when taking market volatility and cost increases into account.

21. **Mitigation:** If affordability cannot be achieved through value engineering the design, other options will include reducing the size of the building to cater for fewer children or seeking approval to further increase the budget.

Financial implications

22. The costs associated with running a free school presumption competition, and any subsequent implementation of the proposal, will be met from within existing resources.

23. Longer-term the proposal will make better and more efficient use of High Needs funding as we see a decrease in the number of costly out of area and INMS placements. On-going revenue costs, along with a one-off lump sum of £75,000 for start-up costs and underwriting of placement costs to allow for diseconomies of scale as the school builds up to capacity during the first two years will be met from the High Needs Block of the Dedicated Schools Grant (DSG).

24. The estimated cost of providing the new school including the site and external areas is £16.500 million and will be funded through the unallocated High Needs Provision and Basic need Capital Grants. This is an indicative comparative cost based on a review of the site, analysis of required areas and comparisons with similar recently completed GCC capital schemes within Gloucestershire. Subject to Cabinet approval, further detailed design work and surveys will progress through the Council's approved Major Works framework to deliver a viable scheme.

Climate change implications

25. In line with Gloucestershire County Council's Climate Change Strategy to reduce the Council's emissions to net zero by 2030 the building will strive for net zero emissions associated with the construction materials and the whole life running costs of the buildings.

26. A full ecological impact assessment will be carried out as part of the design and planning approval process, with dedicated habitat areas incorporated into the design of the school site in order to secure biodiversity gains.

Equality implications

27. An Equalities Impact Assessment has been completed. Cabinet Members should read and consider the Equalities Impact Assessment in order to satisfy themselves as decision makers that due regard has been given.

28. We have considered the potential or actual impact of initiating the free school presumption competition and the establishment of this new school on individuals with protected characteristics. As part of this we have considered care experienced children and young people given that 3.2% of the children and young with EHCPs maintained by Gloucestershire County Council are also Children in Care and 3.9% of children and young people with EHCPs are of statutory school age. Our assessment indicates that that there will be no negative impact on staff or service users with protected characteristics. The anticipated impact on the range and type of SEN provision available in the county as a

result will have a positive impact for children and young people with SEN and disabilities, including care experienced children and young people.

29. All key stakeholders had the opportunity to be involved in the early engagement activity and no group with a particular protected characteristic was disadvantaged from providing a comment. Particular care will continue to be given to ensure the views of those from harder-to-reach communities are sought, and barriers to participation are overcome, at all planned engagement and consultation points.

Data Protection Impact Assessment (DPIA) implications

30. Having considered the Data Protection Impact Assessment (DPIA) checklist it is judged that a DPIA is not required for this decision.

Social value implications

31. The establishment of a new special school will not result in the loss or reduction of services to the community and greatly enhances the opportunities available to children and young people with SEND and their families. The proposed site is on private land (owned by GCC) with an education use covenant, so there is no loss of land formerly assigned to community use. An important element of the specification available to prospective academy trusts at the tender stage is that the building and grounds should be made available for community use, in a managed way, once the school is open.

32. The procurement arrangements used when appointing the contractor to oversee the design and build process will be undertaken in line with the council's approved social value policy.

Consultation feedback

33. In October 2022 we engaged with key stakeholders around the proposal to increase the number of special school places available and the establishment of a new school (or schools) for children and young people with Moderate and Additional Learning Difficulties. It is important to note that plans were not sufficiently developed at that stage to include the proposed location of the school other than that it would be close to one of the urban localities of Gloucester and Cheltenham and within easy reach of other parts of the county. There will be further engagement and consultation with local residents and key stakeholders in relation to the proposed location and design of the building as part of the pre-planning application activity and during the planning approval process.

34. We sent details of our proposal to:

- All schools in the area
- The Parent Carer Forum
- Neighbouring Local Authorities

35. Alongside this we provided a link to an online survey and the opportunity to attend an online briefing presentation event (held on 14th October 2022) to provide the opportunity to learn more and to ask questions of LA officers.

36. The online survey was completed by 51 people and respondents can be broken down as follows:

- 50.98% of respondents identified themselves as staff members of local schools
- 19.61% of respondents identified themselves as parents
- 1.96% of respondents identified themselves as members of the public (which does not mean that may not have also fitted in to either of the other two groups)
- 27.45% of respondents chose not to select a category that best described their interest.

37. Feedback from the engagement was overwhelmingly positive in favour of increasing the number of special school places available locally, and the following themes were identified as areas of concern and noted by respondents:

- High demand for special school places across Gloucestershire.
- Lack of available special places within the county.
- Increasing transport costs due to lack of local provisions
- Lack of appropriate facilities and resources in mainstream settings, negatively affecting outcomes for children, including children with MALD
- The need for the school to be able to cater for a range of needs alongside learning difficulties, including autism spectrum condition, speech, language and communication needs, social, emotional and mental health needs.

38. The Divisional GCC Councillor for the area in which it is proposed to locate the new school (County Councillor Andrew Gravells) has been briefed and supports the ambition to create additional special school places within the county. He is looking forward to working with council officers in relation to the development of more detailed proposals for this specific site and in ensuring that local residents have every opportunity to be fully involved and comment at all stages of the project.

Officer recommendations

39. In light of the high level of support on the part of key stakeholders in favour of establishing a new special school, officers recommend that option 3 be approved and that a free school presumption competition is launched to identify a suitable academy trust to establish and operate a new 200 place special school for children with Moderate and Additional Learning Difficulties to be located on the Wheatridge field site in Gloucester. It will also underline our commitment to addressing sufficiency challenges as we prepare for the anticipated Ofsted Local Area SEND Inspection later this year and enable us to better respond to the demands and development of the DfE SEND and Alternative Provision Improvement Plan published in March 23.

40. This option will allow children and young people with complex needs to be educated closer to where they live. Not progressing with this option will significantly risk the council's ability to fulfil its statutory responsibility to provide suitable special school places, closer to home, for children who need them. We would need to continue to rely on placements for children and young people out of the area and at INMS. 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.

41. The recommended option will reduce pressure on the Council's High Needs and Home to School Transport budgets through the provision of more cost-effective local places within county.

Performance management/follow-up

42. This project will be managed and kept under review by the Joint Heads of Education Planning and Infrastructure