



DECISION OF: EXECUTIVE MEMBER FOR CHILDREN AND YOUNG PEOPLE'S SERVICES

**IN CONSULTATION WITH: EXECUTIVE MEMBER FOR HUMAN RESOURCES, ASSET MANAGEMENT, CAPITAL PROGRAMME AND TRANSFORMATION PROGRAMME
WITH ADVICE FROM: DIRECTOR OF PEOPLE AND COMMUNITIES AND INTERIM S151 OFFICER**

DIRECTORATE: PEOPLE AND COMMUNITIES

DECISION NO: PC103 2018/19 SCHEME

SUBJECT: WAVE 13 FREE SCHOOL BID

KEY DECISION: YES

BACKGROUND:

In October 2018 (decision PC33 2018/19 refers), the Council made a submission as part of the Wave 13 Free School bidding process to facilitate the establishment of a Social, Emotional and Mental Health (SEMH) Special Free School with the area. The decision allowed for the inclusion of a site in Churchill, under the Council's ownership, to be included in the bid.

On 11 March 2019, the Department for Education (DfE) informed the Council that the bid could proceed to the next stage of the process – the trust competition stage.

The Council is now required to confirm acceptance of the conditions associated with the project, which include:

- i. **Fair and Open Competition** - available to all types of proposer groups
- ii. **Deliverability** - site and planning approach
- iii. **New provision** - must be a new school, not to replace / expand any existing provision
- iv. **Financial viability** - clarity about place and top-up funding available
- v. **Eligible places** – pupils must have an Education and Health Care Plan (EHCP) in accordance with the SEND Code of Practice
- vi. **Impact assessment** – the Council must undertake an assessment of the impact of the proposal on existing education establishments and on particular group of pupils from an equalities perspective.

DECISION:

1. To accept the DfE's approval of the Wave 13 Special Free School bid and confirm acceptance of the associated conditions
2. To note that the Council would have to meet any s278 costs (highway works), the costs of diverting any services that run across the site, and any other abnormal build costs.
3. To note the ongoing future revenue costs and funding highlighted in the financial implications paragraph of this report.
4. To note that, in accordance with the previous decision to submit a bid, the site in Churchill will be made available to the new Free School under a 125-year peppercorn lease.

REASONS:

In common with many other Local Authorities nationally, there is an identified lack of provision for pupils with Social, Emotional and Mental Health (SEMH) within North Somerset. As we do not have a specialised school, high numbers of pupils travel significant distances to provisions which are not always of the quality the Council would wish to commission.

OPTIONS CONSIDERED:

Alternative options were considered when submitting the original bid. No further additional options have been identified.

FINANCIAL IMPLICATIONS:

Revenue Costs and Funding

Using current guidance and funding methodologies, the Free School would be funded by a combination of place funding (£10,000 per place), which would come from the Education and Skills Funding Agency (ESFA) and Top-Up Funding, which is funded from the High Needs Block of the Council's Dedicated Schools Grant. Current funding bands and values, per pupil, for Special Schools are in accordance with the table below. In addition, the Council is responsible for the home to school transport costs.

Band	Value
C1	£2,405
C2	£6,605
C3	£16,055
C4	£22,678

The Council intends commissioning 65 places for the new school, some of whom will be pupils currently in out of authority placements who could return to the area, and some of whom will either currently be in mainstream schools or in the Council's Alternative Provision (AP) at the Voyage Learning Campus (VLC) with the prospect that the future would see them escalate to out of authority placements.

Indicatively the Council's "cashable" costs / savings associated with the new school would largely fall into three categories:

- Costly out of authority placements, replaced with less expensive Top-Up Funding to the new Free School (saving)
- Reduced transport costs for those currently in out of authority placements transferring to the new Free School (saving)
- Additional Top-Up funding payable to the new Free School when compared with what is currently being paid to mainstream / AP (cost)

It is anticipated that, on balance, the net impact of these changes could be an additional cost in the region of £200k per annum, but, once cost avoidance savings are recognised (prevention of escalation of current mainstream and AP placements to out of authority placements), the scheme is expected to make a total saving in future costs in the region of £2.7m.

In addition, the opening of the new school may allow a reconfiguration of the service provided by the VLC, which could lead to some cost reductions.

Capital / Assets

The site in Churchill is currently leased agricultural land. Its value is estimated to be in excess of £1,000,000. The Council is required to offer a 125-year lease to the school at a peppercorn rent.

The capital funding is met from national government grant paid to the ESFA and then, to the school. The ESFA will ask the Council to fund any abnormal build costs and any Section 278 agreements in relation to highways and utility works. These costs will not be known until a full scheme is developed, but they will be considerably lower than the cost of the delivery of a new school.

LEGAL POWERS AND IMPLICATIONS:

The Education Act 2011 and the Academies Act 2010 provide the legal basis for the formation of academies, free schools, University Technical Colleges (UTCs) and Studio Schools.

From July 2010 legislation was introduced to make it possible for all schools to become academies, including primary and special schools. In June 2010, the then Education Secretary invited proposals from groups interested in setting up free schools. Free schools are all-ability state-funded schools set up in response to what local people say they want and need to 'improve education for children in their community'. They are academies by law and so are not under the control of a local authority.

CONSULTATION:

The Council has developed a Special Educational Needs and Disabilities (SEND) and Alternative Provision (AP) Strategy by undertaking a wide-ranging review of Specialist and Alternative Provision between May 2017 and December 2017. This was produced through a process of considerable consultation with schools, parents and carers and partner organisations including the Strategic Schools Forum (SSF). North Somerset also regularly produces, consults on and refreshes a Commissioning Strategy detailing the anticipated

need for all school places locally. The latest Education Provision in North Somerset ~ A Commissioning Strategy 2018 – 2021, following a period of consultation between November 2017 and March 2018, was approved by the Executive at their meeting on 4 September 2018.

RISK MANAGEMENT:

As detailed in the financial implications section.

EQUALITY IMPLICATIONS:

A full equality impact assessment is required as part of the acceptance of the conditions and will be completed as part of the planning and delivery of the new school.

CORPORATE IMPLICATIONS:

None other than those already set out in the report.

BACKGROUND PAPERS:

Executive Member Decision P&C33 2018/19.

SIGNATORIES:

DECISION MAKER(S):

Signed: 

Title: Executive Member for Children and Young People's Services

Date: 28-3-19

IN CONSULTATION WITH:

Signed: 

Title: Executive Member for Human Resources, Asset Management, Capital Programme and Transformation Programme

Date: 28-3-19

WITH ADVICE FROM:

Signed: Shela Smith

Title: Director of People and Communities

Date: 28.3.19

Signed: R. Kent

Title: Interim s151 Officer

Date: 28.3.19

Footnote: Details of changes made and agreed by the decision taker since publication of the proposed (pre-signed) decision notice, if applicable:

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