

## NORTH SOMERSET COUNCIL DECISION

DECISION OF: DIRECTOR OF CHILDREN'S SERVICES AND  
SECTION 151 OFFICER



IN CONSULTATION WITH: HEAD OF STRATEGIC PLANNING & GOVERNANCE

### DECISION NO: CY53 – 2021/22 Scheme

**SUBJECT:** ESTABLISHMENT OF A SPECIAL FREE SCHOOL FOR PUPILS WITH SOCIAL AND EMOTIONAL MENTAL HEALTH ISSUES – TEMPORARY ACCOMMODATION TO FACILITATE AN EARLIER OPENING OF THE SCHOOL IN SEPTEMBER 2022

**KEY DECISION:** YES

**REASON:** The decision affects the lives of children with social, emotional and mental health (SEMH) needs across the district.

### BACKGROUND:

Approval was provided in an Executive Member decision dated 9<sup>th</sup> October 2018, (2018-19 P&C33) for officers to submit a bid for a Wave 13 Free School to the Department of Education (DfE) to facilitate the establishment of a Social, Emotional and Mental Health (SEMH) Free School at a site in Churchill. The permanent new school site is being delivered by the DfE and is due to open in September 2023.

Our latest projections indicate that within the next five years, demand for SEMH places across the district will far exceed the 65 pupil places being provided by the new provision. Local places are needed now to provide sufficient specialist provision for pupils with SEMH and to avoid pupils travelling unnecessarily out of their local area. Around 24% of our EHC cohort has SEMH as a primary need (estimated as of January 2021).

Projected demand for in-county SEMH provision (figures as of June 2020)									
Provision type	2020	2021	2022	2023	2024	2025	2026	Current capacity	Potential capacity
New SEMH School	0*	0*	114	128	143	144	145		65
Total projected EHCP cohort	1022**	1179	1329	1392	1458	1470	1481		

\* Provision not in place to accommodate, and therefore not included in this table.

\*\* Actual number of EHC Plans. Source: DfE, Education, health and care plans: England, 2020 (published May 2020).

The Council currently has a spare school site based at Pound Lane, Nailsea. It houses two temporary demountable buildings and a bungalow, all of which are in a poor state of repair. The DfE has provisionally agreed to opening the new SEMH school a year early on the spare school site in September 2022, subject to the Secretary of State entering into a funding agreement with the school's agreed sponsor, and the Council agreeing to cover 50% of the construction costs to update the existing accommodation to make it fit for purpose for at least one year. The provision of this temporary accommodation will enable the school to open a year ahead of schedule.

With a brought forward over-spend of £7.150m from 2020/21 and with an anticipated further over-spend of £5.851m (total of £13.001m), creating local maintained SEND school places is one of the Council's strategies to create local places for pupils with SEMH and reduce this overspend.

### **DECISION:**

- Approval to refurbish the Council's vacant school site at Pound Land, Nailsea as a temporary location for the new SEMH Free School Specialist Academy from September 2022
- Approval to increase the Councils Capital Programme 2021/22 by £424,784
- Approval to fund the NSC 50% contribution from internal capital borrowing.

### **REASONS:**

To enable the opening of a new Free School for Social, Emotional and Mental Health in North Somerset as soon as possible. This will enable North Somerset pupils to access this local resource a year ahead of schedule and will enable savings to the High Needs overspend to start to be realised from September 2022 onwards (a year ahead of schedule).

### **OPTIONS CONSIDERED:**

To not progress with the changes and continue to offer long-term places to pupils at schools outside the district, resulting in continuing extra pressure on the High Needs block and home to school transport budgets.

### **FINANCIAL IMPLICATIONS:**

- The cost of the scheme is estimated at £424,784, to be funded 50/50 with the DfE. The DfE will also fund ICT or FF&E costs of c£51,000 from the main scheme's budget as this equipment can be moved to the new site.
- Funding of the expenditure is from corporate earmarked reserves.
- The investment will allow the early opening of the SEMH school, which will lead to revenue savings in the DSG and within the Council's Home to School Transport budgets. In terms of the DSG, the annual savings are estimated at c. £300,000 based on 15 young people being placed in this school as an alternative to an out of area independent non-maintained special school or a bespoke package.

## **Costs**

The permanent school is being built by the Education, Skills and Funding Agency (ESFA) on behalf of the DfE at a cost of c £6.7m. This temporary solution is costing £475,784 (plus VAT) of which the Council's contribution is £212,392 plus VAT.

## **Funding**

The council's share of the temporary accommodation changes will be funded from internal borrowing with the revenue impact being charged to the corporate provision.

## **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 and studio schools.

The School Standards and Framework Act 1998 sets out how Local Authorities should exercise their statutory duties to secure primary and secondary education to meet the needs of the population in their area. The Education and Inspection Act 2006 enhanced the role of Local Authorities, making them strategic commissioners of services with a mandate to promote high standards for all and greater choice and diversity.

The Education Act (EA) 1996 Section 14A, added by Section 3 of Education and Inspections Act (EIA) 2006 requires Local authorities to consider and respond appropriately to parental representations about school provision in relation to local authorities' functions under Section 14 of the Education Act 1996. Local Authorities must reasonably consider parental representations regarding the provision of schools and respond accordingly, including outlining any proposed action or, where it is considered action is not needed, to explain the reasons for this.

## **CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS**

The availability of local school places should reduce the travel journeys of pupils requiring SEMH places as currently there are no SEMH places within North Somerset.

## **CONSULTATION**

See the Executive Member's decision dated 9<sup>th</sup> October 2018 (2018/19 P&C33).

## **RISK MANAGEMENT**

The opening of the school is subject to the Secretary of State agreeing a Funding Agreement with the school's academy transfer. This is an established Multi-Academy Trust that has opened a number of new schools recently.

The DfE have agreed to fund the remaining cost of this scheme. It is unlikely they would be committed to part-fund the opening of the school on this site if they were not prepared to issue a Funding Agreement to this school sponsor.

## **EQUALITY IMPLICATIONS**

An Equality Impact Assessment will be carried out by the Education, Skills and Funding Agency as part of the planning and delivery of the new school.

## **CORPORATE IMPLICATIONS**

The Corporate Plan 2020-24 has a vision for openness, fairness and a green environment. In terms of the priority of a council which empowers and cares about people, this proposal seeks to priorities of

- A commitment to protect the most vulnerable people of our communities
- An approach which enable young people and adults to lead independent and fulfilling lives
- A focus on taking inequalities, improving outcomes.
- A collaborative way of working with partners and families to support children achieve their full potential
- Partnerships which enhance skills, learning and employment opportunities

## **APPENDICES**

None

## **BACKGROUND PAPERS**

Executive Member's decision P&C33 of 2018/19.

## **SIGNATORY:**


### **DECISION MAKERS:**

Signed:



Director of Children's Services

Date: 25.02.22

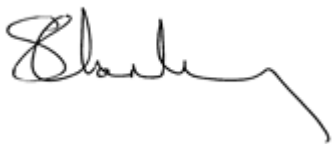


Signed:

Section 151 Officer. In accordance with paragraph 1.5 of the Council's constitution (May 2018), officer authorisations and delegations

Date: 25.02.22

In consultation with:

A handwritten signature in black ink, appearing to be 'Shah', written in a cursive style.

Signed:  
Head of Strategic Planning & Governance

Date: 25.02.22