

**MEADOWGATE SCHOOL, WISBECH – APPLICATION FOR THE
ESTABLISHMENT OF A NEW SPECIALIST FREE SCHOOL**

To: Children and Young People Committee

Meeting Date: 12 July 2016

From: Adrian Loades, Executive Director: Children, Families and Adults Services

Electoral division(s): Wisbech North, Wisbech South, Roman Bank and Peckover and Waldersey

Forward Plan ref: *Key decision:* No

Purpose: To consider whether the Council wishes to support an application by Meadowgate School, Wisbech for the establishment of a new specialist free school.

Recommendation: The Committee is asked to:

- (a) give its in principle support to the application being made by Meadowgate School to establish a new specialist free school on adjacent land in the ownership of the College of West Anglia (CWA)
- (b) confirm that its support is conditional on the joint member/officer assessment panel being satisfied that the detailed bid, when it is submitted, meets the requirements of the specification to be prepared by the Council for this type of school; and
- (c) confirm that there is no need in this instance to run a competition to establish this new provision should the above conditions be met.
- (d) Support officers in seeking to enter into a joint development brief with the Education Funding Agency for the land adjacent to Meadowgate School and in the ownership of CWA.

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1.0 BACKGROUND

- 1.1 Meadowgate School, Wisbech is a 140 place area special school offering places for pupils aged 2-19 with complex special educational needs and disabilities (SEND) maintained by the Council. However, it currently under pressure for space and facilities as it has 155 pupils on roll.
- 1.2 The School is in the process of developing an application to establish a 50 place specialist free school for children and young people aged 2-19 with Autism (ASD) on land in the ownership of the College of West Anglia (CWA) (location plan attached) adjacent to its site. The area of land available is substantial and the Council has confirmed that it also has the potential to accommodate a secondary school if one is required in response to demographic change and proposed housing growth in Wisbech.
- 1.3 The school would be known as the MAX Centre. Classes would average around 8 pupils and there would be one class per key stage. The proposed opening date for the school is September 2018. At the same time, the operational capacity of Meadowgate School would reduce to 130 places as some of the young people with very complex ASD will move into the new school. It is expected that the new school would reduce movement from Meadowgate School to the independent ASD specialist sector for the older children in the school where their needs have increased as the young people have reached adolescence.
- 1.4 Meadowgate School will need to become an academy during the Free School application process in order to be eligible to submit a bid to the Office of the Regional Schools Commissioner in September this year. Under the proposal, both Meadowgate School and the proposed MAX Centre would become academies under the governance of a single group of trustees running a Multi-Academy Trust (MAT). Meadowgate School is currently an outstanding school (paragraph 2.3.1).
- 1.5 At its meeting on 24 May 2016, the Committee considered its response to the new advice from the Department of Education (DfE) regarding the Free School Presumption. In cases such as this one, where the Council has yet to launch its own sponsor selection competition, the Committee approved a proposal that the potential free school sponsor interested in establishing and running a school should submit their proposals to the Regional School Commissioner (RSC) and the Council simultaneously for evaluation.
- 1.6 A detailed specification for an ASD Specialist Free School will be prepared in the summer and this will form the basis for the Council's evaluation of the proposal. The full proposal will be submitted to the office of the Regional Schools' Commissioner in September and the Council will ask Meadowgate School to submit the document simultaneously to the Council. The Committee agreed on 24 May that a joint member/officer assessment panel will undertake the evaluation and reports its recommendations to the Committee. The outcome of the Council's evaluation will then be submitted to the Office of the RSC for consideration as part of the government's decision making process.

2.0 MAIN ISSUES

2.1 The Need for Additional Places

- 2.1.1 Over the past few years the number of young people with Autism (ASD) has risen significantly from 20% in 2006 to 32% of all children and young people with a Statement or an Education Health and Care Plan (EHC Plans) in Cambridgeshire. This represents an increase in the number of young people with autism from 771 in 2011-12 to 948 in 2015/16. There has also been an increase in the number of these young people who have required specialist provision and part of this need has had to be met through out of county placements. Currently the only specialist provision provided by Cambridgeshire is within its six area special schools, one of which is Meadowgate, and the mainstream enhanced resources commissioned at four of our secondary schools known as ASD Cabins. 40% of pupils in the area special schools are on the autistic spectrum.
- 2.1.2 Mainstream ASD provision, for those children without a learning disability, in the secondary sector (Cabins) has also increased over time from 16 places when the first two Cabins were established in 2006 to 59 funded places in the four Cabins operating from September 2016. The provision has had a profound positive effect on meeting the needs of young people transferring to the secondary phase who previously would have been likely to move into expensive out county independent provision at Year 7.
- 2.1.3 The Council has already recognised the need to provide additional special school places in response to demand and approved in January 2013 the creation of three new area special schools when it adopted its commissioning strategy for the period to 2022. The first of these in Littleport will open in September 2017. The second is planned within the new development at Northstowe and the third within the new development at Alconbury. Officers are also seeking section 106 contributions from the major development sites in South Cambridgeshire towards the provision of a further special school to meet the combined impact of these developments on the need for places. Following this, and up to 2030, a further three special schools are expected to be needed to meet the projected growth in numbers. However, this does not address the needs for highly specialised ASD provision for children with considerable learning need, particularly in the north of the county who will neither benefit from the creation of the new schools in response to major housing growth or the current Cabin facilities, none of which are located in the Fenland District. Currently there are 14 young people with these needs who are being educated in high cost specialist independent schools outside of Cambridgeshire.
- 2.1.4 A separate proposal for a new ASD free school is being developed by Impington Village College which also identifies a need for this type of specialist provision in the south of the county. This proposal will be evaluated in the same way as the Meadowgate ASD free school proposal.

2.2 Revenue Implications

- 2.2.1 The Meadowgate free school application will need to include a detailed financial plan and the school must have consulted the Council to ensure that it would be willing to support the new school and commission places at the school. The MAX Centre would receive £10,000 base funding for each pupil.

However, top up funding would be provided by the Council based on an assessment of the needs of each child. Using the information provided in the bid for the phased opening of the school the estimated revenue cost will be £500,000 per year (£10,000 per place x 50) plus top-up funding of £350,000 based on an average figure of £7000 per place for this type of (ASD) need. The total annual revenue cost once the school operates at its 50 places capacity will, therefore, be around £850,000.

- 2.2.2 Provision will need to be made in the schools funding High Needs Block to fund this commitment on the basis that there will be a transfer of funds from Meadowgate School by reducing the purchase of places from the current 155 to 130 (£10,000 per place x 25) thereby providing £250,000 towards the costs. In addition, there will be a reduction in the top up funding to Meadowgate school of £245,000 based on the current average top up of £9,800 for pupils attending the school (£9,800 x 25 places) It is also anticipated that over time £500,000 will be saved from a reduction in the number of out of county placements by 2024. This would take the total saving figure to £995,000 by 2024 and produce a net annual saving of £145,000.
- 2.2.3 Prior to 2024 there will be a period when the new ASD specialist free school provision will incur an annual cost while it builds up to its full numbers (50) and current out of county placements in independent specialist provision come to an end year on year.
- 2.2.4 Alongside this, the Education Funding Agency (EFA) has yet to confirm how or if the High Needs Block will be adjusted for the additional new places provided at this and other new special schools in order to meet its basic need duty. The most recent response of the EFA when asked for clarification on this issue was:
- 2.2.5 *"We would certainly expect the local authority to pay from its high needs budget for any top up funding relating to pupils in a new free school, as for the authority's pupils with high needs in any other school."*
- 2.2.6 *Your question about the place funding for new special free schools is one that we'll address in the second stage of the (current funding) consultation".*
- 2.2.7 Due to delays in the publication of the second stage of the national schools funding consultation there is uncertainty over the level of high needs funding which will be available in future years and as such this could place additional pressure on the overall high needs quantum. This is further exacerbated by a proposal in the first stage of the consultation which could remove the ability of the Council to move funding between the schools block and high needs block to meet such pressures. This risk will remain until the DfE clarifies and provides greater certainty over future funding arrangements. This period of uncertainty may coincide with the period of the early operation of the new specialist ASD free school and while it is still incurring an additional annual cost for the Council.

2.3 Education Quality

- 2.3.1 Meadowgate School was rated as an outstanding school by the Office for Standards in Education (OfSTED) when it was last inspected in on 3rd November 2015. Its previous inspection took place in 2011 when it was also

rated outstanding.

2.4 Implications for the Council's Review of Secondary Education in Fenland

- 2.4.1 This Committee at its meeting on 9 February agreed to consult on its preferred option for expanding secondary school capacity in the Fenland District Council area. This is to be achieved through the development of a new secondary school in Wisbech.
- 2.4.2 The area of land to the rear of Meadowgate School has been identified as the site for the new specialist free school (The MAX Centre). This site also forms part of a larger parcel of land in the ownership of College of West Anglia (CWA) which was identified, following initial site search work, as the preferred site for a new secondary school in Wisbech.
- 2.4.3 Once details of the specialist free school bid were known, work was commissioned to establish whether there is sufficient land available to accommodate both it and the proposed secondary school.
- 2.4.4 Even though the conclusion of this work is that there is sufficient land available, the need to accommodate a further school in this area will, in all probability, increase the Council's overall development/planning risk when it comes to build the secondary school. This arises because the site will be more intensively used and the early site search work had already established that transport and access would be the most significant issues requiring resolution if a secondary school was to be provided in this location.
- 2.4.5 If the specialist free school bid is successful and the Council retains its interest in the remaining land for development of a secondary school, officers' advice is that the Council should seek a commitment from the Education Funding Agency (EFA) that a joint development brief is prepared for the site so that the most effective use can be made of the available land and that joint planning of transport and access arrangements are developed in order to mitigate future planning risk.
- 2.4.6 It is also worth noting that when this Committee considered the review of secondary school provision in Fenland, it did register some concerns regarding the suitability of this site for a secondary school, particularly around transport and access issues, and requested that before proceeding to acquisition and the negotiation of terms, the further due diligence work that was to be undertaken established clearly that there were no better alternative sites available for a secondary school.

3.0 **CONCLUSIONS**

- 3.1 There is a clear needs-based case for the specialist provision proposed by Meadowgate School. There is also an expectation of an educational benefit from having this new provision sponsored by an outstanding school.
- 3.2 However, the specialist free school proposal will increase the development and planning risk associated with any proposal the Council may have to develop a secondary school in this location. This can, in part, be mitigated if the EFA is prepared to work with the Council on a joint development brief for the site.
- 3.3 There is also the funding uncertainty to take into account as the DfE is part

way through its review of the schools funding formula. The Council will, however, continue to make representations during the phase 2 consultation to seek the best outcome for Cambridgeshire and minimise any potential negative impact.

- 3.4 The Committee has also previously agreed that all Free School proposals should be evaluated against a detailed specification to ensure that they are of sufficient quality. A detailed specification has yet to be prepared for this specialist ASD provision but the school has been working with the Council's Head of Enhanced and Commissioning Services to develop its proposal. Officers' advice is that the Council should give in principle support to the bid at this stage pending an evaluation of the full proposal by the member/officer assessment panel against the Council's detailed specification. This is likely to be in September 2016.

4.0 ALIGNMENT WITH CORPORATE PRIORITIES

4.1 Developing the local economy for the benefit of all

- 4.1.1 The school will be a provider of local employment. The level of need among students will mean that staffing ratios to student will be high and a range of professional opportunities will be available for teaching and support staff.

- 4.1.2 Having places available closer to where families live may help parents to juggle the demands of looking after children with special educational needs (SEND) and those of work more easily.

4.2 Helping people live healthy and independent lives

- 4.2.1 Being able to access provision in a way that reduces travel time will make it easier for these students to access any out of school opportunities that may be available and develop friendship groups within their own community. This could help to support the development of healthier and more independent lifestyles.

4.3 Supporting and protecting vulnerable people

- 4.3.1 The purpose of the proposal is to deliver improvements to the service offered to this particularly vulnerable group of pupils through the provision of a more locally based specialist service/school.

5.0 SIGNIFICANT IMPLICATIONS

5.1 Resource Implications

- 5.1.1 The report above sets out details of the significant financial implications in paragraph 2.2. The Council will seek to minimise this risk by continuing to:

- Make representations during the national consultation on the revised schools funding formula to ensure that proper consideration is given to funding additional (basic need) school places for pupils requiring specialist provision.
- Monitor the development of the proposals for the revised schools funding formula during the second stage consultation and responding appropriately through the Council's annual budget preparation. For

example, a bid for additional revenue resources may be required if funding through the high needs block of the formula is either inadequate or the ability to switch resources between the schools block and the high needs block is no longer permissible.

- 5.1.2 The capital resources for the project, including the cost of the land required, will be sought as part of the application to promote this new specialist free school. The DfE will be responsible for the procurement and delivery of any capital project arising and will therefore carry the usual development/developer risk associated with any capital scheme.

5.2 **Statutory, Risk and Legal Implications**

Planning and Site Issues

- 5.2.1 The development risk of the proposal arising from the possibility that the Council may also wish to provide a secondary school in the same area of Wisbech as the proposed ASD Free School has been covered in in paragraph 2.4.
- 5.2.2 In addition to seeking to work with the EFA on a joint development brief for the area, officers are undertaking further due diligence work on the suitability of the site for the location of a secondary school following the comments of CYP Committee members on 9th February when it considered the review of secondary school provision in Fenland. This work includes:
- Discussions with the planning officers of Fenland District Council on possible alternative sites given recent discussions with Government about Wisbech becoming part of the garden town initiative. Under this proposal higher levels of development will be proposed and in different locations. This could change the overall planning context in terms of school location and the availability/suitability of sites previously discounted.
 - phase 2 consultation on the review which will ask all stakeholders an open question on preferred location/sites for a new secondary school in the Town
 - A sequential testing of the suitability of all potential sites in Wisbech
 - A full transport and access survey which will also include the impact arising from the proposed ASD Free School in addition to the secondary school
- 5.2.3 At the completion of this work the Council will be able to recommend a preferred site for a secondary school. If this proves to be the site at Meadowgate Lane it will be based upon a sequential test and a full assessment of the development risks associated with this and any other site. The transport and access study will have assessed the combined impacts of both the secondary and ASD special schools (and the existing Meadowgate School) to determine what mitigation measures may be required to make both developments acceptable in planning terms.

Legal

- 5.2.4 Meadowgate School is currently a local authority maintained area special school providing for children and young people in the age range 2-19. The school will need to convert to academy status at some time during the application process if it is to be able to promote a new Free School. A 125 year academy lease will be granted to any newly created Trust which will

apply to the current site and buildings. This will protect the Council's interest by ensuring that

- The land and buildings will be returned to the Council when the lease ends
- Use is restricted to educational purposes only
- The academy is only able to transfer the lease to another educational establishment provided it has the Council's consent
- The academy, (depending on the lease wording) is only able to sublet part of the site with approval from the Council.

5.2.5 In addition, officers of LGSS Legal will need to advise on the detailed terms of the lease, including whether it would be able to place an obligation on the Trust to work with the County Council in respect of any future capital projects that may impact on this land or any land acquired adjacent to this site for the ASD Free school.

5.3 **Equality and Diversity Implications**

5.3.1 The Council is committed to ensuring that children with SEND with the most complex and challenging needs secure the appropriate level of specialist provision which can be accessed reasonably. This requirement is part of the needs based case set out in paragraph 2.1 of the report.

5.3.2 The accommodation provided by the EFA, should the bid prove successful, will have to comply with the Public Sector Equality duty.

5.3.3 When the member/officer assessment panel evaluates the ASD Free School proposal the Council's detailed specification for this provision will include a community (equality) impact assessment.

5.4 **Engagement and Consultation Implications**

5.4.1 Meadowgate School has undertaken consultation with local Councillors and held a briefing for members of Wisbech Town Council. The school has also held early discussions with the owner of the land which they are seeking to acquire; the College of West Anglia.

5.4.2 If the bid is successful, the subsequent delivery of the capital project will require the submission of a planning application on which there will be a statutory requirement to consult. Good practice would also suggest that the applicant (the newly created Trust in this case) should also undertake pre-application consultation with the local community.

5.5 **Localism and Local Member Involvement**

5.5.1 The local Councillor, Councillor Samantha Hoy, is aware of the proposal having been kept informed by the school and by officers ahead of consideration of this report today and she has submitted the following comment:

5.5.2 *"I think that this (the ASD Free School) is a fantastic idea that has local support and the Town Council are fully supportive. I understand about the secondary school but I must express again that the local residents do not want the secondary school there and there have been very many complaints*

from residents.

- 5.5.3 *Given that Greg Clarke said the garden town for Wisbech could happen with or without devolution I really feel we must build the secondary school to the west of the town”.*

5.6 **Public Health Implications**

- 5.6.1 Providing more local access to high quality ASD provision and its associated services will provide children with complex needs and their families with more conveniently located support networks. The pressures on families will be greater if children are being placed a greater distances from home because of the existing capacity pressures in the special school system.

SOURCE DOCUMENTS

Source Documents	Location
<i>Summary of Meadowgate School ASD Free School Application – September 2016</i>	Ian Trafford
<i>CYP Committee - 9 February 2016 – report and minutes on review of secondary education in Fenland</i>	0-19 Place Planning & Organisation Service
<i>Statistical data 2010-2016 from Enhanced and Commissioning Services</i>	Octagon 2 nd Floor
MEADOWGATE SCHOOL, WISBECH – APPLICATION FOR THE ESTABLISHMENT OF A NEW SPECIALIST FREE SCHOOL – spokes report 21 June 2016.	OCT 1213
.	Shire Hall
.	Cambridge