

ESTABLISHMENT OF A NEW SPECIAL SCHOOL IN ALCONBURY WEALD

To: Children and Young People Committee

Meeting Date: 14th November 2017

From: Wendi Ogle-Welbourn, Executive Director: People and Communities

Electoral division(s): All Huntingdonshire divisions

Forward Plan ref: n/a **Key decision:** No

Purpose:

a) To advise the Committee of the outcome of the process adopted by the Council to discharge the statutory requirement, under the Education Act 2011, to seek an Academy or Free School sponsor for the special school to serve the Alconbury Weald development and surrounding area;

b) To seek the Committee's endorsement of the Spring Common Academy Trust as the Council's preferred sponsor for this new special school.

Recommendation: Members are asked to:

a) Endorse the Spring Common Academy Trust as the Council's preferred sponsor for the special school to serve Alconbury Weald and the surrounding area.

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1. BACKGROUND

- 1.1 The Council as the local Children's Services Authority, has a statutory duty to provide a school place for every child living in its area of responsibility who is of school age and whose parents want their child educated in the state funded sector. To achieve this, the Council has to keep the number of school places under review and to take appropriate steps to manage the position where necessary. The Education and Inspections Act 2006 also requires local authorities to adopt a strategic role, with a duty to promote choice, diversity and fair access to school provision.
- 1.2 The Council has a statutory duty under the Childcare Act 2006 to secure sufficient childcare for parents to work or to undertake education or training which could lead to employment (section 6) and secure free early years provision for all 3 and 4 year olds (and up to 40% of 2 year olds who meet nationally set eligibility criteria) of 15 hours a week, 38 weeks a year, of early years education. With effect from September 2017 this universal entitlement has been extended by an additional 15 hours a week for eligible working families who meet the specific income related criteria.
- 1.3 Under the Children & Families Act 2014, the Council has a legal duty to identify and assess the special educational needs (SEN) of children and young people for whom they are responsible. The Council becomes responsible for a child/young person in its area when it becomes aware that the child/young person has or may have SEN. The Council must then ensure that those children and young people receive a level of support which will help them "achieve the best possible educational and other outcomes."
- 1.4 As part of the Huntingdonshire Local Plan Alconbury Weald has been designated as a strategic development site. It comprises approximately 580 hectares in two main elements: the Airfield at Alconbury and the area of neighbouring farmland. A total of 5,000 new homes are expected to be built on the site in addition to an Enterprise Zone which will deliver up to 8,000 jobs.
- 1.5 In response, the Council has identified the need to establish one special school, three primary schools with early years' facilities and one secondary school to serve the development. The first primary school, Ermine Street, opened in September 2016. The secondary school is not expected to open before 2021. Both schools are Academies sponsored by the Diocese of Ely Multi Academy Trust (DEMAT).
- 1.6 The 2011 Education Act sets out the following requirements for Local Authorities with regard to the establishment of new schools:
 1. The Council has to seek proposals for the establishment of an Academy or Free School, and specify the date by which proposals must be received.
 2. Following the published closing date by which proposals should have been submitted, the Council must contact the Secretary of State for Education, to outline the steps it has taken to secure applications for the establishment of an Academy or Free School, together with details of any which have been received.
 3. Only if no Academy or Free School proposals are received, can the Council seek the Secretary of State's permission to begin a competition process to

establish a maintained school under the provisions set out in the 2006 Education Act.

- 1.7 With effect from 7th May 2015, all new schools established in this way (known as the presumption process, as opposed to potential sponsors applying directly to the Department for Education (DfE) to set up a free school) have been classified as free schools. It reflects the fact that “free school” is the DfE’s policy term for all new provision academies whereas “academy” is a legal term for state-funded schools that operate independently of local authorities and receive their funding directly from the government. However, new schools established in this way are not required to use the term “free school” in their name.

2. DEMAND FOR SPECIAL SCHOOL PLACES

- 2.1 There is currently insufficient capacity to meet both current and forecast demand for special school places across the county. In addition to the pressure on places resulting from a combination of increased birth rate and new housing developments, evidence suggests that even without this demographic growth, there is an increase in the number of families with children who have a disability. Improvements in medical care mean that children with more complex and severe disabilities are surviving for longer. Another factor is improved understanding and diagnosis of conditions, such as children and young people on the Autistic Spectrum.
- 2.2 Following a review of special school provision in 2013, the Council concluded that it needed to create three new area special schools by 2022, each providing approximately 100 places. The first of these Littleport Highfield opened in September 2017 and has 31 children on roll. The other two will be established in Alconbury Weald and Northstowe.
- 2.3 The Alconbury Weald development is forecast to generate demand for approximately 51 children with a need for a special school place. In addition, the new special school is also expected to serve the surrounding area of Huntingdonshire. The special school at Alconbury Weald is due to open in September 2020. It is anticipated, based on need in the area and experience in opening the new special school in Littleport, that approximately 40 children will need places in the first year. However this number may differ as places are commissioned following decisions made by Council Resourcing Panel who consider requests for placements as part of the Education Health and Care Plan (EHCP) process and subsequent annual reviews of pupils’ EHCPs

3 THE SPONSOR SELECTION PROCESS FOR ALCONBURY WEALD SPECIAL SCHOOL

- 3.1 The main elements of the sponsor selection are outlined in section 1.6 and received Cabinet approval on 17 April 2012. More recently, some slight adjustments were made to the local process to take account of the Council’s implementation of a Committee system in place of its Cabinet arrangements. This process is outlined in Appendix 1.
- 3.2 On 16th June 2017, the Council published both a local and a national press announcement setting out the need for a new special school to serve the Alconbury

Weald development. Potential sponsors were invited to submit proposals by 25th August 2017 to establish and run the school as either an Academy or Free School. A notification was also sent to the Department for Education (DfE).

3.3 Four proposals were received by the 25th August 2017 deadline from:

- Active Learning Trust
- Astrea Academy Trust
- Hornbeam Academy Trust
- Spring Common Academy Trust.

Astrea Academy Trust's application provided insufficient detail and evidence of understanding of the Council's specification to be taken forward to the next stage of the assessment process. Copies of the shortlisted executive summaries of the other three Trusts' applications are attached behind this report as Appendices 2, 3 and 4. They are also available to either view or download from the Council's website through this link:

<https://www.cambridgeshire.gov.uk/residents/children-and-families/schools-&-learning/school-changes-&-consultations/new-special-school-at-alconbury-weald/>

3.4 A public meeting was held on 19th September when representatives from the three shortlisted potential sponsors presented their proposals and answered a range of questions. The audience included members of the public, Members, representatives from other special schools in the county, the Deputy Regional School Commissioner, a representative from the land developer at Alconbury Weald and Local Authority officers.

Questions raised related to:

- The reactions of the three Trusts to the government's proposal for the new funding formula for high needs. In response, all three confirmed that they found value in working with the Council's Schools Forum to set rates locally.
- The selection process and next steps including the timeframe
- The composition of the interview panel.

3.5 The joint member/officer Assessment Panel met on the 2nd October 2017 to interview and assess each potential sponsor's application against the criteria detailed in the School Specification document. A copy of the assessment criteria used by the Panel, together with the details of the membership of the panel is provided in Appendix 5.

3.6 The Assessment Panel was unanimous in its view that the Spring Common Academy Trust should be awarded the opportunity to establish and run the school in preference to the other two shortlisted potential sponsors. The particular strengths of their proposal were:

1. They were able to clearly demonstrate that they had reviewed their capacity to grow and expand and had put in place succession plans to ensure that they have the necessary depth and breadth in their leadership and governance structure to grow and take on this project and deliver it successfully.

2. They demonstrated and evidenced, with realistic and detailed examples, that they had the knowledge, experience, expertise and passion to deliver and maintain outstanding child centred teaching and learning in the special educational needs

sector. Spring Common Special School is rated as Outstanding by the Office for Standards in Education (Ofsted).

3. They demonstrated a clear and up-to-date understanding of the local context and evidenced their on-going commitment of their role in wider school-to-school support, system leadership and partnership working in the locality, citing some relevant examples of existing effective partnerships and collaborations with numerous key stakeholders and including other schools.

4. They were committed to achieving the best possible outcomes for all the children in their schools by ensuring that their individualised curriculum meets the needs of their learners whilst always having ambitious aspirations for each child.

5. Their commitment to inclusion as evidenced by the fact that no child has been excluded from Spring Common School.

3.7 All the information used by the Assessment Panel to reach its recommendation to Committee has been forwarded to the DfE. The outcome of Committee's consideration of the proposals will be sent to the DfE on 15th November 2017.

3.8 Officers have been advised that the proposals will be considered and a decision made by Regional Commissioner and her Head Teacher Board at its meeting on 16th November on which potential sponsor they will recommend that the Secretary of State enters into a funding agreement with.

4. ALIGNMENT WITH CORPORATE PRIORITIES

Report authors should evaluate the proposal(s) in light of their alignment with the following three Corporate Priorities.

4.1 Developing the local economy for the benefit of all

The following bullet points set out details of implications identified by officers:

- Providing access to local and high quality education will enhance the skills of the local workforce
- The school will be a provider of local employment.

4.2 Helping people live healthy and independent lives

The following bullet points set out details of implications identified by officers:

- If pupils have access to local schools and associated children's services, they are more likely to attend them by either cycling or walking rather than through local authority-provided transport or car.
- Pupils will be able to more readily access out of school activities such as sport and homework clubs and develop friendship groups within their own community.

4.3 Supporting and protecting vulnerable people

The following bullet points set out details of implications identified by officers:

- Providing a local school will ensure that services can be accessed by families in greatest need within its designated area.

5. SIGNIFICANT IMPLICATIONS

5.1 Resource Implications

- 5.1.1 Where new special schools are commissioned local authorities are responsible for start-up costs which are currently met from centrally retained Dedicated Schools Grant (DSG) funding. This funding and the criteria for eligibility is subject to annual Schools Forum approval, although further national policy changes are likely to impact on the funding of new schools in future years. Pre-opening funding for special schools is currently £130,000 and is calculated on the basis of 2 terms prior to the date of opening.
- 5.1.2 Special Schools are funded on the Place-Plus methodology. This provides schools with £10,000 per commissioned place as agreed with the Education Skills Funding Agency (ESFA) for pre and post-16 numbers. It is then the responsibility of the home local authority to provide Top-Up funding based on the individual needs of the learners in line with their Education Health and Care Plan (EHCP).
- 5.1.3 Once the number of places for each academic year has been agreed this provides a minimum core budget for the school and as such there is no diseconomies funding for Special Schools. The Top-Up funding is based on participation and as such will only be payable directly by the pupil's home local authority for the period of time each pupil is in attendance.
- 5.1.4 The Government have recently published their responses to the consultations on the National Funding Formula for Schools and High Needs Funding. The full details of the final announcements are currently being assessed, and although no immediate amendments to new schools funding are proposed for 2018/19, it must be noted that future funding arrangements are still subject to national or local policy changes.

5.2 Procurement/Contractual/Council Contract Procedure Rules Implications

All new presumption free schools which are designed and built by the Council are done so under its design and build contract framework arrangements.

5.3 Statutory, Legal and Risk Implications

- 5.3.1 There are specific statutory requirements which have been followed in seeking a successful sponsor for the new special school under the provisions of the Education Act 2011. The process adopted by the Council is compliant with the requirements of the Act.
- 5.3.2 The Council will grant a standard 125 year Academy lease of the whole site (permanent school site) to the successful sponsor based on the model lease prepared by the DfE as this protects the Council's interest by ensuring that:
- The land and buildings would 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.

5.4 Equality and Diversity Implications

- 5.4.1 The Council is committed to ensuring that children with special educational needs and/or disability (SEND) are able to attend their local mainstream school where possible, with only those with the most complex and challenging needs requiring places at specialist provision.
- 5.4.2 The accommodation provided for delivery of education at the new special school will fully comply with the requirements of the Public Sector Equality Duty and current Council standards.
- 5.4.3 As part of the planning process for new schools, local authorities must also undertake an assessment of the impact, both on existing educational institutions locally and in terms of impact on particular groups of pupils from an equalities perspective.

5.5 Engagement and Communications Implications

- 5.5.1 All new school projects, whether initiated by the Council or via the central DfE process, are subject to a statutory process which includes public consultation requirements.

5.6 Localism and Local Member Involvement

- 5.6.1 Councillors Downes, Rogers and Shellens attended the public meeting and Councillors Sanderson and Bywater participated in the joint officer/member panel.

5.7 Public Health Implications

- 5.7.1 New schools will have an impact on the Public Health commissioned services such as school nursing, vision screening, National Childhood Measurement Programme, school-based immunisation programmes.
- 5.7.2 New special schools will also increase demand on Clinical Commissioning Group (CCG) commissioned services for children with EHCPs and the CCGs should be informed for new special schools opening so that the required arrangements can be made to look after the health needs of these children.

Implications	Officer Clearance
Have the resource implications been cleared by Finance?	Yes 25/09/2017 Name of Financial Officer: Martin Wade
Have the procurement/contractual/	Yes 25/09/2017

Council Contract Procedure Rules implications been cleared by Finance?	Name of Financial Officer: Paul White
Has the impact on statutory, legal and risk implications been cleared by LGSS Law?	Yes 26/09/2017 Name of Legal Officer: Fiona McMillan
Have the equality and diversity implications been cleared by your Service Contact?	Yes Name of Officer: Keith Grimwade
Have any engagement and communication implications been cleared by Communications?	Yes 04/10/2017 Name of Officer: Jo Dickson
Have any localism and Local Member involvement issues been cleared by your Service Contact?	Yes Name of Officer: Keith Grimwade
Have any Public Health implications been cleared by Public Health	Yes 25/09/2017 Name of Officer: Raj Lakshman

SOURCE DOCUMENTS

Source Documents	Location
Appendices 1. Assessment Process Document 2. Assessment Panel Evaluation Document 3. Assessment Panel Interview Questions September 2017 4. Active Learning Trust Application 5. Astrea Academy Trust Application 6. Hornbeam Academy Trust Application 7. Spring Common Academy Trust Application 8. School Specification Document June 2017 9. The free school presumption: DfE advice for local authorities and new school proposers February 2016 10. New School Funding Policy 2016/17	Alison Orrell Octagon 2 nd Floor Shire Hall, Cambridge Where the document is held electronically, please provide a web link(s) if appropriate.