

**To the Mayor and Members of the
Cabinet**

**ESTABLISHMENT OF A NEW SPECIAL SCHOOL FOR COMMUNICATION AND
INTERACTION SPECIAL EDUCATIONAL NEEDS IN DONCASTER**

Relevant Cabinet Member(s)	Wards Affected	Key Decision
Councillor Nuala Fennelly, Cabinet Member for Children, Young People and Schools	All	Yes

EXECUTIVE SUMMARY

1. The report provides background information regarding the Department for Education's invite to councils to establish new Special Schools in their area and the steps necessary to seek appropriate sponsors, with proven experience and impact. The successful sponsor will work alongside the Council and the Department for Education to establish new Special School for Communication and Interaction in the Borough.

EXEMPT REPORT

2. This is not an exempt report.

RECOMMENDATIONS

3. The Mayor and Members of Cabinet are asked to:
 - a) approve the proposal to establish a new Special School for Communication and Interaction in Doncaster in conjunction with the Department for Education and appropriate sponsor; and
 - b) agree to provide the successful school sponsor with a 125 year lease on a peppercorn rent for 5 acres of land currently designated for commercial use at Hungerhill Enterprise Park, Edenthorpe; and
 - c) delegate authority to the Director of People and the Chief Financial Officer in consultation with the Portfolio Holder for Children Young People and Schools to negotiate terms and enter into the lease and grant funding agreements with the Department of Education.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

4. Local council's play a key role in placing pupils with Statements of SEN or Education, Health and Care (EHC) plans and it is important that they be involved in shaping the range of provision in their area. A number of pupils currently placed in schools in Doncaster, educated other than at school or placed outside of the area would benefit from suitable provision being made available locally, within Doncaster.

BACKGROUND

5. The proposal is to establish a Special School for Communication and Interaction in the Borough. This would be a free school which would legally be an academy and so be a state funded school. Such schools are held accountable through a Funding Agreement between the Secretary of State for Education and the Academy Trust which operates the school. They differ from academies in that they are completely new schools established to meet local demand.
6. Normally anyone can apply to set them up without waiting for permission from local authorities or other schools. However, in October 2016 local councils were provided with an opportunity to identify where a new special school would benefit their area and were invited to express an interest (EOI) in commissioning a new special school by the Department for Education (DfE). The deadline for the submission was 11 November 2016.
7. The LA had previously identified a shortfall in provision within the Borough for specialist places for complex needs under Communication and Interaction (C and I) (primarily high functioning autism spectrum disorder -ASD and Asperger's) with related Social Emotional and Mental Health Needs (SEMH). Some children may also have specific learning difficulties (SPLD) as an additional need but will not have significant learning difficulties. Within the time constraints set by the DfE a bid was put forward on this basis of establishing a 100 place Special School for Communication and Interaction. The bid included provision of a site for the school by the Council on the basis of a peppercorn rent with a 125 year lease. The provision is expected to provide up to 80 places for use by Doncaster Council, as well as 20 places for usage by neighbouring LAs
8. The outcome of bids was announced in May 2017 with a requirement to submit a full specification by 2 June 2017. Doncaster was one of only 22 successful Councils to be allowed to move to the proposal stage. Following receipt of our specification, the opportunity to sponsor the school will be advertised nationally by the DfE and if a strong proposal comes forward that both the Council and the Secretary of State wish to take forward, the DfE will provide capital and start-up grant funding.
9. Within the 'Local Authority – commissioned special free schools' guidance from October 2016 it states that the capital costs for building or refurbishment will be provided by the Education and Funding Agency (EFA) to help establish the new school in the same way as schools set up through the standard central free school process. It is therefore an opportunity create additional provision in an area of identified need as part of the wider strategy to provide for pupils across the Borough and for the capital to be provided by the DfE.
10. Once the site is secured and the budget is set by the EFA, the LA will have the option to deliver the new school by submitting a short business case setting out details of our capacity, capability and experience in successfully delivering capital projects and to confirm that that any overspend would be covered. The LA would then manage the project reporting to the EFA as necessary.
11. Subject to approval, representatives of the Local Authority in its role as Commissioner would engage with potential providers with proven experience and impact, including existing special schools and MATs from inside and outside of the Borough, to secure an appropriate sponsor.

OPTIONS CONSIDERED

12. Currently a number of SEN pupils are educated outside of the Borough, are educated other than at school or are attending schools in the Borough but would benefit from specialist provision within the area. Whilst this may continue there are a number of benefits to opening a new Special School for Communication and Interaction within the area outlined within the report.

13. **Site Analysis**

In order for the proposal to go ahead to the feasibility stage with the DfE a long list of 10 possible sites were considered in light of the following criteria:-

- **Proximity To A Mainstream School**
It is intended that the school will be closely associated with another mainstream secondary school to enable pupils to easily access a mainstream curriculum where appropriate. Being on the same site or adjacent to another mainstream school would allow for pupils to interact between the two sites.
- **Planning (Site Accessibility)**
The accessibility of the sites was assessed taking into account the ability for pupils to access the school using public service routes and access into the site from the road network.
- **Ownership**
The land would be subject to a peppercorn rent and any loss of income was assessed.
- **Planning (Public Consultation)**
It was important that the chosen site had good positive relationships with its neighbours from the outset or placed within a new development. Previous experience from similar developments have led to delays and rejections of sites due to residential objections.
- **Size (4+ Acres)**
The expected size of the school required is in the region of 4 acres.
- **Central Location**
The school would address the needs of pupils for the whole of Doncaster and beyond. Sites were considered only within a central location of the Town Centre and with easy access, with the maximum distance being 3 miles from the Town.

14. The identified site scored highly in each criterion, in particular in terms of site access both for pupils and local planning constraints and its proximity to an outstanding mainstream school. Approval was sought from the Asset Board for the re-designation of 5 acres of land currently designated for commercial use at Hungerhill Business Park for educational purposes shown in Appendix 1.

REASONS FOR RECOMMENDED OPTION

15. The recommended option is to progress to the next stage with the proposal. The Council have been given an opportunity to provide high quality, appropriate provision to meet the needs of a group of SEN pupils within the Borough and to receive capital and start-up grant funding from the DfE.

16. The Council will have the opportunity to assess bids from potential sponsors in light of the Council's priorities and make a recommendation to the DfE.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

17.

	Outcomes	Implications
	<p>All people in Doncaster benefit from a thriving and resilient economy.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Creating Jobs and Housing</i> • <i>Mayoral Priority: Be a strong voice for our veterans</i> • <i>Mayoral Priority: Protecting Doncaster's vital services</i> 	<p>Dependent upon a successful proposal.</p>
	<p>People live safe, healthy, active and independent lives.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Safeguarding our Communities</i> • <i>Mayoral Priority: Bringing down the cost of living</i> 	<p>A number of young people currently placed in out of authority provision will benefit from attending a local school.</p>
	<p>People in Doncaster benefit from a high quality built and natural environment.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Creating Jobs and Housing</i> • <i>Mayoral Priority: Safeguarding our Communities</i> • <i>Mayoral Priority: Bringing down the cost of living</i> 	<p>The proposal will enable a new Special School for Communication and Interaction to be provided in Doncaster.</p>
	<p>All families thrive.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Protecting Doncaster's vital services</i> 	<p>Young people of Doncaster will be provided with high quality, appropriate provision to meet their needs within Doncaster.</p>
	<p>Council services are modern and value for money.</p>	<p>The proposal will benefit from grants from the DfE for the provision of the school.</p>
	<p>Working with our partners we will provide strong leadership and governance.</p>	<p>Dependent upon the successful proposal.</p>

RISKS AND ASSUMPTIONS

18. Should the Council not pursue to opportunity and withdraw from the process would result in a lack of appropriate provision within the Borough and pupils remaining outside of the area or attending less appropriate provision within the LA.

The Local Authority estimates that some pupils currently at Out of Authority placements will be offered places at the new school and is working closely with Partner Agencies to minimise the impact on those services of the children returning to the area.

19. A number of new school projects have been successfully delivered by local authorities since the beginning of the programme. In recognition of this – and the

key role local authorities play in local SEN provisions – we are seeking to expand the number of local authorities involved in delivering new schools through this new route. Once the site is secured and the budget set we will require local authorities that are interested in this to submit a short business case setting out details of their capacity, capability and experience in successfully delivering capital projects and to confirm that they are willing to cover any costs above the agreed budget. The local authority project manager would have complete control in delivering the project, with an EFA representative acting as a point of regular contact, reference and escalation as required.

LEGAL IMPLICATIONS

20. Part 3 of the Children and Families Act 2014 places legal duties on Local Authorities to identify and assess the special educational needs of children and young people for whom they are responsible. They 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” (Section 19 (d)).

The Authority has identified the need for provision of this special school. The Department for Education has provided an opportunity for local authorities themselves to identify where a new special school would benefit their area, inform their Regional Schools Commissioner, and seek proposals for the new school they want. The department of Education will provide capital funding and start-up grants subject to value for money assessments.

It is proposed that the Council will provide the school site by way of the long lease on a peppercorn rental. Under s.123 of the Local Government Act 1972 the Secretary of State’s consent is required for the disposal of land for less than the best consideration reasonably obtainable. Under Circular 06/03 the Secretary of State has given their consent to the disposal of non-housing/HRA land by local authorities for less than the best consideration reasonably obtainable provided that

- (i) The difference between the consideration being received and full open market value does not exceed £2 Million and
- (ii) The Council is satisfied that the purpose of the disposal will contribute to the promotion or improvement of the economic, environmental or social well-being of the area.

As the value of the land is less than £2m in this case specific consent of the Secretary of State will not be required as the general consent may be relied on in this instance provided the Council is satisfied the criteria in (ii) above is met.

The Council’s Financial Procedure Rules authorise the Council’s Property Officer to arrange the disposal of land for less than best consideration where the best consideration reasonably obtainable would not exceed £250,000. If the market value of the disposal exceeds £250,000 then the approval of Cabinet is required.

Further legal advice will be required as the project progresses.

FINANCIAL IMPLICATIONS

21. Capital

The land at Hungerhill Business Park currently forms part of the Council’s disposal programme and is to be sold to generate capital receipts to fund current and future capital schemes. The area of land proposed for the free school valued at £750k

isn't currently included within the estimate for capital receipts and therefore isn't expected to impact on the capital programme.

If the Council takes up the option to deliver the new school as per the details within paragraph 9 it will need to manage the project effectively to avoid any overspends.

Revenue

Under the current funding arrangements for 2017/18, place funding of £10k per place for Special Free Schools is currently provided by the Education Funding Agency directly and not paid for directly from the LA's High Needs Dedicated Schools Grant (DSG). Only the top up element, estimated at bid stage to be around £10k per pupil, would be paid for by the LA from High Needs DSG for places in these places.

Based on average current place funding and top up element costs for pupils in a PRU (£15k), Special School (£18k), mainstream school (£18k) or Out of Authority (OOA) placement for ASD (£54k) the estimated cost is £2.07m. The cost of £10k per pupil outlined above for 80 pupils is £800k and therefore the potential saving per pupil to the DSG would be between £5k and £44k. The estimated overall cost savings when the provision is open, being fully utilised and assuming 80 places filled by Doncaster pupils, with an estimated 30 of those otherwise being placed in PRU, 30 otherwise placed in Special School or mainstream school and 20 otherwise placed OOA would be approximately £1.27m per annum.

HUMAN RESOURCES IMPLICATIONS

22. Staff employed in the new school would not be employees of the local authority but of the school itself. The school will be able to set their own terms and conditions of employment for all staff, teaching and support staff alike.

TECHNOLOGY IMPLICATIONS

23. There are no specific technology implications at this stage. However, as the proposals progress, Learning & Opportunities: CYP should engage with ICT to ensure any arising technology implications are fully considered.

EQUALITY IMPLICATIONS

24. The provision of a Special School for Communication and Interaction will allow for 100 pupils to receive suitable education within the local area.

CONSULTATION

25. Discussion have been held with colleagues within Finance, Property and Construction Services, Regeneration and Environment and Asset Board regarding the provision of a site for the school.

Various Headteacher and Governor Briefings have been held and further meetings will be arranged as the project progresses.

Following discussions with colleagues within the region the proposal includes provision for other LAs to be offered places at the school. Rotherham, Sheffield and Barnsley LAs have supported the bid and are expected to take up to 20 of the 100 places. Sheffield were also successful in their bid supported by Doncaster to undertake reciprocal arrangements as their special school has a different focus.

A New School Consultation Event will be arranged in conjunction with the Department for Education launch in due course to enable representatives of the Local Authority to meet with potential sponsors of the new Special School.

BACKGROUND PAPERS

None

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