

# North Yorkshire County Council

## Executive

20 September 2022

### SEN Capital – DfE Special Free School Wave

#### Report of the Corporate Director – Children and Young People’s Service

#### **1.0 Purpose of Report**

1.1 This report sets out that the Department for Education (DfE) have opened up a new Free School wave for local authorities to bid to develop new Free Special Schools. The expectation is that this wave will result in 60 schemes across the country being approved via a competitive application process. The report describes the assessment of how North Yorkshire could use this opportunity to secure some of the additional specialist provision, which is urgently required and specifically seeks approval to proceed to submit an application for a Social, Emotional and Mental Health (SEMH) provision in the Hambleton / Richmondshire area.

#### **2.0 Executive Summary**

- 2.1 The opportunity made available by the DfE Special School Free Wave requires authorities to submit applications by 21 October 2022.
- 2.2 Through assessing our specialist provision capital investment priorities, we have identified the need for an SEMH provision in the Hambleton / Richmond area. This is both a provision that is urgently required, and a provision that matches up strongly against the specific criteria stipulated by the DfE.
- 2.3 Part of our assessment is that the site at Grammar School Lane in Northallerton offers an excellent vehicle for developing the new provision – both being in our optimal location for this particular provision, and providing a site that the DfE should regard as highly suitable.

#### **3.0 Background**

- 3.1 The latest Free School wave for special schools was announced by the DfE in June 2022. Whilst this development had not been specifically signposted there has been an expectation that this would form part of the £2.6 billion programme for expanding special school provision, announced in the Autumn 2021 spending review.
- 3.2 The initial requirement was to complete a pre-registration form by 11 July 2022 expressing an interest in submitting an application, which North Yorkshire has completed.
- 3.3 The application process is similar to previous free school waves. There will be a competitive bidding process, which has been constructively streamlined compared to previous rounds. It is anticipated that the successful authorities will be announced early in the New Year.
- 3.4 Successful authorities are then required to operate a competition to secure a multi academy trust sponsor with one modification this time round being that the decision in terms of

appointing an academy trust rests with the local authority (subject to Secretary of State ratification).

#### **4.0 Issues**

- 4.1 We are particularly keen to pursue the opportunity provided by the free school programme – given that our assessment is that relatively limited capital resources have been an inhibitor to the authority’s capacity to rapidly expand its specialist provision capacity.
- 4.2 Across the entire County of North Yorkshire, we have estimated that over the course of the next five years we will need approximately an additional 350 specialist places.
- 4.3 In terms of the delivery of those additional places, our assessment is that we are approaching the stage where projects that involve further expansion in modest scale projects at our existing special school estate are becoming significantly more challenging, because we have utilised the readily available options and space for further development is very limited.
- 4.4 Therefore, as we reach the maximum capacity available at the individual schools, the local authority become more reliant upon accessing significant levels of capital resource to achieve expansion in capacity. In terms of available resources, we have received specific DfE funding (in the form of High Needs Provision Capital Allocation (HNPCA) allocations) which have been made available to local authorities specifically to expand specialist provision. North Yorkshire was allocated £716k in 2021-22 and has received a further £8.468m to cover the 22-23 and 23-24 financial years.
- 4.5 This resource is specifically required to be deployed to develop additional capacity within specialist provisions. It should be noted that North Yorkshire has only been funded at 46% of the national average in terms of funding per head of pupil population, and has received the lowest funding allocation (in terms of funding per head of pupil population) amongst all local authorities in the country. This is despite data evidencing that North Yorkshire currently has significantly less specialist provision than is available in an average local authority.
- 4.6 The particular significance about the limited capital resources that are available is that it accentuates the importance of developing robust bids to attempt to participate within the DfE free school programme.
- 4.7 The specific development opportunity we would want to progress is the development of an SEMH provision in the North of the County, as discussed below.
- 4.8 We will set out below the rationale for why that project, and its potential location at the Grammar School Lane site in Northallerton is seen as a key development, and then subsequently discuss why this project is seen as particularly appropriate for submission as part of the Free School programme.

#### **Rationale for requirement for SEMH Provision**

- 4.9 Firstly, we have identified a cohort of pupils, where SEMH is the primary presenting need, living in the Hambleton / Richmond area where we struggle to find maintained sector special school places. This is because our two specialist provisions catering for pupils with SEMH needs, Brompton Hall and Forest Moor are both a considerable daily travelling distance from the population centres of Northallerton, Richmond and Catterick. Furthermore, both schools are currently assessed to be inadequate by Ofsted which in the short-term presents further challenges in dialogue about new placements with families. Consequently, we have been placing youngsters with SEMH needs in independent special schools with places in those provisions typically costing £60k to £70k per annum compared to an annual cost per place of £23k in NYCC Special schools. Furthermore, the most common destination for these pupils tends to be Priory Hurworth School so there is a degree of travelling time involved in any event.

- 4.10 We have identified a strong business case that an SEMH provision in the Hambleton / Richmond area would both enable us to support more pupils in appropriate local specialist provision, and reduce the ongoing financial pressure on the high needs revenue budget (where we have experienced a spiralling of costs incurred in supporting placements in independent and non-maintained special schools).

#### Location / Site for Provision

- 4.11 In terms of the optimal location for such a provision, we have identified that a location along the Bedale to Northallerton corridor would enable pupils from across Hambleton / Richmondshire to travel to the provision within a 30 to 40 minute journey time. It would also open up the opportunity for pupils from other adjoining parts of the county to more readily attend the school (without undermining pupil recruitment at Forest Moor and Brompton Hall schools).
- 4.12 We have explored the availability of buildings and sites in this area of the County – without initially seeking to pursue open market opportunities. This review has established no sites with significant potential, other than the Grammar School Lane site in Northallerton. This site has significant potential for this particular project because of its former use as a school site. Even if our searches had generated potential sites, we would still be faced with having to fund the cost of acquisition. The Grammar School Lane site is still subject to the 8-year provision within the Academies Act that require Secretary of State approval for alternative use.
- 4.13 We are well aware that there are sensitivities within the local community about how the site is used and developed, and it is entirely appropriate that those views are factored into the future plans for the site. Our site development work indicates that the scale of development we are proposing would not require the full site to be assigned to the school development (with this assessment taking into account, the need to rectify the shortfall in outside space currently available to Mill Hill Primary School on the site). Furthermore, the potential use of the Grammar School Lane site is predicated on our previous feasibility study work identifying that education provision represented an effective use of this asset.

#### Specifics of the Scheme Proposed

- 4.14 Therefore, we are proposing to submit an application in October focusing upon the specific opportunity of developing a new SEMH provision on the Grammar School Lane site. In reaching this judgement, we have assessed that we are confident that such a proposal can perform strongly against the DfE assessment criteria (as at paragraph 7.3).
- 4.15 The specific proposal we are recommending to submit, is to develop a 120 place special school for pupils with SEMH needs. The age range would be 8 – 16, which corresponds to the designation at Forest Moor School. The size of school selected approximates to the average pupil roll for Special schools, and has been pitched at this level to ensure that the provision can be financially sustainable.
- 4.16 The Special school will form part of the continuum of SEMH support available across North Yorkshire alongside universal and targeted provision.

### **5.0 Performance Implications**

- 5.1 The expectation is that the development of new specialist SEMH provision should lead to a reduction in the number of new independent sector placements.
- 5.2 We will seek to ensure that the new provision performs highly in meeting the EHCP requirements of pupils, maximising the outcomes for children and young people on roll including:

- High levels of attendance
- Academic accreditation appropriate to the abilities of the child
- Engagement and participation of children in their learning
- The children gain skills and strategies for independence and adulthood including life skills, engagement in their community, ability to understand how to lead a healthy life and establish positive relationships, involvement in society their and their communities.

5.3. Performance will be supported by underpinning principles and offer from the school that will consist of:

- The opportunity for pupils to understand and realise their potential
- The freedom for pupils to learn and grow in a highly nurturing and inclusive environment establishing strong relationships with home and family.
- An ethos that promotes success, learning and skills for life by encouraging independence, confidence and developing resilience together with an understanding of personal responsibility and accountability.
- Provide a range and breadth of curriculum and learning opportunities and experiences support the achievement of these outcomes.
- High quality careers guidance and opportunities for work experience and personal development.
- Community links and provide a range of community visits.

## **6.0 Policy Implications**

6.1 The development of an SEMH provision in the Hambleton / Richmondshire area would be in line with the objectives set out in the SEN Strategic Plan 2018-23, to develop a wider range of pathways to support young people to access more local provision appropriate to meet their needs.

## **7.0 Options**

7.1 The DfE Free School Special School wave permits each authority to submit up to two applications and therefore our options are, in the first instance, whether to submit applications for two schools, one school or whether to not make any submission for this particular round.

7.2 In assessing the individual schemes that we could potentially include in an application, we have been mindful of (a) the priority developments we have identified across the County – with our two highest priorities being the development of SEMH provision in the North of the County, and ASD provision in a central location so as to maximise the reach amongst the North Yorkshire pupil population, (b) the alignment of the potential developments with the DfE assessment criteria and (c) seeking to use the free school opportunity to deliver a project which we recognise would be a major scale project in terms of both capital outlay and a developmental timeline of a minimum of three years.

7.3 Specifically in relation to the DfE assessment criteria for applications, these have been stipulated as follows:

- To be in areas where a new school fits with the local authorities wider SEN and high needs strategy.

- To make a strong strategic case for why a new special free school is needed, and will better meet the needs and achieve better outcomes for children and young people in the area.
- To demonstrate that a new special free school will help local authorities reduce their dedicated schools grant (DSG) deficit.
- To demonstrate that a new school will be financially sustainable and that local authorities will commit to commissioning, funding and supporting places.
- Will contribute to the wider aims of the SEND green paper.
- Will include details of a viable site which is likely to secure value for money, in a timely manner, and with an acceptable level of risk.

7.4 Our assessment is that the specific proposal of developing an SEMH provision in the Hambleton / Richmondshire area would have the potential to perform strongly against all of the above criteria, and in addition:-

- An SEMH provision in Hambleton / Richmond serving the North of the County is one of our two most pressing needs for new specific provision (alongside a provision that can support learners with ASD needs who have the ability to engage with a formal learning programme).
- Having identified the site at Grammar School Lane, Northallerton as the optimal site to locate an SEMH provision in Hambleton / Richmondshire area, our assessment is that the development of this provision would necessitate a major development project, with significant development timescales – and would be the most suitable candidate to put forward as part of the Free School Wave.

## **8.0 Financial Implications**

- 8.1 If the application were to be successful, the funding of the places in the new Special school would need to be met from the High Needs revenue Budget. However, our assessment is that without this new provision, there would potentially be a far higher financial cost to needing to secure appropriate placements for pupils and this could require significant numbers of new additional placements in the Independent Sector.
- 8.2 There are also potential liabilities in relation to the capital works, because whilst the DfE (through their procurement chain) assume responsibility for delivering the project and providing capital resources, there is a potential liability for the local authority if the scheme requires further highways works and associated Section 278 works beyond the specific boundaries of the school site. In this particular instance, our initial assessment is that the risk of these costs being significant is low (because of the former use of the site as a school operation) and we would need to meet these costs from future school's capital allocations.
- 8.3 We have assessed that we can support submitting the initial application and (provided our application was successful) the process of engaging with, evaluating and selecting potential sponsor academy trusts from within existing resources. If the application is successful, then the school would ultimately create approximately 60 full-time equivalent posts (in both teaching and non-teaching roles), although decisions about the precise workforce composition would be entirely the responsibility of the sponsoring academy trust.
- 8.4 Whilst we have not undertaken a full evaluation and the analysis would be speculative without knowing the circumstances of the future pupil population), the expectation is that the financial impact on the local authority Home to School Transport budget should be at worst cash neutral.

8.5 Finally, it should also be noted that the allocation methodology for HNPCA for future years does take into account whether authorities have been successful in securing free school places. Therefore, as an authority we need to ensure that any applications are only submitted for essential projects.

## **9.0 Legal Implications**

9.1 The only potential legal implication identified at this stage is that the potential development of an SEMH provision that offers more local provision to some families could in the first instance result in families having more confidence in the placements offered, and in turn potentially reduce the risk of tribunal activity.

## **10.0 Consultation Undertaken and Responses**

10.1 Previous consultation was undertaken in relation to the SEND Strategic Plan 2018-23, where the need for SEMH provision in the Hambleton / Richmondshire area was identified as a gap.

## **11.0 Impact on Other Services/Organisations**

11.1 The development of an SEMH provision in the Hambleton / Richmondshire area would lead to some young people being supported in an academy setting rather than independent specialist provision, thus reducing our dependency upon those organisations for future placements.

11.2 The development of this particular school will also expand the network of SEMH schools operating across North Yorkshire, and this brings additional potential in terms of workforce development and building capacity in mainstream schools to enhance the effectiveness of support to pupils with SEMH Needs.

## **12.0 Human Rights Implications**

12.1 We have assessed that there are no human rights implications associated with this proposal.

## **13.0 Equalities Implications**

13.1 Our initial assessment is that there is no anticipated adverse impact and that there will be beneficial impact for those individuals with disability as a protected characteristic.

## **14.0 Reasons For Recommendations**

14.1 As set out in the report above, we feel there is a compelling case for developing additional SEMH capacity in the Hambleton / Richmondshire area, partly because of the very significant rate of growth in EHCPs (where North Yorkshire has experienced an increase of 131% in plan numbers between 2015 and 2022 compared to a national increase of 97%), and the rates of increase being most acute in relation to pupils with ASD and SEMH needs. This position, aligned to the gap in SEMH specialist provision in the Hambleton / Richmondshire area makes this particular development an urgent priority.

**15.0 Recommendation(s)**

- i) Executive approve the submission of an application for a new Special School as part of the DfE Special Free School Wave, to support young people with significant SEMH needs in the Hambleton / Richmondshire area.

*Stuart Carlton*  
Corporate Director – *Children and Young People’s Service*  
County Hall  
Northallerton  
8 September 2022

Report Author – Martin Surtees  
Presenter of Report – Jane Le Sage