

NORTH YORKSHIRE COUNTY COUNCIL

CHILDREN AND YOUNG PEOPLE'S SERVICE

CORPORATE DIRECTOR MEETING WITH EXECUTIVE MEMBERS

7 March 2023

**Northallerton Special Free School**

**1.0 Purpose of report**

- 1.1 To seek Executive Member approval, following a successful application to the Department for Education, to accept the conditions offered to establish a new Special Free School in Northallerton at the Grammar School Lane site
- 1.2 This matter is being considered by the Executive Member for Education and Skills, after consultation with the Corporate Director Children and Young people's Services under the Executive Member's urgency powers in paragraph 14 of the Executive Members' Delegation Scheme.

**2.0 Background**

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.

- 2.2 The requirement was to complete and submit an application by 21<sup>st</sup> October 2022 which, following Executive approval, was carried out.
- 2.3 Following the competitive bidding process, the Department for Education notified the council on 2<sup>nd</sup> March 2023 that the NYCC bid had been successful.
- 2.4 Contained within the letter was a request that the council, via the Director of Children's Services, formally accept moving forwards with the process to establish the new special school and set out a series of conditions that must be accepted. The letter and conditions are set out in appendix 1.

**3.0 Northallerton Special Free School Bid**

Rationale for requirement for SEMH Provision

- 3.1 Previous reports set out that having identified a provision deficiency in the north of the county, specifically Hambleton and Richmondshire, the council have taken the opportunity presented by the Free School wave to apply for a special school to cater for the needs of children with Social, Emotional and Mental Health needs.
- 3.2 Key components of our rationale for further increasing our special school place capacity are:
  - An ongoing increase in the number of EHCP's and the increased demand this places on existing special schools

- The geography of North Yorkshire means that presently children living in Northallerton, Richmond and Catterick as well as surrounding areas travel significant distances to reach specialist SEMH provision
- The council has seen continued demand, and need to utilise, expensive Independent Special School provision due to insufficient SEMH special school places within a travelable distance of those communities.

3.3 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.

#### Location / Site for Provision

3.4 Having identified that the optimal location would be between the Bedale to Northallerton, the availability of buildings and sites in this area of the County were explored prior to the bid being submitted. The only site identified with significant potential was the Grammar School Lane site in Northallerton.

3.5 Our site development work indicated that the scale of development proposed would not require the full site to be assigned to the school development. However, at this early stage it has not been fully explored what the optimal arrangement would for the layout of buildings and use of space with the DfE.

#### Specifics of the Scheme Proposed

3.7 The specific proposal, of which we are recommending the council accepts the conditions provided by the DfE, is to develop a 120 place special school for pupils with SEMH needs.

3.8 The Special school will form part of the specialist SEMH support and provision available across North Yorkshire alongside universal and targeted provision.

### **4.0 Key Conditions**

4.1 A full version of the conditions set out by the DfE as a prerequisite to moving forward with the process are set out in **appendix 1**. However key conditions are highlighted below:

- LA to provide the site on a 125-year peppercorn without premium using the DfE model lease. Heads of Terms to be agreed within 3 months and exchange within 6 months of project entering pre-opening.
- LA to meet abnormal site development costs, including:
  - geochemical exceedances relative to guidelines for school use
  - (including asbestos removal)
  - geophysical conditions
  - flooding and alleviation measures
  - s278 costs
  - new road provision from the adopted highway to the site boundary
  - s106 costs
  - retaining structures required as a function of topography
  - ecological provision - reserves, species protection and relocation
  - listed building and heritage community costs
  - title consolidation and registration
  - utility provision
  - environmental conditions that may require specific mitigations such as acoustics or air pollution
  - mitigation measures for constrained sites (such as roof top playgrounds)
  - other site-specific issues (including demolition)

- The school must be affordable and sustainable within your local authority's high needs block funding allocations, and the high needs funding of other local authorities commissioning places. To enable prospective proposers to develop realistic applications including robust financial plans, you must be able to state clearly in the specification the number of places your authority (and any other local authorities) will be commissioning, at a cost of £10,000 per place and the top-up funding rates your authority and other authorities will agree to pay in addition to the place funding to secure the required provision.

## **5.0 Capital Resourcing Implications**

- 5.1. Within the free school programme, the DfE assume responsibility for the procurement, management and resourcing of the building project.
- 5.2 As is the case with the Selby Free School, there is the potential that financial liabilities could fall upon NYCC in terms of Highways and Section 278 works as set out in the conditions of acceptance. Our expectation is that given that the site has previously been used as a school site, that these costs would not be of a similar magnitude to those incurred in relation to Selby Free School. However, this risk will need to be monitored closely.
- 5.3 To account for the costs of highways and abnormal costs, £500k has been allocated against the councils most recent High Needs Provision Capital Allocation from the DfE.

## **6.0 Risks**

- 6.1 To date, we have communicated clearly – via press releases – that the new school would not require the full use of the site area, however the specific details of which part of the site are used and which, if any, of the existing buildings are used would be decisions to be taken by the DfE during the planning and design phase. There remains significant community interest in the future use of the site and we will need to continue to communicate effectively with interested parties as the programme develops.
- 6.2 Given the success of the bid, it is recognised that further engagement will be necessary with all stakeholders to develop a masterplan for the usage of the whole site.

## **7.0 Decision-making**

- 7.1 Executive approval was given to submit the bid 20<sup>th</sup> September 2022.
- 7.2 Given the success of the bid, the conditions set out by the DfE being largely as expected and the very narrow window for acceptance (5 working days) It is proposed that the Executive Member for Education and Skills provides approval for the council to accept the conditions by the deadline set.

## **8.0 Recommendation**

- 8.1 Executive Member for Education and Skills provides approval to accept the DfE conditions set in relation to proceeding with the establishment of the Northallerton Special Free School

Stuart Carlton

CORPORATE DIRECTOR – CHILDREN AND YOUNG PEOPLE'S SERVICE. Report prepared by Chris Reynolds, Head of SEND Strategic Planning and Resources

Action Agreed .....Executive Member

Date: 7 March 2023

Action Requested .....Corporate Director

Date: 7 March 2023

**Appendix 1 – DfE Notification letter including conditions**

Jane Le Sage

North Yorkshire County Council

Letter by email to:

[Jane.lesage@northyorks.gov.uk](mailto:Jane.lesage@northyorks.gov.uk)

cc.

[stuart.carlton@northyorks.gov.uk](mailto:stuart.carlton@northyorks.gov.uk)

1 March 2023

Dear Ms Le Sage,

**Local Authority special free schools application**

**Official Confidential**

**The information contained in this letter is embargoed until 00:01 on Thursday 2 March and must be kept strictly confidential** and only shared internally with local authority officials. Under no circumstances should this be shared publicly.

I am pleased to tell you that the Secretary of State has approved your application to establish a special free school in North Yorkshire Council and that it should proceed to the next stage of the process – the trust application stage.

Approval of your application is subject to specific conditions set out in Annex A. We will need to receive written confirmation from the Director of Children's Services that you accept the conditions by **8 March 2023**. Please email your confirmation and details of your named contact to [fs.applications@education.gov.uk](mailto:fs.applications@education.gov.uk).

**Next steps**

I will write a further letter setting out more guidance on the next stage of the process shortly, including details around the specification. This will include more guidance on

the assessment of trust applications. The guidance to follow will enable you to work with Regions Group in DfE, in order to put in place plans for subsequent stages.

Your Regions Group contact is **Russell White** ([russell.white@education.gov.uk](mailto:russell.white@education.gov.uk))

As set out in the published guidance, the final decision to open any free school depends on the Secretary of State formally entering into a funding agreement with the academy trust. If the specification does not attract applications that meet the criteria, then no application will be approved. The Secretary of State may also make the decision to re-run the competition.

Should you wish to send a press notice to your local media once the public announcement has been made, Create: Schools - the external provider the department contracts to provide support to free school proposers will be able to provide you with a template press release. You can contact Create:Schools [here](#).

I would like to thank you and your colleagues for the commitment and time that you have shown in developing your application.

Please note a copy of this letter has been sent to your DCS, Stuart Carlton.

Yours sincerely

A handwritten signature in black ink that reads "Mel Watts". The signature is written in a cursive style with a large, stylized 'M' and 'W'.

**MELA WATTS CBE**  
DIRECTOR, SCHOOL SYSTEM AND TEACHING REGULATION DIRECTORATE  
DEPARTMENT FOR EDUCATION

## Annex A

The approval of your application is conditional upon:

### i. **Deliverability**

LA to provide the site on a 125-year peppercorn without premium using the DfE model lease. Heads of Terms to be agreed within 3 months and exchange within 6 months of project entering pre-opening.

LA to meet abnormal site development costs, including:

- geochemical exceedances relative to guidelines for school use (including asbestos removal)
- geophysical conditions
- flooding and alleviation measures
- s278 costs
- new road provision from the adopted highway to the site boundary
- s106 costs
- retaining structures required as a function of topography
- ecological provision - reserves, species protection and relocation
- listed building and heritage community costs
- title consolidation and registration
- utility provision
- environmental conditions that may require specific mitigations such as acoustics or air pollution
- mitigation measures for constrained sites (such as roof top playgrounds)
- other site-specific issues (including demolition)

The LA/applicant to engage with the Local Planning Authority (LPA) to arrange a meeting between the Head of Planning (or equivalent), the Director of Children's Services (DCS), other LA and LPA representatives where appropriate, and a Department for Education (DfE) official, to be held within 6 weeks of the Secretary of State's formal approval of the project. A minute of the meeting, setting out the strategy for, and prospects of, securing the necessary planning permission in a timely manner, to be circulated and agreed by all parties within two weeks of the meeting.

If the site includes playing fields, the LA/applicant to engage with relevant parties to arrange a meeting with Sport England, a representative of the LPA and a DfE official, to be held within 12 weeks of the Secretary of State's formal approval of the project. A minute of the meeting, setting out the strategy for, and prospects of, securing Sport England's support in principle for a strategy to mitigate the loss of playing fields, to be circulated and agreed by all parties within two weeks of the meeting.

The conditions detailed above will continue to apply if an alternative site is subsequently brought forward for the school.

Programme forecasts for this wave of approvals show that we expect to be starting works on main sites by summer 2025. Should it become apparent that the school will be unable to meet these timescales, the department may need to review the deliverability of the project.

**ii. New provision**

The process is to establish a new special free school and not to replace or expand existing provision. This is not a mechanism to close a school and re-open it as a special free school in a new building.

However, strong independent schools wishing to join the state sector may apply to become free schools on the condition that the new places that are created are all in addition to the number of existing places that they plan to convert.

**iii. Financial viability**

The school must be affordable and sustainable within your local authority's high needs block funding allocations, and the high needs funding of other local authorities commissioning places. To enable prospective proposers to develop realistic applications including robust financial plans, you must be able to state clearly in the specification the number of places your authority (and any other local authorities) will be commissioning, at a cost of £10,000 per place and the top-up funding rates your authority and other authorities will agree to pay in addition to the place funding to secure the required provision.

**iv. Eligible places**

For special schools, the provision is only for pupils with an EHC plan, or, without an EHC plan in accordance with s34 of the Children and Families Act 2014.

**v. Impact assessment**

As part of the planning process for new schools, local authorities must also undertake an assessment of the impact of the proposal, both on existing educational institutions locally and in terms of impact on particular groups of pupils from an equalities perspective. This is to enable the Secretary of State to meet her duties under section 9 of the Academies Act 2010 and under section 149 of the Equality Act 2010.

In the unlikely event that the Secretary of State has concerns about the level or quality of analysis, she may require the relevant local authority to undertake further work on the impact of the proposed new school and/or



the equalities assessment so as to ensure the effective discharge of the duties mentioned.

**vi. SEND and AP Green Paper**

All new special free schools approved in this wave are expected to maximise the department's commitments made in the SEND & AP Green Paper, expanding the range of good quality provision available to children and young people in line with commissioning local authorities' needs. The provision offered by this new school should not only deliver good outcomes, but will be part of a local system which both meets local needs and is financially sustainable.