

## Initial consultation: new free special school

4 May 2022

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### 1 Introduction

1.1 In 2021, officers of West Northamptonshire council (WNC) began planning a large capital programme to create 250 additional specialist places, through new high-need places in mainstream schools – called resourced provisions – and the expansion of six special schools.

1.2 Given the projected increase in the number and percentage of pupils with high levels of special educational needs and disabilities (SEND), it was evident that a new special school would be the most efficient and effective way to meet increased demand and meet the preference of many parents for special school provision. The main need, and place deficit (see section five below) is for pupils on the autistic spectrum continuum (ASC); but there is also a need for additional places for pupils with speech language and communication needs (SLCN), and for pupils with severe learning difficulties (SLD).

1.3 Under sections 13 and 14 of the Education Act, 1996 and Part 27 Section 3 of the Children and Families Act, 2014, WNC has a statutory duty to ensure:

- i) there are sufficient schools for primary and secondary education in its areas; and
- ii) it keeps under review the educational provision for children who have SEND.

1.4 In addition, WNC and its partners have a statutory duty to keep special educational provision under review, including planning, commissioning, and monitoring. This is a vital role that local authorities retain in an increasingly school-led education system and one that requires long-term strategic planning.

1.5 Special school sufficiency planning is informed by accurate SEND systems-data, mid-year population estimates, the trajectory of housing growth and historical as well as current tracking of learner movement trends. Local knowledge, obtained through consultation with parents and carers, schools and other stakeholders also supports our strategic approach to evidence-informed place planning.

1.6 WNC's draft strategy for SEND (2022/25) includes an action to create additional specialist school places in the area for children with SEND, both in specialist schools and in resourced provision within mainstream schools. This will reduce the travel time and distance between home and school, enable pupils with SEND to form closer links with their local community and help to increase their progress, attainment and outcomes. It will also reduce significantly the revenue cost of placements along with increasing the quality of local provision, by reducing the need for placements at independent schools.

1.7 The draft strategy, along with this proposal, is consistent with West Northamptonshire council's priority two – improved life chances for our young people. It supports the aspiration that everyone achieves their full potential, contributes to their community and no one is left behind. Our ambition is that children and young people who have SEND needs/ requirements and have education and health care plans (EHCPs) are supported and educated in their nearest and most appropriate setting.

1.8 The need to create an all-through phase special school provision in the area was identified soon after vesting day (1 April 2021). Capital totalling about £15.5m is available to support the 500 proposed new places between 2022 and 2024. The council will consider any additional capital funding required through its capital planning process.

## 2 The proposal

2.1 WNC is proposing to establish a new special free school in the area west of Northampton if possible. If successful, it will admit 4 to 19 year olds with ASC and SLD.

2.2 Admissions will be processed in line with the special educational needs and disabilities Code of Practice, 2021. It is planned that the new school will provide up to 250 places.

2.3 Sponsors will be sought to establish the proposed new school through a competitive process and further public consultation will be required in line with the Department for Education's free school presumption under section 10 of the Academies Act, 2010. The proposal is for the new school to open to its first entry of pupils on 1 September 2024.

## 3 Background and context

3.1 The proposed new school would join the three maintained and five academy special schools in West Northamptonshire. The following special schools have provision for pupils with ASC and SLD:

**TABLE 1: SPECIAL SCHOOLS WITH PLACES FOR PUPILS ON THE ASC SPECTRUM OR WITH SLD**

School	Age range	Specialism	Official Number	Number on Roll
DHS	All through	Generic	200	195
Northgate	Secondary	Generic	200	257
			160 11-16	178 11-16
			60 Post 16	79 Post 16
Billing Brook	All through	Generic	220	251
Greenfields	Secondary	PMLD/SLD	100	106
Purple Oaks *	All through	ASC/SLD	100	107
Fairfields	Primary	PMLD/SLD/ASC	120	124

3.2 The places proposed at the proposed new school will be in addition to our expansion programme for pupils with ASC or SLD. The table below shows that, of the 239 to 259 additional places proposed, 132-152 are for pupils with these conditions. Therefore, following the opening of the proposed new school 382-402 places will be available for pupils with ASC and a small number of pupils with SLD.

**TABLE 2: NUMBER OF PLACES PLANNED THROUGH NEW RESOURCED PLACES AND SPECIAL SCHOOL EXPANSIONS**

Phase	New places added	Cost*	Ave cost per place	Need	New places added	Cost
Primary	100 - 120	£2,080,000	17,333	ASC	60-80	£1,380,000
				SEMH	16	£500,000
				SLD/MLD/ASC	24	£200,000
Secondary	119	£3,550,000	29,831	SEMH	67	£1,950,000
				SLD/MLD/ASC	52	£1,600,000
All-Through	20	£800,000	40,000	SLD/MLD/ASC	20	£800,000
<b>Total</b>	<b>239-259</b>	<b>6,430,000</b>	<b>24,826</b>			

#### **4 Process and timescales**

4.1 Under section 6A of the Education and Inspections Act, 2006 (the ‘free school presumption’), where a local authority identifies the need to establish a new school it must, in the first instance, seek proposals to establish an academy (free school). WNC is beginning this process by holding this initial consultation with the aim of collecting views to help inform and decide how to proceed and to help formalise and finalise proposals.

4.2 Under the free school ‘presumption’ route, the local authority (WNC in this instance) is responsible for funding the Proposed New School and providing a suitable site. WNC has identified land on St. John’s Road, Tiffield (near Towcester - see [here](#)). The land is owned by Tiffield St. John’s charitable trust: the trustee has indicated that it willing to consider the lease of this land to the successful bidder.

4.3 Whilst the proposed new special school is being considered by WNC, it will need to be run and operated by a sponsor as a free school and independent of WNC. WNC aims to seek proposals from prospective sponsors by mid July 2022 and have a confirmed sponsor in place by the September 2022.

4.4 In order to give the proposed new school the best chance of opening in September 2024, it may be necessary for WNC to start the design work and pre-construction work in advance of the sponsor being formally confirmed and appointed. All design work and pre-construction work will be in line with the relevant regulations and guidance on special school buildings and it is expected that the sponsor will be able to have some input and contribute to the design elements once appointed.

4.5 There are many steps to take to get to the point of opening the proposed new school, including further periods of consultation once a sponsor has been selected; however, the key milestones are as follows:

4 May to 10 June 2022 – initial local authority consultation (this process);

15 June 2022 – full free special school specification published for prospective sponsors;

15 July 2022 – application window closes;

29 July 2022 – council ‘preferred bidder’ decision communicated to DfE;

August / September 2022 – DfE confirmation of the appointment of a sponsor;

Late 2022 – planning / construction starts;

September 2024 (or later if necessary) – school part-opens.

#### **5 Rationale (evidence of need): increasing demand for specialist school places**

5.1 All current SEND provisions in WNC are at full capacity or have exceeded their notional capacity, with the exception of a small number of provisions, as set out in table 1 in section 3 above. The lack of SEND places in maintained and academy sector, as well as the total consumption of independent places within our area is resulting in more costly provision, further afield being sought.

5.2 There are currently 68 pupils in receipt of an EHCP who are unplaced or being educated in a mainstream school where their needs would best be met within a specialist provision. These pupils are detailed by need and phase of education in the table below. The table shows that 45 of these 68 pupils have communication or learning needs.

Primary Need	Age Phase	Number
ASC	Primary	32
ASC	Secondary	2
Communication and Interaction	Primary	6
Communication and Interaction	Secondary	4
Communication and Interaction	Post 16	1
Cognition and Learning	Secondary	5
SEMH	Primary	4
SEMH	Secondary	14
<b>Total</b>		<b>68</b>

5.3 There are currently:

- 174 pupils in independent provision at a cost of £9,881,209 per annum equating to an average cost of £57,000 per place; and there is
- a forecast of a £5,000,000 overspend in in the current (2022/23) financial year – a structural deficit, which will repeat (and increase) in subsequent financial years if not addressed.

5.4 The total number of pupils recorded in January 2020, residing in WNC area was 2,126. SEND pupil projection forecasts indicate that the total SEND cohort in the WNC area will increase to **2,647** or by additional **521** pupils in the period ending 2025, an increase of **25 per cent**. The main individual needs that are driving this growth are ASC and SEMH, with MLD and SLCN also a factor.

5.5 The total number of pupils in receipt of an EHCP attending a provision in WNC area, that names:

- ASC** as the primary need is forecast to increase from 756 pupils in 2020 to 1,055 pupils in the period ending 2025 an increase of **299** pupils or **40 per cent**.
- social emotional and mental health (SEMH)** as the primary need is forecast to increase from 317 pupils in 2020 to 439 pupils in the period ending 2025 an increase of **122** pupils or **39 per cent**.
- moderate learning difficulties (MLD)** as the primary need is forecast to increase from 337 pupils in 2020 to 430 pupils in the period ending 2025, an increase of **93** pupils or **28 per cent**.
- speech language and communication needs (SLCN)** as the primary need is forecast to increase from 337 pupils in 2020 to 430 pupils in the period ending 2025, an increase of **47** pupils or **13 per cent**.

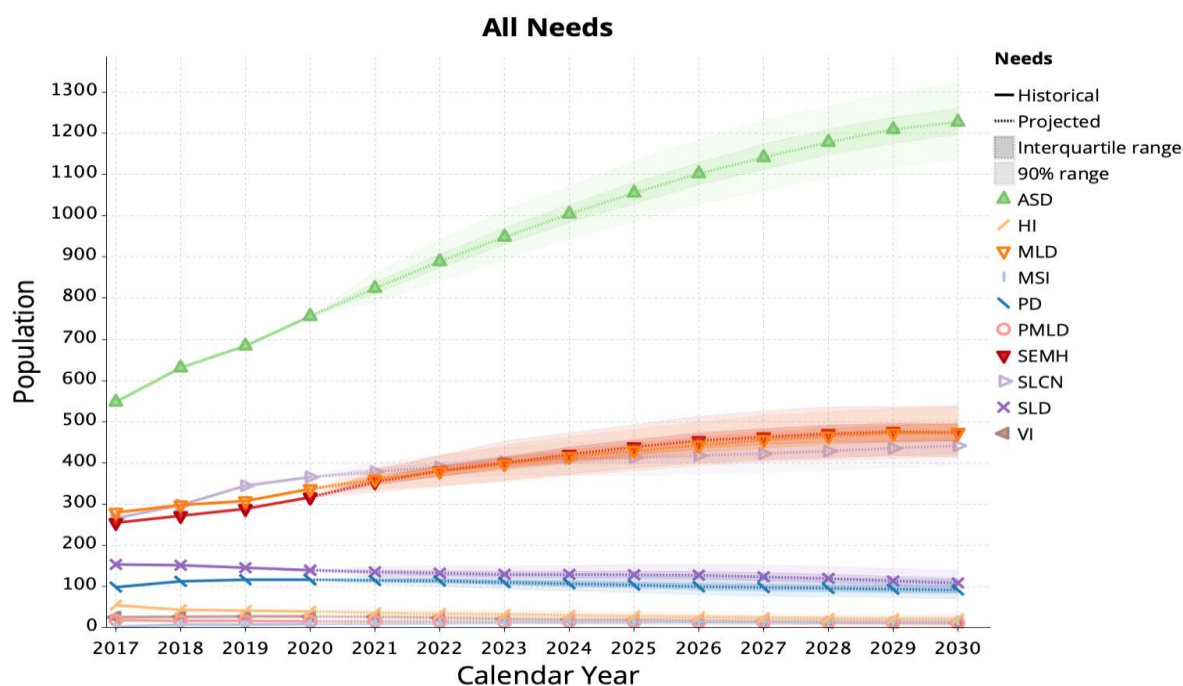
5.6 Projections for all other types of special educational needs are anticipated to remain stable or reduce in the period ending 2025. If WNC is to secure the ability to provide a sufficiency of SEND places in future, then the provision of new SEND places that cater to pupils with these primary needs is required.

5.7 To illustrate the increasing place pressure, the total number of pupils requiring a place at an independent provider increased from 105 pupils in January 2020 to 174 pupils in September 2021, an increase of **69** pupils or **66 per cent**. The average cost per place commissioned by WNC in an independent provision is **£56,788**. The total cost of all WNC pupils placed in an independent provision represents a cost to the HNB of the DSG of **£9,188,209** annually.

5.8 If no action is taken in terms of new SEND places being added in the WNC area, the total cost of commissioning places in the independent sector is forecast to increase significantly by 2025.

5.9 The table shows that the highest projection in terms of both numbers and percentage growth is for children on the autistic spectrum. However, SEMH and SLCN pupils numbers are also projected to increase significantly between 2022 and 2030.

### Mastodon projection to 2030 – all SEN types



## 6 The effect of the expansion in resourced and special school places

6.1 There will be an additional 95-95 ASC places and about 12 SLD places in primary schools by early 2024; and about 30 ASC and 10 SLD places in secondary in the same period (note that these include all-though places).

6.2 At the same time, the number of pupils with ASC named as the main condition is forecast to increase by 299 (see paragraph 4.6 above). Hence there is likely to be a shortage of almost 200 places. While it is the case that some pupils relatively low on the spectrum will be able to access mainstream and resourced places, it is expected that the majority will require a special school place.

6.3 There will be places for pupils with SLCN, given the projected increase by 2025 of 47; and for pupils with SLD. While there is no increase in SLD numbers projected to 2025, there is currently a deficit of specialist places for pupils with SLD. Accordingly, it is intended that the school should have places for 40-45 pupils with SLCN and 5-10 places for pupils with SLD.

6.3 A special school providing for pupils on the 'severe' end of the autistic spectrum must support children and young people who have an EHCP and benefit them by offering an age-appropriate and a highly specialist curriculum. This will enable them to develop independence and make good academic progress. Their needs will often require a low arousal environment, carefully planned transitions with minimal disruptions and a high level of targeted intervention and differentiation throughout the school day.

6.4 School places at the proposed new special school will be allocated in accordance with the Children and Families Act, 2014, which requires the local authority to take into account the pupil's special educational needs, parental request for schools, and the formal view of the schools requested before making a decision. Places will be allocated based on parental requests wherever possible, unless:

- the school is unsuitable for the child’s age, ability, aptitude or SEN;
- the placement would prejudice the provision of efficient education of the other children with whom your child would be educated, or
- the placement would be incompatible with the efficient use of resources.

6.5 The proposed new special school would seek to realise our council’s vision to enable all learners to:

- lead happy independent and fulfilling adult lives;
- be included in and valued by society;
- make outstanding progress academically within a safe, caring and healthy school environment;
- develop their communication skills to ensure that they can express their thoughts and feelings and can interact with others in their local community as well as wider society;
- develop their independence skills to enable a successful transition into society; and
- develop their physical, emotional and mental wellbeing, so that they can be happy, healthy, empowered and able to contribute fully to society.

6.6 The new school should also:

- work in positive partnerships with parents, carers, fellow professionals and the wider community to ensure that the needs of learners are met, with achievements recognised and celebrated;
- provide high quality and continuous training development and support for all staff working at the school and for the wider members of the community including parents, carers and families; and
- work with other schools and the wider community of professionals to share expertise and develop inclusive opportunities for learners in a range of contexts (employment, social and cultural).

## **7 Consultations, approvals and overall timescales**

7.1 There is a number of stages to go through before the proposed new school is at the stage of being formally established and fully operational. This is the initial consultation that is run by WNC and it will run from 4 May to 10 June 2022.

7.2 WNC will consider the responses to this consultation before deciding whether or not to proceed. If WNC’s cabinet decides to proceed then the council will publish a full specification outlining in detail what WNC would expect the school to look like including the location, type and character. The responses to this consultation will inform that specification.

7.3 In mid-June 2022 (subject to cabinet approval), WNC intends to seek proposals from potential sponsors asking them to demonstrate how they would meet the requirements set out in the specification. The application window will close on 15 July 2022. The relevant Regional Schools Commissioner (RSC) on behalf of the secretary of state for education, will consider WNC’s assessments and recommendations before deciding which sponsor is best suited to take forward the new school. The RSC will inform WNC and the approved sponsor of the decision. WNC will also inform any unsuccessful bidders that took part in the procurement.

7.4 Section 10 of the Academies Act, 2010 requires the approved sponsor to consult again before the school is established. This consultation will inform stakeholders and the local community about the details of the project.

7.5 The new school will also be subject to WNC’s planning process and the consultation associated with that including impact and equalities assessment to fulfil the Secretary of State’s duties under section 9 of the Academies Act, 2010 and under section 149 of the Equality Act, 2010.

## **Have your say**

WNC would like to know what people think about this proposal. The consultation opens on 4 May 2022.

You can respond by:

- a) Using the online survey. You can access the consultation online using our consultation hub (see [West Northamptonshire Council - Citizen Space](#)) and scrolling through the list of open consultations.
- b) Completing the consultation response form that is available alongside this document and emailing it to [specialschool.consultation@westnorthants.gov.uk](mailto:specialschool.consultation@westnorthants.gov.uk) with the subject 'FAO new special free school presumption'.
- c) Printing and completing the consultation response form that is available alongside this document and sending it back to the address below:

Alice O'Rourke  
New special free school presumption  
West Northamptonshire council  
One Angel Square  
NN1 1ED

- d) Contacting Alice (07734 459907) for a paper form to be sent out to you in the post.

All responses must be received by midnight on 10 June 2022.

## **What happens next?**

At the end of the consultation period, WNC will collate and review all of the responses received and publish them on the West Northamptonshire website. The responses will be analysed and an assessment made as to whether to proceed with the proposal.