



Report to Policy Committee

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Tel: (Insert contact number of author)

Report of: *Director of Children's Services*

Report to: *Education, Children and Families Policy Committee*

Date of Decision: *27th September 2022*

Subject: *Special Free School Bid to support Special Educational Needs and Disabilities Sufficiency*

Has an Equality Impact Assessment (EIA) been undertaken?	Yes	<input checked="" type="checkbox"/>	No		<input type="checkbox"/>
If YES, what EIA reference number has it been given? (Insert reference number)					
Has appropriate consultation taken place?	Yes	<input checked="" type="checkbox"/>	No		<input type="checkbox"/>
Has a Climate Impact Assessment (CIA) been undertaken?	Yes	<input type="checkbox"/>	No		<input checked="" type="checkbox"/>
Does the report contain confidential or exempt information?	Yes	<input type="checkbox"/>	No		<input checked="" type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-					
<i>"The (report/appendix) is not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended)."</i>					

Purpose of Report:

(Outline the decision being sought or proposal being recommended for approval.)

To seek approval for submission of a joint bid with Barnsley Metropolitan Borough Council, for a new special free school in Sheffield, ahead of the deadline on 21st October 2022.

This school would provide additional special school places for children and young people with needs relating to autism spectrum condition and

communication/interaction.

To highlight the wider special educational needs and disability sufficiency position, ahead of a further report at a following committee date on this topic.

This is being brought to Education, Children and Families Policy Committee, as it falls within the remit of matters reserved to the committee under the constitution:

Matters Reserved to the Education, Children and Families Policy Committee
Decision making in respect of the establishment, alteration or discontinuance of schools, other than those that must be referred to the Schools Adjudicator.

Recommendations: that

1. Approval of joint bid with Barnsley Metropolitan Borough Council for new 200 place (100 places for Sheffield) primary-secondary special free school in Sheffield.
2. If a joint bid falls through ahead of the deadline on the 21st October 2022, a Sheffield only bid is submitted instead.
3. The committee endorses the principle of funding any abnormal site costs as a result of a successful bid from the High Needs Capital Allocation
4. Further report on Special Educational Needs and Disabilities sufficiency to be presented at later committee.

Background Papers:

(Insert details of any background papers used in the compilation of the report.)
Sheffield Inclusion Strategy 2020-2025

Lead Officer to complete:-	
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.
	Finance: <i>Kayleigh Inman</i>
	Legal: <i>Patrick Chisholm</i>
	Equalities & Consultation: <i>Bashir Khan</i>
	Climate: <i>Jessica Rick</i>
	<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>

2	SLB member who approved submission:	<i>(Insert name of relevant Executive Director)</i>
3	Committee Chair consulted:	<i>Mick Rooney Dawn Dale</i>
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Committee by the SLB member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	Lead Officer Name: <i>Matthew Peers</i>	Job Title: <i>Strategic Commissioning Manager</i>
	Date: <i>22nd September 2022</i>	

1. PROPOSAL

(Explain the proposal, current position and need for change, including any evidence considered, and indicate whether this is something the Council is legally required to do, or whether it is something it is choosing to do)

1.1.1 Proposed Special Free School Bid

1.1.2 The national special free school process, led by the Department for Education, provides an opportunity to bid for new special schools to be built.

1.1.3 It is proposed that Sheffield City Council submits a joint bid with Barnsley Metropolitan Borough Council for a new 200 place special free school. This school will provide places for primary and secondary aged pupils with autism and communication/interaction needs.

1.1.4 These places would be split 50/50 between the two Local Authorities, providing 100 places for Sheffield. (see 1.2.6 for rationale of places split).

1.1.5 If successful, it is anticipated that this school would likely open in 2027 or 2028.

1.1.6 A joint bid is proposed, as this gives Sheffield the best chance of success in securing a new special school. (see rationale for joint bid in paragraph 1.2)

1.1.7 Capital funding for the school is provided by central government, with construction procured and led by the Department for Education. This is the most viable way to develop a new special school, with estimated

capital costs for a new school in the region of £12-£15m.

- 1.1.8 This up to £6m higher than the High Needs Capital budget currently available to Sheffield City Council. The High Needs Capital budget is also needed to fund work in other areas of sufficiency, such as mainstream inclusion, adaptations, and work in existing special schools.
- 1.1.9 In the special free school process, the capital funding which the Local Authority has to provide is for 'abnormal capital costs'. (See paragraph 4.2.11).
- 1.1.10 The current proposed site is in the north of the city. This site is not named in this report, due to on-going discussions with the current occupiers, and associated sensitivities.
- 1.1.11 It is possible that the site may change in the event of a successful bid, as the Department for Education will undertake further feasibility activity, which could lead to a different site being identified. Sheffield City Council would be fully involved in this, to manage any potential risks, and implications associated.
- 1.1.12 The proposed school would be operated by an academy trust as required by the process. The identity of the trust would be determined in a separate process in 2023, this would be led by the Department for Education, and involve the Local Authority.
- 1.1.13 Successful Local Authorities will then be announced in the summer of 2023.
- 1.1.14 The proposed school will meet the needs of children with Education Health Care Plans, with needs of Autism Spectrum Condition. Children will also have learning needs which means mainstream school is not appropriate.
- 1.1.15 The school will be a primary/secondary through school, providing places for year groups 3 to 11.
- 1.1.16 Integrated Resources (provision in mainstream schools for complex needs), with the same designation of need as the special school, will be created for learners from early years to year 2. These resources will then feed into the school at year 3 (or the learner may stay in mainstream).
- 1.1.17 160 places will be for secondary aged pupils, 40 for primary. The school will be weighted in this way, due to the high pressure for special school places at transition between primary and secondary school (year 6 to year 7).
- 1.2 Rationale for joint bid

- 1.2.1 As Sheffield already has two new special free schools under construction, opening in September 2022 and 2024, focusing on one bid with unique elements, has been identified as the way to maximise chances of success.
- 1.2.2 In terms of chances of success, we need to consider that central government has committed to developing up to 60 new schools, and there are 333 Local Authorities in the country. Sheffield needs to stand out in the bidding process.
- 1.2.3 A joint bid with Barnsley will make this bid unique compared with what has been done before and will be the first time a joint bid has been submitted by Sheffield in this way.
- 1.2.4 It should be noted that there is an expectation from the Department for Education that Local Authorities work together to submit bids – it is a specific question in the application form.
- 1.2.5 Barnsley are looking to develop a special school, which supports the same area of need that Sheffield is aiming for. The proposed site, whilst within the Sheffield boundary, will be accessible from Barnsley. Provision of 100 places to each Local Authority will make a significant difference to both areas' sufficiency.
- 1.2.6 A different split in places, for example, 60/40 was considered. However, a 50/50 split ensures both Local Authorities get a significant number of places, and it will also provide the most straightforward split for managing all aspects of the school. This split also demonstrates the strong joint approach to this bid.
- 1.2.7 A joint bid also reduces financial risk for each Local Authority, with reduced abnormal capital contributions and reduced levels of revenue funding required to fund the school. (See paragraph 4.2)
- 1.2.8 Working together will also support new opportunities more broadly on special educational needs and disability sufficiency, such as greater sharing of solutions and collaborative working. This could help improve the work we are doing across this area.
- 1.2.9 If successful, a memorandum of understanding will be put in place between Sheffield City Council and Barnsley Metropolitan Borough Council. This will ensure clarity on roles, responsibilities, and expectations.
- 1.2.10 The memorandum will include a process for amending the split of places between Sheffield and Barnsley, if it becomes apparent that this needs to be amended.

Why a bid should be submitted

1.3

It is proposed that this joint bid is submitted for three key reasons:

1.3.1

- Sufficiency forecasting indicates that additional special school places are required.
- Provision of these places is a statutory duty.
- Development of this school aligns to the strategic direction set out in the Sheffield Inclusion Strategy 2020-2025.

Sufficiency Forecasting

1.3.2

Forecasting of demand for special educational needs and disabilities, indicates that continued increasing demand for places is likely for the next decade.

1.3.3

1.3.4

Current forecasting methods cover the next five years, these indicate that around 300 additional special school places are likely to be needed based on current trajectories.

1.3.5

Figure one below shows forecast special school place growth for 2022 to 2028.

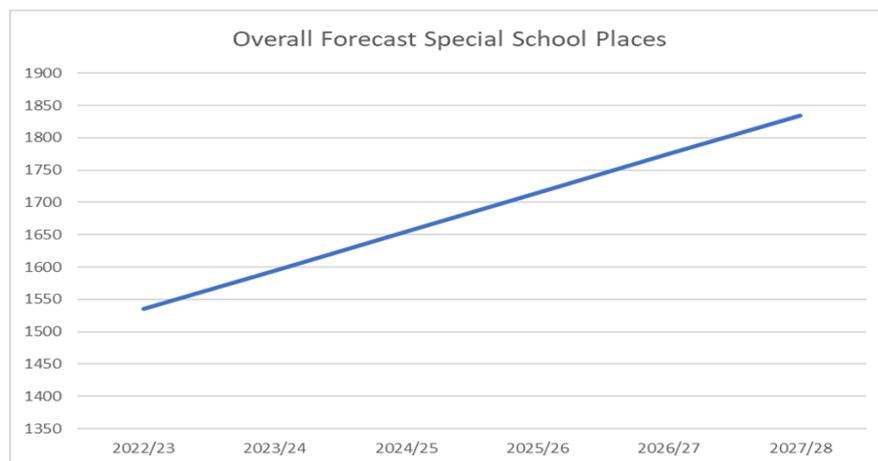


Figure 1 Forecast special school demand 2022-2028

1.3.6

The trends in this forecast suggest that growth is likely to continue into the 2030's.

1.3.7

When considering this, it is important to consider the physical capacity of Sheffield's existing special schools.

1.3.8

In the past 12 months, the capacity of all Sheffield's special schools has been analysed. This work has concluded that Sheffield's special schools are operating near their capacity, with limited scope for expansion – primarily due to site constraints. This points to the need for a new school, based on demand forecast and space available.

1.3.9

This bid is part of a wider sufficiency plan. The sufficiency plan is focusing upon the following at a headline level:

- Supporting an increase in inclusion and provision in mainstream

schools.

- Improving post 16 provision to increase the specialist places available in younger year groups in special school.
- Focusing on support for children and young people with autism and social, emotional mental health needs – as these are the needs which are increasing the most.
- Working with children, young people, parents and carers to develop and deliver sufficiency.
- Increased strategic working with independent providers to manage demand and costs.

1.3.10 The details of the above areas will be presented at a future committee meeting.

Areas of Need

1.4.1

1.4.2 In terms of need, there are two types of primary need driving demand – autism spectrum condition and social, emotional mental health

1.4.3

Figure two below shows the forecast growth of different types of primary need in the coming years, with autism the highest area (green), followed by social, emotional mental health (dark red).

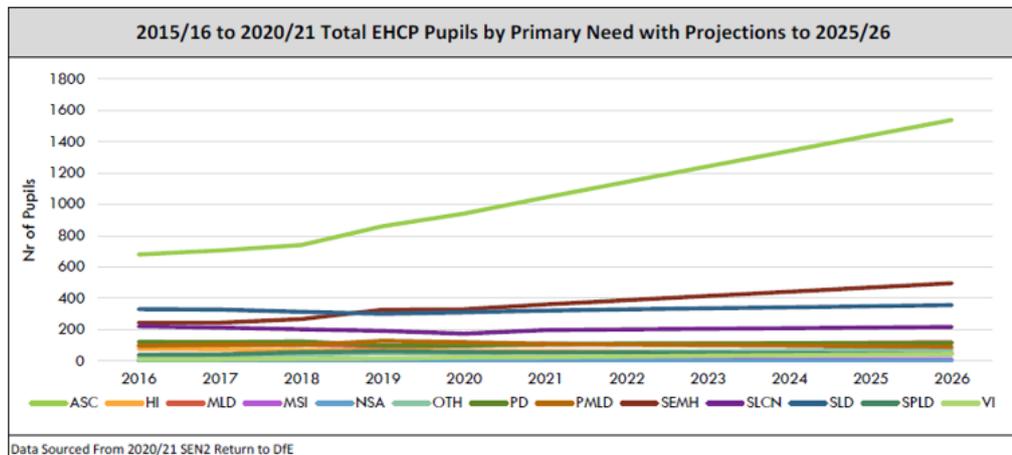


Figure 2 Forecast primary need of children and young people with Education, Health Care Plans, using three-year weighted average.

1.4.4 Given the prevalence of this need in Sheffield, and the overall forecast demand for places, it is proposed that this school meets need in relation to autism spectrum condition.

1.4.5

1.4.6 If Barnsley were to pull out and Sheffield continued with the bid it is anticipated the Sheffield would have sufficient demand to be able to use all 200 places.

1.5 A new special free school for social, emotional mental health is already being developed, and due to be completed for September 2024.

1.5.1

Statutory Duties

1.5.2 Under part 3 of the Children and Families Act 2014, Sheffield City Council has a statutory duty to provide school places for children and young people with Special Educational Needs and Disabilities.

1.6 Additional physical capacity is likely to be needed in the future to fulfil these statutory duties when placing children in special school, hence

1.6.1 this proposal.

Inclusion Strategy

1.6.2

The co-produced Sheffield Inclusion Strategy is the overarching strategy which underpins priorities in this area.

1.6.3 Commitment two in this strategy outlines a priority for the development of provision. Several areas are identified in this priority, including ensuring there are sufficient special school, integrated resource and alternative provision places.

1.6.4 This provides a co-produced basis for activity in this area and submission of this bid. In the event of a successful bid, further co-production activity will take place (see consultation section).

1.6.5 To support the drive for inclusion in the Inclusion Strategy, it is proposed that this Special Free School has an ambition to be an outward looking centre of expertise, working collaboratively with mainstream schools, in support of our mainstream inclusion agenda.

1.6.6 Given the challenges outlined in terms of forecast demand, limited existing special school capacity and the co-produced strategy, it is proposed to submit this bid.

In the event of an unsuccessful bid, further delivery of places in mainstream schools - potentially including creative developments on mainstream sites, and development of post 16 are likely to be required. This will be covered in the wider sufficiency plan.

2. HOW DOES THIS DECISION CONTRIBUTE ?

(Explain how this proposal will contribute to the ambitions within the Corporate Plan and what it will mean for people who live, work, learn in or visit the City. For example, does it increase or reduce inequalities and is the decision inclusive?; does it have an impact on climate change?; does it improve the customer experience?; is there an economic impact?)

One Year and Corporate Plan

2.1

In the One Year Plan, there is a commitment to *Deliver Effective Person focused SEND Services*, within this is an aim to increase places for

children with special, educational needs and disabilities in the city.

2.1.2 It is anticipated that a continued focus on this area will be part of the new Corporate Plan. If successful, this bid will help deliver that ambition in the long-term.

2.2 Reducing Inequalities

2.2.1 The school should also help contribute toward reducing inequalities in the city.

2.2.2 The majority of Sheffield's special school provision is in the South and West of the city. This leads to children in areas of higher need, travelling further to attend special school.

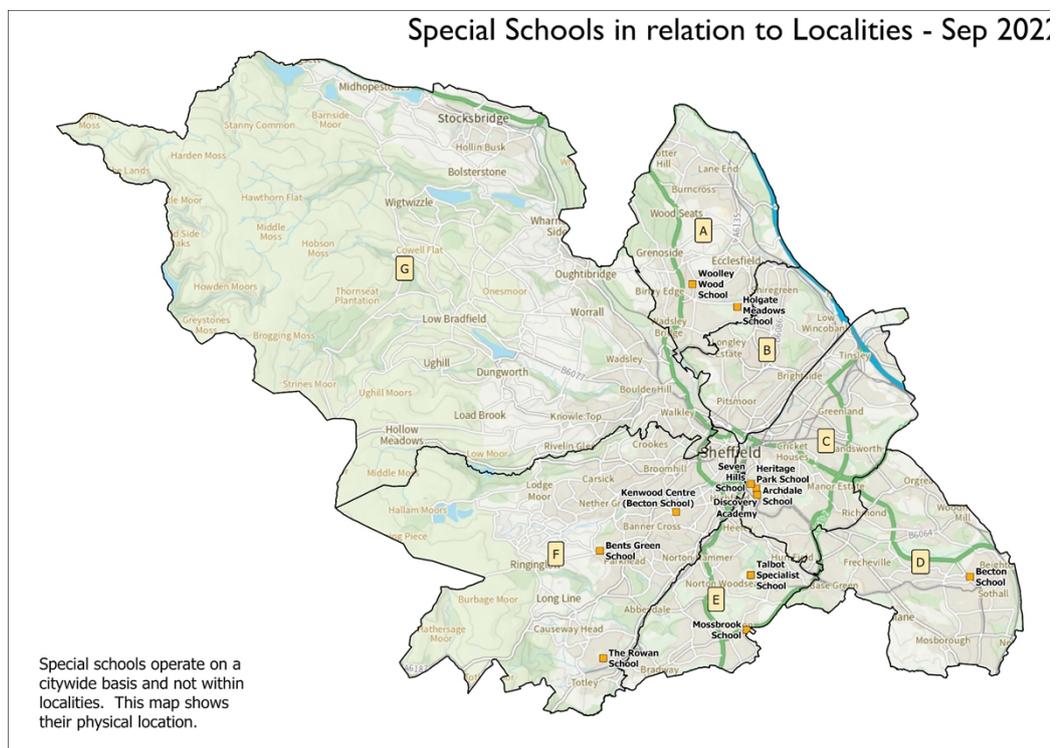


Figure 3 Location of existing special schools, shown in relation to school localities and the city.

Figure three shows the location of special schools in the city in relation to localities. Sheffield has seven localities that are used to help work with, and deliver services to, schools.

Special schools take a citywide catchment through the statutory Education Health and Care Plan process, and do not operate in localities. The localities are shown for illustrative purposes.

Sheffield has higher need for special educational needs in the north and east of the city (localities A, B, C, D in the map in figure three). Existing special school provision is concentrated from the centre, toward the south and west.

2.2.3

Existing provision in the north of the city, shown in figure three, is not aimed at supporting autism spectrum condition/communication and interaction needs.

2.2.4

The proposed location of the school, in the north of the city, has been put forward to help re-address this balance.

2.2.5

The school will also have an impact in addressing inequalities through improve the provision for children with special educational needs and disabilities. The school will increase the quantity, and quality, of education provision for these children in the city.

2.2.6

Increasing places in the city will also reduce the risk of a child travelling outside the city to attend a special school. This will help children access schools, which are closer to home and closer to their communities,

2.2.7

friends and family.

2.2.8

It will also have benefits for Sheffield City Council through avoiding expenditure on out of area placements. (See paragraph 4.2). The model of the school will be developed to directly compete with independent provision and provide a more attractive, local offer for parents and carers.

Climate change

2.2.9

There should also be a positive contribution to Sheffield's climate goals. The school's construction will be led by the Department for Education and be constructed to a low carbon footprint.

2.3

The school will also reduce the risk of longer distance travel outside the area, or to schools on the other side of the city, reducing carbon emissions. (See paragraph 4.4).

2.3.1

2.3.2

3. HAS THERE BEEN ANY CONSULTATION?

(Clearly indicate the degree and character of public engagement and participation which has been undertaken on the issue. *Refer to the Consultation Principles and Involvement Guide. Indicate whether the Council is required to consult on the proposal, and provide details of any consultation activities undertaken and their outcomes.*)

- 3.1 As outlined, through the co-produced Sheffield Inclusion Strategy, there is consultation underpinning the activity and intentions in this area.
- 3.2 Previous consultation activity has found support amongst parents and carers for increasing special school provision in the city. Dialogue has taken place with the Sheffield Parent Carer Forum on this proposed bid and found considerable support for new special school places.
- 3.3 In this discussion, it was agreed that in the event of a successful bid, the Parent Carer Forum will be involved in helping identify the academy sponsor for the school. It is also expected that the successful sponsor will work with the Parent Carer Forum, and other community groups, in the development and delivery of the school.
- 3.4 Consultation has also taken place with special school headteachers, this has indicated support for the proposal. They have helped inform the bid and will be further involved if a bid is successful.
- 3.5 Local health services and commissioners have been made aware of this bid and potential implications on therapy services. They will be further involved if a bid is successful.
- 3.6 In the event of a successful bid, further consultation will take place on development and delivery of the school.

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

4.1 Equality Implications

- 4.11 The school will have a positive impact on equality through providing specialist education places for disabled children who need them.
- 4.12 It will enable more specialist provision to be delivered within the city boundaries, reducing inequalities in terms of distanced travelled to access education versus mainstream peers.
- 4.13 An initial equality impact assessment has been approved. In the event of a successful bid, further activity will take place.

4.2 Financial and Commercial Implications

4.2.1 Revenue

- 4.2.2 Sheffield City Council will commission 100 of the 200 places at the school. To fund the school, Sheffield City Council provides the element three 'top-up' funding for each place – this is on top of the initial £10,000 per place provided by the Education Skills Funding Agency.
- 4.2.3 It is proposed that each place at the school is funded at £22,000, meaning £12,000 in top up per place from Sheffield City Council from

the High Needs Designated School Grant block funding.

- 4.2.4 An overall contribution of £1,200,000 in recurrent place funding.
- 4.2.5 £22,000 per place is based on benchmarking of similar schools and will enable the school to compete with independent providers.
- 4.2.6 If Sheffield was to make a sole bid it is anticipated that the High Needs Dedicated Support Grant would increase with higher pupil numbers. A revenue plan will need to be developed. The increase in pupil numbers would be planned over several years and there would not be 200 pupils on day one.
- 4.2.7 High-cost placements
- 4.2.8 The average cost per place at the independent providers with a similar profile are £65,000 per place. Therefore, each child placed in this school, instead of independent, will represent a £43,000 saving in Designated Schools Grant revenue costs.
- 4.2.9 The school will therefore help reduce dependence on independent providers for this area of need, and lead to a reduced rate of increase in spend on special, educational needs and disability places.
- 4.2.10 Capital
- 4.2.11 The capital funding implication for this bid is abnormal capital costs (see below). Remaining capital costs would be met by central government, estimated at £12m-£15m. As the capital costs will be provided by DfE there will be no issues from that perspective if Barnsley were to pull out
- 4.2.12 Abnormal capital costs
- 4.2.13 These costs cover a large range of issues including, but not limited to, flooding and alleviation measures, utility provision and ecological provision.
- 4.2.14 Abnormal costs will be confirmed once in the full feasibility stage following a successful bid. However, to reduce risk, Sheffield City Council has undertaken initial feasibilities on the proposed site.
- 4.2.15 Currently, abnormal costs are estimated at £1.2m. Sheffield's High Needs Capital allocation would be used to meet this.
- 4.2.16 As this bid is joint with Barnsley, abnormal capital costs will be split 50/50, meaning an estimated contribution of £600,000 for Sheffield City Council.
- 4.2.17 The need to fulfil abnormal costs, and risks associated, are being briefed to Strategy and Resources Committee.

- 4.2.18 If Barnsley pull out, Sheffield will need to cover the full £1.2m from SEND grant (Currently there is scope within the grant to cover it).
- 4.2.19 Further, it should be noted that Sheffield are providing land to build the school as it is within Sheffield. As we cannot request a contribution towards land we are hoping to negotiate a higher abnormal cost settlement from Barnsley. This will not be possible if Barnsley pull out.
- 4.2.20

It is also anticipated that if Sheffield did have to go it alone any additional cost would be offset by [reduced spend on out of city placements and other capital investments due to school expansions etc](#)

4.2.21 Special Educational Needs Transport

Although detailed implications cannot be assessed without knowing where future students will be travelling from, broader issues and costs can be identified.

- 4.2.22 An additional 100 students would incur transport costs of around £500,000 per annum has been provided by the Transport service.

The potential location of the new school is at the northern edge of the city, so there may be higher overall transport costs than for other, more centrally located provision – particularly if a child is in the south of the city.

However, if the pupils attending the school would otherwise be attending an out of area independent provision, transport costs and travel time would likely be lower.

If Sheffield were to end up making a sole bid there would eventually be an additional 200 students. This would lead to additional pressure on the transport budget General Fund to enable children to travel to school.

4.3 Legal Implications

- 4.3.1 The Authority has a statutory duty under the Education Act 1996 Section 14(1) to ensure a sufficient number of school places for all children and young people who are resident within its area. The provision goes on to state that schools available for an area shall not be regarded as sufficient for the purposes of subsection (1) unless they are sufficient in number, character and equipment to provide for all pupils the opportunity of appropriate education.

- 4.3.2 The Authority therefore has specific duties to ensure that there is

sufficient specialist provision available for children and young people with Education Health Care Plans, with needs of Autism Spectrum Condition.

4.3.3 The report indicates that additional placements will be required and that otherwise the Council is at risk of being unable to fulfil its statutory responsibilities to provide sufficient school places. 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 a free school.

4.3.4 The proposals are therefore in line with the Council's powers and duties. Specific legal advice would be required into the necessary agreements should the bid be successful.

4.4 Climate Implications

4.4.1 Consultation with climate service colleagues has indicated a climate impact assessment is not possible at this point. Once the location of the school is confirmed and details of the build provided, an assessment can be completed.

4.4.2 Despite this, an initial view is provided below against key thematic areas of the climate impact tool, to give the committee a sense of potential climate implications.

4.4.3 Building and Infrastructure

4.4.4 The construction of the school will be determined by central government, but it is expected this will be in line with national building standards, to reduce carbon emissions and wasted energy.

4.4.5 There is an existing structure on the proposed site. It is anticipated that this structure would likely be removed and replaced, rather than renovated. The rationale for this is the condition and energy efficiency of the existing structure will likely make it unsuitable for renovation. All possible measures would be taken in the event of a new build to reuse materials and minimise environmental impact.

4.4.6 The full feasibility, that would be delivered by the Department for Education in the event of successful bid, would assess whether the existing structure is replaced or not.

4.4.7 Transport

4.4.8 It is anticipated that all learners will access the school using Special Educational Needs transport service. This means that there will not be large numbers of parents driving to school to drop off their children.

- 4.4.9 Reducing usage of independent placements through this school should have a positive impact in reducing carbon emissions for journeys to these settings, many of which are outside Sheffield.
- 4.4.10 Energy
- 4.4.11 The construction of the school should mean minimal usage of energy to run and maintain the building. When an Academy Trust is assigned to the school, there will be a focus on ensuring the building is utilised as efficiently as possible.
- 4.4.12 Economy
- 4.4.13 Engagement of local contractors with the contractor that the Department for Education procures to build the school could be explored, as a means of increasing local skillsets in low carbon construction.
- 4.4.14 Nature/land use
- 4.4.15 The potential site for the school has existing structures and is not a greenfield site. There would be the potential to increase the biodiversity of the site through this development.

5. ALTERNATIVE OPTIONS CONSIDERED

(Outline any alternative options which were considered but rejected in the course of developing the proposal.)

- 5.1 No bid
- 5.1.1 Not submitting a bid was considered, however this was discounted due to the level of need that is forecast, the limited existing space that is available, and the opportunity to secure additional capital funding.
- 5.2 Sheffield only bid
- 5.2.1 A Sheffield only bid was considered, this would have the benefit of a higher number of places. However, this would also increase costs for the Local Authority. The chances of success of a Sheffield only bid would also appear to be significantly lower than a joint bid with Barnsley.
- 5.2.2 Therefore, whilst submitting a joint bid is a risk itself, as this has not been done before, it would appear to be a risk worth taking to increase chances of success.
- 5.2.3 If a joint bid falls through ahead of the deadline on the 21st October, it is proposed that Sheffield only bid is submitted instead.
- 5.3 Post 16 Bid
- 5.3.1 A bid for a special free school to provide post 16 places was

considered. However, this bid was not developed as concerns were identified in relation to whether it would be successful.

- 5.3.2 Concerns included whether the Education Skills Funding Agency would support the bid, as they typically support use and development of relationships with existing post 16 providers, rather than development of new providers.
- 5.3.3 It is also less clear where the school would fit into Sheffield's post 16 landscape, and more work is needed locally to improve this position. This links to the Accelerator Progress Plan following the local area re-inspection for special educational needs and disabilities in February 2022.
- 5.3.4 Further development of post 16 will be part of the wider sufficiency plan, presented to committee at a later date.

6. REASONS FOR RECOMMENDATIONS

(Explain why this is the preferred option and outline the intended outcomes.)

- 6.1 It is proposed that the joint bid is submitted as a new school will help meet forecast demand. A joint bid maximises chances of success. Through the special free school opportunity, the school can be delivered at a lower capital cost than it would be if reliant on Sheffield funds only.
- 6.2 Intended outcomes include increased availability of special school places, reduced inequalities and reduced reliance on high-cost independent placements.
- 6.3 It is also proposed that a further special educational needs and disability sufficiency report is presented at a following committee meeting.