



Department
for Education

Local authority commissioned special free schools

**An expression of interest form for local
authorities interested in commissioning a
special free school**

October 2016

Overview

Since local authorities play a key role in placing pupils with statements or Education, Health and Care (EHC) plans, it is important that they shape the range of provision in their area. Previously, proposals to establish special free schools have only been taken forward in consultation with local authorities. **We are now providing a further opportunity for local authorities themselves to identify where a new special free school would benefit their area**, inform their Regional Schools Commissioner (RSC), and potentially seek proposals for the new school they want, with the Department for Education (DfE) providing capital funding and start-up grants. This is in addition to the central route for special free schools, which continues to operate.

This **expression of interest (EOI) form is for local authorities that would like a new special school**. It allows them to make a case that a special school would be beneficial in their area, including a case that it would help meet demographic growth, changing patterns of need, and cost pressures, without reducing inclusion. It provides RSCs with the initial information they need to understand what is wanted and why. If the EOI is successful, the opportunity will be advertised nationally, and if a strong proposal comes forward that both the local authority/authorities and the Secretary of State wish to take forward, the DfE will provide capital and start-up grant funding, subject to value for money assessments covering both the affordability of the site solution and the limitations on overall capital availability. Please see the accompanying guidance for further detail.

The form should be completed by a local authority representative (or representatives, if it is a joint bid) with the approval of the Director of Children's Services (DCS).

This opportunity is intended to identify and meet untapped demand for special free schools as a supplement to LA's existing resources. It **does not replace the 'presumption' process nor does it replace a local authority's duties to ensure appropriate placements for all children with Special Educational Needs (SEN)**.

You should use this form to provide all the necessary information and evidence for your proposal. Please:

- email your RSC during October to say whether you are interested and give any headline facts available (email addresses are in the guidance)
- return this EOI, completed, to freeschool.special@education.gov.uk copying in your RSC, **by midday on 11 November**.

More detailed information about this process can be found in the [local authority-commissioned special free schools guidance](#).

Section A – Key facts about the school and the local authorities that want to commission it


A1: Who is putting forward this expression of interest?

If this is a joint EOI, please fill in the table below for each LA involved and state the lead LA below. The Regional Schools Commissioner’s team may need to contact these people to understand more about the EOI. **Please note that including a LA on this list means that they have committed to commissioning places.**

Name of LA	Name of person leading	Contact details
Essex County Council	[REDACTED]	[REDACTED] [REDACTED]

A2: What type of school is wanted?

Please provide key information about the school you would like to commission:

Category of SEN provision (if more than one type, with different top-up rates, please explain)	Complex and Severe SEMH
Per-pupil revenue funding you would expect to pay (if a range of rates, please explain)	Essex County Council is currently developing a banding system with a range of "top up" depending on the degree of need of each child. More details of the banding system and range of "top up" are below.
Age range	7 to 16 years
Gender (boys/girls/co-educational)	Co-educational
Total number of proposed places	64 (15 of which are boarding places)
Early years provision? If so, how many places?	No
16-19 provision? If so, how many places?	No Post 16 provision.
Community use/shared facilities	 This cohort could not mix with children with SEMH and therefore they cannot share accommodation. However, there may be scope for facilities in common such as for: team games; waste management and, parking which would not impinge on the need to keep both cohorts separate.

Please use this space to expand on any of the key information above [max. 200 words]

Essex County Council Banding System for Top Up

To support the ECC strategy to provide an offer of an Essex place for every Essex child, a banding scheme is being developed for implementation from September 17. The scheme will introduce higher tariff bands than currently in existence to facilitate the retention of pupils historically placed in independent school settings.

Higher bands will allow Essex to place pupils attracting a top up of [REDACTED] for a day pupil with a [REDACTED] residential supplement for boarding pupils. It is likely that day places at this school would attract an average top up of [REDACTED]. Schools will be funded in line with the top up allocated for individual pupils therefore if the school were to admit a larger percentage of higher tariff pupils funding would increase in line with admissions,

A3: Conversations with partners

Local authorities (in particular smaller ones) **must** speak to their neighbouring LAs to check whether they want to commit to commissioning places at the new school at the specified top-up rate. If they do not, LAs may put in a solo EOI. Authorities **may** speak to other partners in order to ensure that their EOI will complement the local landscape and be a close match for what families want. If you have not engaged with your Schools Forum before sending this EOI to your Regional Schools Commissioner, you will need to do so if successful.

Who?	Conversation summary (3 points max)
Your neighbouring LAs – please specify Use wording in SBC re benefit rather than need.	The places in this SEMH school are required to meet the commissioning needs of Essex County Council. Too many of our students with complex and severe SEMH are placed in boarding schools a considerable distance from their community and sometimes out of County. The new school will enable students to have their specific learning needs met closer to home with greater financial efficiency. We have consulted all of our neighbouring LAs to canvas interest in this proposal but have received no positive responses.
Optional: Your Parent / Carer Forum, or other representatives of parents and young people	Essex parents want their children to be educated close to their homes to ensure that family relationships are maintained whilst their child attends a school which meets the child’s specific needs. Engagement with Families in Focus who support parents and carers of children with SEN has been positive and confirms that local high quality provision is wanted.
Optional: Any other partners, Schools forum, existing FE colleges etc (please specify)	The benefits of this school have been discussed with the Schools Forum. Such is the need for specialist school places in Essex to ensure that children with specific needs are educated in their own community, the Schools’ Forum is borrowing capital to facilitate the provision of additional special needs places by the expansion of existing special schools as well as the creation of new boarding provision in addition to the special Free schools mentioned above. Essex County Council currently has a block contract to provide KS3 and 4 provision for pupils with SEMH with an independent school (Fresh Start Essex); their nearest school to Chelmsford is in Witham and we would anticipate savings to the transport budget by locating closer to the larger population centre in Chelmsford.

Section B – The proposed location and site (if applicable)

Please describe where the school would be located and whether a site has been made available/identified. Making a site available on a peppercorn lease gives the greatest chance of the school opening successfully, and on time.

- **Address and postcode:** [REDACTED]
- **Size of site.** Approx. 1.2 ha
- **Current and previous uses including planning designation (if known)** The potential site is part of a larger land holding which was previously that of [REDACTED] which closed in 2011. It is designated for Education Use in the Local Plan. A draft Planning Brief prepared by the LPA is currently out for public consultation, ending 14th November. The draft Planning Brief includes the allocation of part of the site for two new special schools [REDACTED].
- **Estimated timescale for formal ratification that the LA will release the site for the school (if agreed).** The Council's Investment Board approved the exploration of a school for SEMH needs on this site in August 2016. The LA will consider ratification of the allocation of land at this site once the LPA has approved the Planning Brief and subject to any necessary DfE consent for development of the former school playing fields for new school buildings. This is expected before the end of 2nd Quarter 2017.
- **Estimated date the site would be available for works to commence.** The site is currently held vacant. However, there is no road frontage. If works for the school are to commence prior to disposal and development of the adjacent land then access infrastructure works will be required as part of the school project together with the provision of attenuation ponds for drainage which may be outside the school site boundary.
- **Tenure upon which the site will be made available (if agreed)** Usual 125 year academy lease [REDACTED]
[REDACTED] Contribution to shared infrastructure and facilities through some form of joint use/management agreement is likely to be required.

Please provide the name and contact details for the main LA contact about the site. The EFA may contact this person to ask questions about the site. **If you know any of these site details before submitting your EOI, please let DfE know (by emailing FreeSchools.EFACAPITAL@education.gov.uk) so we can start conversations with you.**

[REDACTED]
[REDACTED]
[REDACTED]

.....
Please tick the box below to confirm that the relevant Lead Member for Corporate Property has seen this expression of interest and is content with the information provided about site (if provided).

I confirm that the Lead Member of Corporate Property at **Essex County Council** has seen this expression of interest and supports it.

Please tick to confirm / Yes

Section C – Rationale for School

Please provide an explanation of how and why this provision is required and how it would benefit the local area. [500 words max.] Essex has 19 special schools with a total of 2,465 places (excluding Grove School which is funded directly by the EFA as a recently opened Free School) and 22 schools with enhanced provisions:

- 8 schools for 3-19 severe needs and lifelong difficulties
- 6 schools for 5-16 complex needs
- 1 school 9-19 for speech, language and communication difficulties
- 1 school 3-19 for physical and neurological difficulties
- 3 for SEMH, 1 x 7-11, 1 x 11-16 and 1x 10-16.

The number of places for SEMH is inadequate to meet current and future demand. Comparison with our statistical neighbours demonstrates that Essex is under provided with special needs places.

The number of Statements or EHC plans in 2015/16 is 6,822. Our projections indicate that this number will rise in 2021/22 to 7,770, an increase of 948 statements (10.4%).

Many children with severe SEMH difficulties are educated in the independent sector, sometimes outside Essex, at significant cost to the High Needs Block and ECC.

The Essex SEND strategy to create additional places serves the Council's strategy to improve outcomes for children with special needs and enable children to be educated nearer home thus reducing stress on the family and travel time for the child.

The current capital strategy for SEND in Essex includes SEMH Specially Resourced Provision in mainstream schools for those children with moderate SEMH needs. Some of these places will be commissioned directly by Essex and some directly by Essex schools. The plan is to retain children on roll in their home school and use these places to provide specialist temporary support at times of crisis. The children will return to their home school when sufficiently stable thus reducing permanent exclusions and preserving continuity of education for some of our most vulnerable children. The strategy includes support for three additional Free Schools, one of which we anticipate will be situated adjacent to the school which is the subject of this application. That school will meet the needs of children with ASC and will also have a boarding element. Essex has devised a set of criteria for the boarding accommodation for both schools to achieve consistency and an environment for developing independent living skills. Architects have produced initial drawings demonstrating how both schools would work adjacent to each other.

Our wider SEND strategy includes supporting mainstream schools to deal better with SEND children thus freeing up special needs places in special schools. To this end, officers are working with ESSET, the Essex special schools led school improvement vehicle. ESSET has been involved in the development and implementation of the SEND strategy at every stage. The objectives of the strategy are to reduce exclusion rates, raise standards of attainment, promote independence and increase the life chances of our children and young people with SEND.

Essex's strategy is to work with ESSET and existing providers to support and encourage special Free School applications. Two applications were submitted in October 2016 and a third will be submitted in January 2017.

Please include:

- *How the school will fit into the broader spectrum of SEN provision in the region (including neighbouring LAs if appropriate)* The new school will provide much needed specialist provision for children with complex and severe social emotional and mental health needs in Essex. Essex currently has 19 special schools, only three of which are designated SEMH, one for children aged 7yrs to 11yrs and two for children aged 11yrs to 16yrs. The limited number of places available has resulted in those children with severe and complex SEMH needs being educated in the independent sector, often far from home and sometimes outside of Essex. As part of the current SEND capital expansion programme Essex intends to open Specially Resourced Provision for moderate SEMH in mainstream schools. The SRPs are strategically geographically dispersed around Essex. Some of the places in these units will be commissioned by Essex County Council and some will be directly commissioned by schools as part of their strategy to reduce exclusions. The plan is for some children to remain on roll at their home school and spend some time in the SRP to receive specialist support before becoming sufficiently stable to return to their home school.
- *How it would help meet pressures on special educational provision?* The absence of an adequate range of SEMH provision on both a short term and long term basis is a major contributing factor to the exclusion rate in Essex which the local authority considers unacceptably high. Some children with specific SEMH difficulties are currently placed in special schools which are not designed to meet their needs. The intention is that these children will transfer to the specialist SEMH school/SRPs thus freeing up places in other special schools to meet the appropriate designated need. It is in the best interests of children and families for children and young people to be educated near home. Too many of our children with moderate to severe SEMH are in the independent sector too far from home. Expensive private placements are an inefficient use of scarce SEND funding. The current total annual cost of all Essex placements in independent schools, including Social Care costs for 52 week placements is circa ██████ of which the DSG meets about ██████. The trend of expenditure on independent sector places has been upwards in recent years from ██████ for 262 children in 2010/11 to ██████m for 259 children in 2015/16.
- *The potential impact on inclusion, including (where applicable) types of expert support you would expect the school to provide to mainstream schools in the area.* The proposed new special Free School is part of a wider strategy to promote inclusion and attainment for all children in Essex. The local authority is supporting the special school led school improvement system to train and support mainstream schools to better meet the needs of children with SEND. By keeping more children in mainstream we free up specialist places for children with more severe needs. The SEMH school and SRP units will provide a range of provision and a mechanism for keeping children on roll of mainstream schools whilst receiving the specialist help they require from an SRP. The new SEMH Free school will provide a hub of excellence and expertise on which all schools can draw resulting in increased inclusion.

Section D – Pupil data and existing SEN provision

The purpose of this section is to help us to understand the need for a new school in the context of how existing provision is used, and future expected growth in need. We want to approve EOIs that:

- address demographic growth
- help LAs meet what pupils and parents want
- help LAs manage within their budgetary constraints

We do not want to approve EOIs that have the side-effect of decreasing inclusion in mainstream schools, or of creating excess spare capacity in existing special schools. (eg. if several LAs each want a similar school, any one of those might make sense on its own but in aggregate there might not be enough need.) In this section you need to explain how the places in this school would be filled and where the pupils would come from (D1). You also need to explain the general demographic trends and placement trends for *all* pupils with EHC plans (D2).

D1: Pupils who would go to the new special school

Please indicate how you expect the places in this school to be filled, and the impact on inclusion. [500 words max.]

Please include:

- *Where the pupils will come from – what is the balance of demographic growth (eg new housing developments) vs changing patterns of need (eg which are the schools the pupils would attend if this school did not go ahead)?* The Council's intention is that the new special SEMH school will cater for the needs of those children who are currently in expensive independent sector placements as there are currently no suitable maintained sector places to meet their needs. We are therefore dependent on expensive alternative education provision placements. The new Free School will also accommodate those children with SEMH who are currently inappropriately placed in Essex special schools which do not have the skills and expertise to fully meet their needs.
- *The impact on numbers and proportion of students with SEN at mainstream schools* We believe the most significant impact on mainstream schools will be a reduction in permanent and temporary exclusions. By removing children with complex and severe SEMH from the mainstream to specialist facilities we free up staff resources to concentrate on attainment for all pupils. However, the number of children in mainstream with complex and severe SEMH needs is very small as this provision is targeted at children whose needs are so great they are currently placed in specialist provision in the independent sector.
- *How the school would be financially sustainable within budgetary constraints in the long term, including (if applicable) how it would help deliver wider value for money (for example in reducing transport costs)* By providing maintained provision rather than independent provision for children with complex and severe SEMH, the DSG will save ██████████ for each 38 week day placement, ██████████ per 38 week residential placement and, ██████████ per 52 week residential placement.

D2: Trends in your specialist provision for all children with EHC plans

Please use the table below to describe the recent, current and projected trends of specialist provision that caters for **children with EHC plans living in your LA(s), of the age range for which you want the new school** (drawing upon [SEN2 Data](#)). If this is a joint bid, ie. other LAs are committed to commissioning places, either fill in the table once for the LAs together, or copy/paste the table and fill it in for each LA (please say which you have done). **The projected data for 2020 should show the pattern you expect if this EOI is successful.**

	No. of Settings	Please indicate the no. of pupils with an EHC plan living in your LA who are placed within these settings		
		2012	2016 (as at Sep 2016)	2020
Resourced provision and units inside LA	22	269	245	414
Resourced provision and units outside LA	3	1	14	7
Special schools (either maintained or academies) inside LA	19	2045	2503	3080
Special schools (either maintained or academies) outside LA	33	126	221	126
Independent / non-maintained special schools inside LA	14	86	105	10
Independent / non-maintained special schools outside LA	57	149	221	72
Mainstream schools inside LA	530	3978	3821	4169
Mainstream schools outside LA	46	83	101	120
General FE colleges (if relevant) inside LA				
General FE colleges (if relevant) outside LA				
Specialist FE providers (if relevant) inside LA				
Specialist FE providers (if relevant) outside LA				

Please provide a brief explanation of any recent trends and the rationale for future projections [200 words max.]

Please include:

- *anything the RSC should know about why you are expecting the changes you have described from now to 2020.* We have modelled projections following the existing cohort of stated pupils and included an allowance for pupil yield from new housing, demographic growth and inward migration.
- *any changes to capacity you are already expecting (eg. planned expansions / closures / other new schools and how this school would sit alongside those).* Essex is undertaking a significant expansion programme to meet current and projected demand for SEND places. The intention is to increase the number of SEND places overall by 344. This number includes the 68 places applied for in this application. Please see the full details of the expansion plans attached at Appendix A.
- *details of any wave 12 free school applications.* Essex has worked with three organisations to support and assist them to make applications to open special Free Schools in Essex. Two of the applications were submitted in October 2016 ie Wave 12. Chatten School to be run by a new MAT including Market Field School and an application by the SEAX Trust. The third will be submitted in January 2017 by the Hornbeam Trust.

Confirmation

I confirm that the [REDACTED] has seen this expression of interest and supports it.

Please tick to confirm

Date (DD/MM/YYYY)	
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