

Essex County Council
Letter by email to:

██████████

CC Tim Coulson, RSC
East of England and North-East London

12th April 2017

Dear ██████████,

Local authority commissioned special free schools – expression of interest

I am pleased to let you know that the Secretary of State for Education has decided that your expression of interest to establish a special free school in your local authority should proceed to the next stage of the process – invitation of proposals.

The approval of your expression of interest 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 26th April 2017. Please email your confirmation to ██████████ at FreeSchool.SPECIAL@education.gov.uk.

The next step will be to advertise the exercise to potential bidders and you will shortly receive an email including the relevant forms and guidance.

As we have made clear 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. The Secretary of State will only do so if she is satisfied that (a) there is a suitable site upon which we can construct and open a school on an agreed date and in a way that provides good value for money; and (b) the school will be ready to deliver at least a good standard of education, with a viable and sustainable number of places, from its first day of operation.

I would like to thank you and your colleagues for the commitment and energy that you have shown in developing your expression of interest. I am copying this letter to Tim Coulson, regional schools commissioner (RSC) for East of England and North-East London.



MELA WATTS CBE
Director, Free Schools Group

Annex A

The approval of your expression of interest is conditional on:

i. Fair and open competition:

This process is intended to create open competition, which will be available to all types of proposer groups.

It is not designed for co-located special schools where there is only one feasible proposer, e.g. if your site is co-located with or next to another school you must confirm in your acceptance of these conditions that both you **and the school in question** are aware that this will be an open competition, and that you and the school both accept that another provider could win.

It is also crucial for you to give an equal chance to all proposer groups, whether or not you think they are likely to submit a high quality application – you cannot give information only to favoured proposers, or only to established providers. If we believe a competition is not treating all potential applicants, equally we may either terminate the process or coordinate the competition internally.

The information provided in the EOI will form the basis of the information local authorities will need to publish

ii. Deliverability

You have told us you will provide a site [REDACTED] for a peppercorn lease, this is a condition of continuing approval. The school will only proceed if capital costs provide value for money and are affordable within available capital budgets. If we are unable to secure a site that represents value for money we may decide to terminate the process.

iii. New provision

The process is to establish a new special 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.

iv. Financial viability

The school must be affordable and sustainable within your high needs block funding. 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 you (and any other local authorities) will be commissioning and the top-up rates.

v. Consultation

You **must** check whether your neighbouring local authorities also want to commit to placing pupils at the school.

vi. Eligible places

The provision is only for pupils with an EHC plan, or, without an EHC plan in accordance with the SEND Code of Practice.

vii. Impact assessment

The local authority must 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 must be provided to the department before the publication of the specification. In the unlikely event

that the Secretary of State has concerns about the level of analysis, she reserves the right to ask the local authority to undertake further work on its impact and/or equalities assessment.

viii. Residential provision

Following detailed discussion and assessment and subject to final agreement with the DFE/EFA, capital funding may be available to support residential facilities.

When you complete the specification template, you will need to be clear on the number of residential places provided; the funding; the pupils for whom this will be available; and how parents can obtain a place at the school, so that applicants can be sure their proposal meets your needs and is deliverable. You will need to provide the rationale for the residential provision on your specification.