

CABINET

28 MARCH 2024

NEW AUTISM SPECIAL FREE SCHOOL

Relevant Cabinet Member

Councillor T Onslow

Relevant Chief Officer

Director of Children's Services

Local Member(s)

Councillor M Victory

Recommendations

1. **The Cabinet Member with Responsibility for Education recommends that Cabinet:**
 - a) **endorses the work undertaken by Worcestershire Children First and the Department for Education in respect of the wave 14 process for establishing a Special free school in Worcestershire;**
 - b) **notes that a final decision on the choice of sponsor academy trust for the new school rests with the Secretary of State for Education and is due to be announced during 2024;**
 - c) **approves that the proposed location and site of the new school would be on the Poolbrook site in Malvern, agrees that the required land would be leased to the Secretary of State for Education to develop the new free school on a 125- year lease, and authorises the Strategic Director of Commercial and Change in consultation with the CMR to agree the details of the lease;**
 - d) **approves the revenue funding set out in the report for the school places following the DfE intention for the new free school to open from September 2027. This is subject to the signing of the funding agreement between the Secretary of State for Education and the selected Academy Trust;**
 - e) **notes the responsibilities that fall to the Council to meet abnormal site development costs; and**
 - f) **notes that the statutory consultation under Section 10 of the Academies Act 2010 to enter into an agreement with the Secretary of State for Education to set up a free school rests with the chosen Academy Trust as part of the pre-opening phase.**

Background

2. In March 2022, the Government published the Special Educational Needs and Disabilities (SEND) and Alternative Provision (AP) Green Paper: Right Support, Right Place, Right Time, setting out a vision for a reformed SEND and AP system which allows children and young people the opportunity to thrive, with access to the right support, in the right place, and at the right time.
3. The Department for Education (DfE) committed in March 2022 over the period of 3 years, to invest £2.6 billion to build new capacity and improve existing provision for children and young people with SEND or who require alternative provision. This included delivering up to 60 new special and AP free schools, in the places where they are most needed.
4. In June 2022, the DfE launched the 2022 Special and AP free school wave 14 applications for local authorities and collaborative local partners. Applications for new special free schools included a two-stage process, where local authorities were invited to apply for a new special free school in their area followed by applications from Academy Trusts to run the new schools. A good local authority application needed to be able to demonstrate that a new school fits with its wider strategy for high needs provision – including where a new school will help reduce dedicated schools grant (DSG) deficits.
5. As set out in the [special educational needs and disabilities \(SEND\) and alternative provision \(AP\) improvement plan](#), the DfE ambition for children with SEND is that they are able to:
 - do their best in school;
 - reach their potential; and
 - find employment and lead happy and fulfilled lives.
6. Special free schools make an important contribution to achieving this.
7. The Hereford and Worcestershire Joint All Age Autism Strategy 2024-2029 incorporates both children and adults into the National Strategy ambitions. The following priorities are of relevance to this application:
 - Improving autistic children and young people’s access into education and support positive transitions into adulthood; and
 - building the right support in the community.
8. The WCF Director of All Age Disability (0-25) is leading on the priority of ‘improving autistic children and young people’s access into education and support positive transitions into adulthood’.
9. The Worcestershire Education and Skills Strategy 2019-24: Ensuring a good education for every child in Worcestershire, refers to ensuring that there is ‘a curriculum and approach which inspires and helps children and young people develop the skills, knowledge and attributes to become successful citizens’.
10. In Worcestershire all children and young people with special educational needs and / or disabilities will be truly seen and respected as individuals and to be the best they

can be. All education settings will provide better and more inclusive support to autistic children and young people, so that autistic people are better able to achieve their potential.

11. The Local Area Partnership SEND Strategy (2023 – 26) priorities include: Priority 2: There is sufficient and effective SEND provision; and Priority 5: Children and Young People with Autism achieve positive outcomes and the support required to enable this to be in place.

Phase 1 - Special Free School Bid

Pre-engagement Autumn 2022

12. As part of the bid development, details of the proposal (appendix 1) were sent to a range of stakeholders to ask for their views, including:

- local and neighbouring local authorities, and those that educated children and young people from Worcestershire at the time of the bid;
- parent and schools' forums – Families in Partnership and SENDIASS to send out to members.
- other schools with an interest, including other local special providers whose intake may be affected – all of Heads of Special Schools Association (HSSA) and Education Phase Leads (including Early Years and Post16), Mainstream Autism Base schools.
- the NHS Commissioner, NHS Provider, and NHS Designated Clinical Officer;
- the local community through other education providers in Malvern and existing tenants located on the Poolbrook site.
- Local County Councillors and MP

13. A working group was established to draft the bid. This included SEND, Education, Finance and All Age Disability Social care representation including the WCC adult social care commissioner. In recognition of this a letter of support for the bid and development of this provision was received from Harriet Baldwin MP (appendix 2)

14. A focus group was held inviting representatives from the education sector and parent carer representatives. The focus group as a whole, were supportive of the proposal based on needs and the prospect of being able to provide education locally in the community and therefore, link young people as they prepare for adulthood to the broader community offer of independence, training, supported internships and employment.

15. Special School representatives' fed back that a new school could provide for children that they are not currently able to offer an appropriate environment or curriculum for. NHS colleagues were concerned about demands for additional health services and stressed the importance of needing a multi-agency approach to supporting these children around their education.

16. In October 2023, an [online survey](#) was launched for stakeholders, including parent carers and young people to share their views.

17. 22 responses to the survey were received. Respondents included: Families in Partnership and SENDIASS – parent voice; mainstream and special education settings of both primary and secondary and FE type; NHS providers and NHS commissioners including the Integrated Care Board (ICB) lead for Autism.

18. Most respondents were supportive of the proposal, 19 / 22 with the remaining 3 stating 'maybe'. No-one was 'not supportive' of the proposal. The main reason for this support was in relation to the proposal meeting identified needs. Where respondents answered 'maybe' this was in relation to needing more information about collaboration with health providers and evidence that the proposed school could resolve the issue of children traveling out of the area to access provision for specific needs. A further respondent wanted to have more information before providing a considered response.

19. Most respondents 20 / 22 agreed the designation of the proposed school stating meets needs as the reason. The 2 respondents that answered 'maybe' to this question referred to wanting more information and meeting the needs of children with complex communication needs who may not be diagnosed with Autism.

20. Additional comments included further supportive representations including being in the right place and requests to be further involved and informed. Further to this was the opportunity for a new school to link in with local offer for 19–25-year-old age range in the community and through local Further Education (FE) provision.

21. A range of comments from respondents included:

- a) "There is a real opportunity to make a difference to the large number of children and young people with ASD who are currently struggling to access education and, in some cases, feel unable to attend at all."
- b) "I would like to see a close relationship develop with the new school and local FE Colleges (and training providers) to shape and develop appropriate adult transition provision from school to support that life stage and access to mainstream otherwise this risks missing an opportunity to not only bring specialist provision 'in county' and simply 're-arranging the deckchairs' - but this could be an excellent opportunity to see better health and social care support involved, rightly at an earlier stage for these young people."
- c) "I strongly welcome this build. It is long overdue and will I'm sure be welcomed by many Heads and SENCOs."
- d) "I think the proposal is absolutely the right cohort at the right time for the needs of young people, not only in Worcestershire, but as a national trend."
- e) "Rates of ASD are increasing across the county. There isn't any specific provision. The National Autism Society Local Needs assessment 2021 illustrated that residents feel that there is very little support across all services. The school could act as a single point of access to other support for families."

22. Herefordshire, Gloucestershire, Shropshire, Warwickshire and West Midlands Councils were also contacted regarding the proposal. Herefordshire and Gloucestershire Councils responded informally and were supportive of the proposal.

23. Worcestershire's bid for a new Special free school clearly identified the rationale for the provision, the need for places, financial information and site location (Appendix 3 – Free School Bid Form).

Context and rationale

24. Since 2017 birth rates have remained relatively stable in Worcestershire. The County is expected to experience substantial new housing growth over the next 10 to 20 years. The South Worcestershire Development Plan sets out Worcester City, Malvern Hills and Wychavon District Councils vision up to 2041. 28,400 new homes are already planned up to 2030 with an extra 11,000 being considered. In total it is expected these new homes to yield an additional 21,590 school age pupils in Worcestershire. The percentage of pupils with EHCPs in Worcestershire has continued to increase since 2018 from 2.7% to 6.8% in January 2023, and is higher than the national percentage (4.3%). Therefore, a projection can be made of increased demand for provision to support children with EHCPs that required additional / enhanced provision to meet their needs.

25. Within section C1 (in Appendix 3) on current context, the Council, at the time of developing the bid, identified it had 83 Worcestershire children and young people with EHCPs and a primary need of Autism who were accessing their education in Independent, Non-Maintained Special schools in or out of county, costing on average £58k per place, a total of £4.8m per annum.

26. A high proportion of these children and young people:

- may experience high anxiety and / or demand avoidance as a result of Autistic presentation;
- are unable to access mainstream education provision with support;
- have the cognitive ability to access a mainstream curriculum;
- need smaller class sizes (e.g., 6 - 8 group sizes); and
- need a whole school and staff dedicated to a holistic Autistic approach.

27. There are currently no special free schools in Worcestershire and no state funded special schools with an Autism designation. There is no Special School in the district of Malvern in Worcestershire. The free school bid represents a sustainable mid to long term plan for addressing this particular need.

28. There had been a year-on-year growth since 2017 of pupils requiring an Education, Health and Care Plan (EHCP) in schools - an additional 1466 pupils since 2017. In line with the trend experienced in the mainstream sector, this figure is expected to continue to rise with the growth of the general school population.

29. In February 2023, there were 269 children and young people in our special schools with a diagnosis of Autism as well as a further 88 in independent special, non-maintained special or out of county provision. There are 126 pupils placed in Mainstream Autism Bases. There is very little capacity within our current specialist provisions to provide the additional places required to meet the needs of pupils with ASD and MLD (Moderate Learning Difficulties).

30. The Local Area SEND Re-Visit Inspection in November 2021 found that the concern about lack of suitable specialist provision remained a concern with “too many children being placed in settings outside of Worcestershire and independent settings ... and too many children without a school place”. A plan has been produced for a continuum of specialist provision as part of the Local Offer including the development of provision for Autism in mainstream settings. There are currently 14 Mainstream Autism Bases across 12 mainstream schools covering each of the phases, with the

most recent opening at Christopher Whitehead Language College in September 2023. Mainstream Autism Bases are resourced SEND provision reserved for pupils with an EHCP and primary need of Autism, designated by the local authority to cater for pupils needs.

31. The proposal fits with the Worcestershire SEN Strategy to provide sufficient SEND Provision and support children and young people with Autism. The percentage of pupils in independent, non-maintained out of county placements is steadily rising. At the time of the bid, the highest cohort of pupils in this provision were those with a Primary need of Autism (January 2022 Census and Feb 2022 SEN2). It is projected that this demand will not decrease due to the highest percentage of new EHCPs in Worcestershire since 2014 falling under Communication and Interaction including Autism. The percentage of pre-school, school-age and Post 16 children and young people with Autism is increasing year on year, it is predicted that by 2026/27 at least 12% of the total 5 – 16-year-olds with SEN in Worcestershire will have a primary need of Autism. There are 954 children on the Umbrella Pathway awaiting an assessment for Autism.

Expected outcomes

32. The proposed school aligns with many of the outcomes of the SEND and alternative provision improvement plan i.e: including ensuring that children and young people can access the right support in the right place at the right time; that provision to be made available for different types of needs; that support to children and young people is available when it is required; it will make available excellent provision to support Autistic Children and Young People; and enable parents to make an informed choice for a provision that can meet their child's needs.

33. A new Autism Special Free School in Worcestershire will provide more good quality education provision for children and young people in Worcestershire. (Worcestershire SEND Strategy Priority 2: there is sufficient and effective SEND Provision).

34. The new school will provide a suitable learning environment in Worcestershire, (Worcestershire SEND Strategy Priority 5: CYP with Autism achieve positive outcomes and support required to enable this to be in place) for Autistic children and young people that are unable to access mainstream education provision with support, need smaller class sizes and need a whole school and staff dedicated to a holistic Autistic approach.

35. The new school will reduce travel times to education provision for more Worcestershire children and young people. It will also build social networks in local communities for more children and young people with SEND, including holistic support with emotional health and physical health.

36. The new school will also help to reduce the demand for out of county and/or independent specialist education provision on the High Needs budget.

37. At the time of developing the proposal, 83 children and young people with an EHCP and primary need of Autism, were accessing their education provision in independent, non-maintained special schools in or out of county, costing on average £58k per place, a total of £4.8m per annum. The new special free school will reduce the average cost of a place to £25k (dependent on level of need), an annual saving of £2.7m once at full

capacity. This will support the reduction in spend needed to reduce the current High Needs deficit.

38. This proposal will support the Council to meet its statutory responsibilities with regard to the provision of special school places across Worcestershire. It will positively impact on children and young people up to the age of 19 years with an EHCP who have a diagnosis of Autism, by providing choice of provision within the local area. It will also release some capacity within the Council's other specialist settings to meet the different needs of other children and young people with an EHC plan.

39. The new ASD school will provide an outreach service which works with WCF, complimenting their vision of school improvement across the county. The new school will have a remit to provide outreach, which will focus on practical, specific strategies and resources to improve Quality First Teaching across Worcestershire settings. It will not be an assessment service, as it will be tasked with providing practical support on specific strategies (e.g., Task Management boards, etc.) that compliment and support the embedding of advice from service that provide assessment (e.g. WCF Autism and CCN team, WCF EPS).

Phase 1 – Special Free School Bid Process

40. In October 2022, the Council submitted the bid to the Department for Education (DfE) in opening a new free special school under the wave process for special provision. In March 2023, the DfE announced the Secretary of State's decision to approve the Council's application to establish a new special free school, one of 33 successful local authority applications.

41. New free special schools can only be centrally funded via this wave route with the Council submitting an application. The Council still retains its statutory duty to secure sufficient education for children and young people, and where it identifies a need for additional places, this would follow the free school presumption route.

42. The wave 14 process for special provision is part of the DfE's central free school programme and will be delivered and funded as such. The Council is responsible for identifying the specification for the new school and appropriate revenue funding, but the DfE is responsible for the majority of the capital costs of the new school.

43. As the Council is not the proposer of the new school, it is not required to carry out a non-statutory consultation on proposals to open a new school (as it would be if following the free school presumption route). The statutory consultation on opening the new school will follow the announcement of the preferred Academy Trust and will be their responsibility to carry out as part of the pre-opening phase of the new school. This will form part of the information the provider will supply to the Secretary of State for Education that will allow final approval for the new school by the signing of the legal agreement.

44. In March 2023, the Council began work with the DfE Free School Team. In the first phase, the project had two overlapping strands, the engagement of an Academy Trust and the initial investigations of the proposed school site. This is followed by phase 2 – pre-opening phase.

Phase 1- Academy Trust Proposer Engagement

45. The assessment of trust applications to run the new special free school is a centrally run DfE process, with Council involvement. The DfE seek views and local intelligence from local authorities and invite the LA to propose a member to sit on the interview panel.

46. Local authorities have a clear role as the commissioner and funder of specialist SEND provision, as set out in primary legislation. Local authorities will continue to champion and promote the interests and wellbeing of all children and young people in their area, ensuring that the system works for the most vulnerable, and planning those services which are best co-ordinated locally.

47. The free schools programme is centrally administered and funded, and Ministers have always made the final decision about which applicants are approved to open new free schools. Ultimately the Secretary of State will approve applications once they are satisfied that there is an ambitious, and deliverable approach to running the new schools.

48. This is in line with the 2022 Schools White Paper, which set out a clear role for DfE in making decisions about the expansion of existing schools and trusts, as well as the creation of new ones, working alongside local authorities and trusts to ensure place plans align. The changes to the process are designed to reflect this role, whilst maintaining an important role for local authorities in phase 2.

School Specification

49. As part of the first strand of the project, the Council produced a specification for the new school, see Appendix 4, this document contains two types of information, key facts about the proposed school as well key contextual information about the Council and the local SEND landscape, to help prospective applicants tailor their applications to meet local need.

50. The initial specification, which was based on the information contained in the October 2022 bid form, laid out to potential providers what the Council requires from the new school and is used as the basis for assessing any proposals. This was published on the [Council's website](#) in April 2023.

Academy Trust engagement events

51. Create:Schools is contracted by DfE to support free school applicants and provide support to local authorities with individual engagement events as part of its work to generate high quality applications. Engagement events are an opportunity for the Council to set out in more detail to prospective applicants the local context and SEND provision and how the Council sees the new school fitting in with its strategic plans.

52. Academy Trust engagement events were held on 6 and 8 June 2023. The closing date for applications from proposers for the new school was 31 August 2023.

Academy Trust selection

53. The DfE Free School Team assess the applications received from proposer Academy Trusts and decide which are shortlisted for interview. For all LA competitions, an LA representative is on the interview panel in particular to determine the fit of the trust's application with the LA's strategic plan for SEND.

54. The DfE received applications from proposers for the new school. Following initial assessment of the proposals by the DfE, it was agreed to take proposals forward to interview w/c 8 January 2024. The interview panel was made up of the Director for All Age Disability from Worcestershire Children First and representatives of the DfE and their agents.

55. Following the interview process a recommendation on the preferred proposer was forwarded by the DfE to the Secretary of State for Education. If the Secretary of State for Education approves one of the proposers, the project will enter the pre-opening phase.

56. Cabinet is recommended to note that the decision on the proposer for the new school rests with the Secretary of State for Education and a formal announcement is anticipated during 2024.

Phase 1 - New School Site and capital costs

57. In the criteria for the bid, the DfE made it clear that proposals that identified a suitable site, and was made available by the Council, would be received favourably.

58. As part of our bid in respect of the new special free school, the Council identified a potential site for the new school. The site proposed was the former Malvern Hills Primary School site, Bluebell Close, Malvern, which was closed in 2009. The previous primary school buildings have been utilised since as the Poolbrook Centre, leased to a range of tenants and used for WCC/WCF operational use. The total site area is 2 ha, the site is shown in Appendix 5.

59. The majority of the capital costs associated with the construction of the new school will be met by the DfE and they will be responsible for the design and procurement. However, the Council will be responsible for any abnormal development costs that are identified from the ground investigations and the costs for demolition of the existing building(s). Although this is considered as being a low risk considering the former use of the land, it still needs to be recognised that there will be a requirement for a capital contribution from the Council assuming that any abnormals do not make the feasibility unviable.

60. The DfE abnormal site developments costs could include:

- a) Geo-chemical exceedances relative to guidelines for school use (including asbestos removal)
- b) geophysical conditions
- c) flooding and alleviation measures
- d) s278 Highways costs
- e) new road provision from the adopted highway to the site boundary
- f) s106 costs
- g) retaining structures required as a function of topography

- h) ecological provision - reserves, species protection and relocation
- i) listed building and heritage community costs
- j) title consolidation and registration
- k) utility provision
- l) environmental conditions that may require specific mitigations such as acoustics or air pollution
- m) mitigation measures for constrained sites (such as roof top playgrounds)
- n) other site-specific issues (including demolition).

61. The existing education capital programme already includes £0.5m for the cost of any such abnormal costs, funded via the High Needs Provision Capital Grant. Therefore, there is no requirement to increase the capital programme at this time. The first round of site surveys have been completed by the DfE, have not identified any specific issues, however the results of the full ground investigations (geotechnical) will not be known until the site is vacant. This is a project risk arising from the Council providing the land, which would require to be met from within the existing Capital Programme (impacting other projects). However, without this risk, the new school would not be funded and delivered by The Secretary of State for Education, and the benefits of specialist provision within the County would not be realised.

62. The land on which the new school will be constructed would be leased to the Secretary of State for Education to develop the new school in line with the normal academy route for 125 years, standard terms are Peppercorn rent and the lease subsequently transferred to an appointed Academy Trust.

63. The chosen site for the new school is the only council owned property in the area that meets the necessary criteria. These criteria include the requirement that the site be owned freehold to reduce delivery costs and can be made available. While the site has limited alternative uses and development opportunities due to planning restrictions, highway access limitations, and permissions required to release from education use, utilising it for a new special school represents good value when compared to the opportunity cost of forgoing capital receipts. The decision aligns with the best value criteria outlined in the Secretary of State's General Disposal Consent for undervalue disposals under the Local Government Act (LGA) 1972. By providing a special school this disposal contributed to the economic, social and environmental well-being of the community.

64. Given the above information, Cabinet is recommended to approve the lease of the required land for a new special free school.

Phase 2 – Pre-Opening Phase

65. The DfE have requested a vacant site from Summer 2024, WCF/WCC are working with existing tenants to identify and relocate to alternative premises as soon as possible. Once the site is vacant it will be handed over to the DFE.

66. Following the announcement of the successful academy trust by the Secretary of State for Education during 2024, the DfE have indicated that the project full feasibility stage of the project is proposed to be completed by mid November 2024,

the project will then move to the free school pre-opening phase. The DfE have indicated that this phase is anticipated to last one and a half years.

67. This phase allows for final confirmation of the site and affordability of capital costs and for the chosen provider to develop their admission arrangements, curriculum and governance. The DfE timeline proposes procurement of the contractor early 2025 to develop the design and procure planning permission, with construction through 2026 to July 2027.

68. During this stage the academy trust will carry out its statutory obligation to consult under section 10 of the Academies Act 2010 about their free school proposal. Section 10 of the Act requires the academy trust to consult with the people they think appropriate, on whether to enter into an agreement with the Secretary of State for Education to set up a free school. The duty to consult rests solely with the academy trust.

69. The thoroughness and transparency of the consultation forms a key part of the decision on whether to enter into a funding agreement with the academy trust.

70. The Secretary of State for Education is required under Section 9 of the Academies Act 2010 to undertake an assessment of the impact the opening of the new school has on other provision in the area. This responsibility sits with the Secretary of State via the DfE project lead, and forms part of the decision on whether to enter into a legal agreement with the academy trust.

71. The funding agreement is the legally binding contract between the trust and the Secretary of State for Education, which contains the terms and conditions upon which the free school is funded. The Secretary of State for Education can cancel or defer a project at any point in the pre-opening phase, even after signing the funding agreement, if pupil numbers are not as identified or if they consider the school would provide an unacceptably low standard of education.

Revenue Funding

72. There may be relocation costs for existing tenants where the Council is liable either through leases or service contracts. These are not expected to exceed £10,000.

73. As identified above, as part of the specification the Council committed to commission 120 places at the new special school. The DfE's intention is for the school to open in September 2027, (originally September 2026) but this is subject to the signing of the legal funding agreement between the Secretary of State for Education and the Trust.

74. Funding for the 120 Council-commissioned places will come from Dedicated Schools Grant High Needs Block and will potentially start in the financial year 2026-27. The proposal has included potential top up funding up to £22,000 per pupil plus an additional £3,000 per pupil for the pay and pension on-costs. The higher level is expected as the average per pupil.

75. The school will open on a phased approach, with growth of pupil numbers over the first 5 years from opening.

76. Cabinet is recommended to approve the revenue place funding for the Special Free School places.

Legal, Financial and HR Implications

77. There are statutory processes for establishing new free schools under the Education and Inspections Act 2006, Academies Act 2010, the need for an Academy Lease and disposing of land at under market value under s123 of the local Government Act 1972, is addressed in the report. The project is delivered by The Secretary of State for Education but some residual risk from abnormal development costs remains with the Council.

78. Under the special and alternative provision (AP) free schools programme Government invites local authorities to set out their case why a new or AP School would benefit their area. In making a bid local authorities set out the key features of the school required to include location, age range, size and specialism. The special and AP free schools programme is the only route the DfE use to fund such schools. The current wave of applications under this programme is called Wave 14. The Council made a successful bid under wave 14 in 2022 to proceed to phase 1. A decision by the Secretary of State as to the successful trust/proposer is awaited before moving to the pre-opening phase to open a special free school in Malvern on the Poolbrook site. The successful proposer is required to conduct statutory consultation pursuant to section 10 of the Academies Act 2010.

79. All new schools are required to be free schools which are legally academy trusts. These schools are state-funded educational institutions free from local authority control and are operated by academy trusts.

80. The new special free school will reduce the average cost of a place to £25k (dependent on level of need) an annual saving of £2.7m once at full capacity. This will support the reduction in spend needed to reduce the current High Needs deficit.

81. The chosen proposer will be responsible for appointing and employing the necessary employees to operate the new school.

82. The Council has a contract for "Prevention And Early Intervention Service For Children, Young People Aged 0 – 19 And Their Families" (PEIS) with WHCT, it states in Schedule 1 Service Specification, that 10 Children's Centre buildings will be made available for use. Appendix 3 of that schedule states that the Sunshine Centre (Poolbrook) will be offered to the provider (WHCT) for the duration of the contract. If WCC instructs that the Sunshine Centre can no longer be used then a variation to the contract is required and is dealt with in accordance with Schedule 7 Change Control Procedure. The relocation costs are not expected to exceed £10,000.

Risk Implications

83. The risks and mitigations considered as part of this proposal are:

- There is a risk that existing tenants cannot find alternative accommodation. WCF and WCC have worked hard to identify possible options for each tenant.

At the time of this report each tenant has an alternative identified and some already have plans to relocate before the summer. WCF and WCC will continue to support tenants to relocate to suitable premises.

- There is a risk that a suitable Academy Trust will not be appointed. A substantial level of applications have been received with relevant experience. The DfE led this process and are confident a suitable Trust can be appointed.
- There is a risk that the DfE will not accept the vacant site until the contractor is in place, resulting in void management costs for the Council. WCC/WCF have requested confirmation from the DfE that the responsibility of the vacant site will be managed under the build programme.
- The risk of further delay to the school opening date. This risk is managed by the DfE programme of works, that WCF/WCC are included in monthly project meetings.

Joint Equality, Public Health, Data Protection and Sustainability Impact Assessments

84. As part of the planning process for new schools, local authorities will have undertaken an assessment of need for the places and the impact of the proposal, both on existing educational institutions locally and in terms of impact on particular groups of pupils from an equality's perspective. These assessments will be used to support 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.

85. The JIA screening, (Appendix 6) has been carried out in respect of these recommendations. It identified that further impact analysis will be required in respect of: Equality and Public Health and Environmental Sustainability. The Joint Impact Assessments will be updated once a full programme plan, feasibility and surveys are completed.

86. The Government's Guidance on How to apply to set up mainstream free schools reminds academy trusts at paragraph 7.10 that: "All free schools are subject to the public sector Equality Duty, which forms part of the Equality Act 2010. This duty requires your trustees, both in planning and running your school, to have regard to the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity and develop good relations between communities..."

Supporting Information

- Appendix 1 – Presentation to stakeholders
- Appendix 2 – Harriet Baldwin MP letter of support
- Appendix 3 – Worcestershire Bid
- Appendix 4 – School Specification
- Appendix 5 – Poolbrook site plan
- Appendix 6 - Joint Impact Assessment
- [All-Age Autism Strategy | Worcestershire County Council](#)
- [Education and Skills Strategy | Worcestershire County Council](#)
- [SEND Strategies and plans | Worcestershire County Council](#)
- [Our SEND strategy | Worcestershire County Council](#)
- [Worcestershire Special Free School | Worcestershire County Council](#)

Contact Points

Specific Contact Points for this report

Sarah Wilkins, Director of Education and Early Help

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Background Papers

In the opinion of the proper officer (in this case the Director of Children's Services) the following are the background papers relating to the subject matter of this report:

September 2019 Worcestershire's Education and Skills Strategy, ensuring a good education for every child in Worcestershire 2019-24:

<https://worcestershire.moderngov.co.uk/ieListDocuments.aspx?CId=131&MId=2644&Ver=4>

February 2023 Sufficiency and Place Planning Cabinet Report

[Agenda for Cabinet on Thursday, 2nd February, 2023, 10.00 am - Worcestershire County Council \(moderngov.co.uk\)](#)