

Division(s): DIDCOT EAST & HAGBOURNE; DIDCOT LADYGROVE; DIDCOT WEST; HENDREDS & HARWELL; SUTTON COURTENAY & MARCHAM, WALLINGFORD; BENSON & CHOLSEY; BERINSFIELD & GARSINGTON

DELEGATED DECISIONS BY CABINET MEMBER FOR CHILDREN, EDUCATION AND YOUNG PEOPLE'S SERVICES

10 JULY 2024

NEW SPECIAL SCHOOL SERVING THE DIDCOT AREA: REPORT ON CONSULTATION AND APPROVAL FOR SCHOOL SPECIFICATION

Report by Director for Children's Services

RECOMMENDATION

The Cabinet Member is **RECOMMENDED** to:

- a) **Approve the specification for the new special school serving the Didcot area, and for a competitive process to be launched to identify an academy sponsor to run the school.**

Executive Summary

1. Oxfordshire's Special Educational Needs & Disabilities (SEND) Sufficiency Delivery Strategy identifies the need for two new special schools in the south-east of Oxfordshire, one for children with Social, Emotional & Mental Health and/or Autism Spectrum Disorder (SEMH/ASD) needs, and one for children with Profound & Multiple Learning Difficulties (PMLD) or Severe Learning Difficulties (SLD), and other associated needs.
2. One site for a new special school has been identified since 2014 (and secured through a Section 106 legal agreement relating to the large-scale Valley Park housing development) to the west of Didcot, but that development made slow progress through planning, and there is still no confirmed timescale for being able to acquire that site. That delay is expected to prevent a new school being built until at least 2028. This school would specialise in PMLD and SLD needs.

3. A search for a second site, which could be made available sooner, identified the potential for partnership working with GLF Schools, the academy trust responsible for Aureus (secondary) School to the west of Didcot, to reduce the planned capacity of Aureus School, to enable subdividing the site for the purposes of building a new special school. This site would be used for the school specialising in SEMH/ASD needs.
4. Oxfordshire County Council will not run the new schools. The 2011 Education Act requires that all new schools are expected to be academies/free schools. This law means that they are not run by the county council except in exceptional circumstances. Instead, academies are run by independent academy trusts.
5. This report forms part of the approved process in Oxfordshire to identify a sponsor for a new SEMH/ASD special school, as detailed below. It seeks approval both for the final education specification, and for the council to embark on a process to identify an academy sponsor to operate the new school. (The opening date for the school focused on other categories of need is not yet confirmed, and a new school process will follow in due course.)
6. The physical design and construction of the school will be subject to the usual planning permission and capital governance processes, and is not covered in this report.

Background

7. Didcot currently has no special schools. The nearest maintained community special schools (primarily educating children with PMLD/SLD needs) are in Abingdon and Wantage. The nearest maintained special schools focused on SEMH/ASD needs are in Oxford, with a new school planned for Faringdon. This means children and young people with SEND face long journeys to access suitable education provision. These travel distances are detrimental to the wellbeing of children living in the Didcot area, and result in increased transport costs for Oxfordshire County Council (OCC).
9. Didcot is one of the fastest growing towns in Oxfordshire, and a major focus for housing development, split across the district council border between South Oxfordshire District Council and Vale of White Horse, with growth of over 10,000 homes planned/permitted between 2011 and 2035. It also lies at the centre of further major strategic housing growth areas in South Oxfordshire (around Culham, Berinsfield, etc) and Vale of White Horse (at Wantage and Grove). The need for special education provision is therefore expected to grow in this area.

8. Work to identify a potential site for a new special school to serve Didcot and the surrounding area resulted in OCC working in partnership with GLF Schools, the academy trust responsible for Aureus (secondary) School to the west of Didcot, to develop a proposal to reduce the planned capacity of Aureus School, and use the resulting surplus land area to enable subdividing the site for the purposes of building a new special school. The availability of this site is subject to DfE approval, as well as the usual planning permissions.
9. Although in the short-term this would reduce the nominal secondary school capacity in Didcot, there are currently surplus places, so there will continue to be sufficient secondary school provision in the town. In the longer term, the pupil generation from local housing development will require additional secondary school provision, and this will be delivered through a new secondary school to be built on a site secured within the North East Didcot strategic development area.
10. Oxfordshire County Council's role is to plan for and secure sufficient school places, and find a potential sponsor for the new schools. The Department for Education (DfE) has set out guidance on the Free School Presumption process for establishing new schools, and based on this guidance, Oxfordshire's School Organisation Stakeholder Group has approved the following process:
 - i. The county council undertakes a public consultation to decide the academy model to be implemented and finalise the education specification for the new academy, based on the DfE's model specification template, which is then to be approved by the Cabinet Member responsible for Education. The DfE is notified that applications will be sought.
 - ii. The county council invites applications from academy trusts interested in running the school through the county council website, as well as through direct notification of known interested parties and through such mechanisms as facilitated by the DfE.
 - iii. The county council assesses applications against the specification and the criteria in current DfE guidance. This assessment includes a presentation from each bidder to the assessment panel.
 - iv. The county council submits a recommendation and assessments, including scoring of the proposals, to the DfE Regional Director (RD), as representative of the Secretary of State, who then decides on the successful trust.
11. The first stage of this process is to write an educational specification for the new schools to invite bids from potential academy trusts wanting to run it. The public consultation on the draft specification for the special school in Didcot has now taken place, and details of this consultation are provided below. From this, the specification for the school has been finalised. The purpose of this report is to provide information on the consultation outcome, and seek Cabinet Member

approval to move onto the next stage of the process: inviting interested parties to submit applications to run the school, based on the proposed specification at Annex 1.

Proposed specification for the new school

12. The school will be:
 - A 120-place special school, specialising in SEMH and ASD needs
 - Age range: 7-19
13. The detailed specification is provided in Annex 1.

Next Steps

14. The Cabinet Member is requested to approve the draft specification attached as Annex 1 as the basis for stage (ii) of the academy provider process outlined in paragraph 11 above, the invitation of applications from potential providers. Such applications would be sought once the DfE has approved the reduction in site area at Aureus School, which it is hoped would be by the end of 2024. Once the applications are assessed, the Cabinet Member will be asked to approve a preferred provider for recommendation to the DfE Regional Director for approval by spring 2025.
15. Running in parallel to this process, feasibility work is underway to inform the design for the new school; the current expectation is that the school will open in 2027.

Corporate Policies and Priorities

16. The planned new school is necessary to ensure the county council can meet its statutory duty to secure sufficient school places for the growing population of Didcot. It will support the council's vision to provide services that enhance the quality of life and to give every child a good start in life. It supports the Oxfordshire Local Area Special Educational Needs and Disability (SEND) Strategy 2022-2027 and the SEND Sufficiency Delivery Strategy 2022/23-2026/27.

Financial Implications

17. The direct financial implication of this report is the cost of the process of seeking expressions of interest, which is planned for and met within the normal CEF

budget provision. There are no significant financial implications or risks at this stage.

18. The capital cost of the school is included in the current OCC approved Capital Programme, and is expected to be fully funded from High Needs Capital grants and Section 106 developer funding contributions secured for this purpose.

Comments checked by:

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Legal Implications

19. Local authorities must plan for and secure sufficient school places for their area in line with their duties under section 14 of the Education Act 1996.
20. The process followed by the council to establish a new school is in line with the non-statutory guidance published by the government which sets out the department's advice and guidance about how the free school presumption process should operate in practice. This guidance applies to all new schools established following the process in section 6A of the Education and Inspections Act 2006¹, which is known as the 'free school presumption' route. Section 6A requires that, where a local authority identifies a need for a new school in its area, it must seek proposals to establish an academy (free school). The legislation that relates to this guidance includes:
 - the Education Act 2011 (EA 2011)
 - the Education and Inspections Act 2006 (EIA 2006)
 - the Academies Act 2010.

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Staff Implications

21. There are no additional staff implications resulting from this report.

Equality & Inclusion Implications

22. Section 149 of the Equalities Act 2010 imposes a duty on the Council to give due regard to three needs in exercising its functions:
 - Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.

- Foster good relations between people who share a protected characteristic, and those who do not.
23. Increasing SEND provision through the building of a new special school to serve Didcot and the surrounding area will have positive equalities impacts for children and young people with special educational needs & disabilities, and their families and carers. Children with SEND are disproportionately male, eligible for free school meals, looked after by a local authority, and from the ethnicity groups Traveller of Irish heritage, Black Caribbean or Other Black backgrounds, and these groups will particularly benefit from this service change.

Sustainability Implications

24. The school will be constructed to Net Carbon Zero standards. Locating a special school in Didcot will reduce travel distances for children with SEND.

Risk Management

25. The location of the school on part of the current Aureus School site is subject to approval by the DfE for Aureus School to reduce in size, and by the GLF Trust Board to release the site. Officers are working with GLF and the DfE to identify and resolve any concerns.
26. If the specification proves unattractive to potential sponsors, we may not be able to identify sufficient providers interested in running the school. In cases where an academy provider cannot be identified, the Department for Education expects to be able to assist.

Consultations

27. The public consultation to inform the development of the education specification for the new primary school was conducted by the School Organisation & Planning team between 19 February – 28 March 2024. The purpose of the consultation was:
- To invite comment on the draft education specification to be used as the basis of identifying an academy sponsor for the new school;
 - To act as pre-notification to potential sponsors of the future bidding process.
28. The consultation was publicised through the county council consultations website and invitations to join the consultation were targeted at local councillors, schools, and other stakeholders.
29. There were 32 responses, of which 29 expressed clear support for the proposal; the remaining three expressed views that a school was more needed in

Witney/Carterton, or that it should not be located so close to Aureus School, or that the school should be for Moderate Learning Difficulties rather than SEMH.

30. The location and type of school was identified based on data analysis showing where there is the greatest need for additional special school provision, and the specific site selected facilitates the swiftest delivery of a new special school. The proposed school is only one element of the county council's ongoing work to increase SEND provision across the county. The county council does not support special schools designated for Moderate Learning Difficulties, as the expectation is that pupils with Moderate Learning Difficulties are educated within mainstream schools, with additional support as required.
31. Other comments included:
- A Didcot special school is long overdue, and should open as quickly as possible.
 - Extremely needed to help families and their children to receive local education they need that supports and meets their individual needs.
 - The current lack of special school places is placing huge pressure on mainstream schools; staff and children.
 - Building on an existing school site is an excellent idea and hopefully minimises the risk of delay.
 - More places will be required.
 - Places needed for children younger than 7 as well.
 - More post-16 places will be needed.
 - Revenue funding levels for special schools need to be increased.
 - More money should also be invested in ensuring children with EHCPs can thrive in mainstream schools.
32. Since the consultation, the revenue funding details have been updated, and the revenue funding is in line with other special schools in Oxfordshire. The age range, and indicative number of places per year group, can be kept under review once the school is operational, and adjustments made if necessary. The new school is part of a wider programme of works which will also deliver a second special school in Didcot and more support for SEND provision within mainstream schools.

Lisa Lyons
Director for Children's Services

Annex 1: Proposed specification for a new special school serving Didcot

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