



Department
for Education

Free school presumption: Annex A

**Model specification template for local
authorities seeking proposals to establish
a new school**

NB: Wherever there are square brackets the local authority should insert / edit the text as required. Delete this text once read.

Section A - Introduction

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 an academy.

Lancashire County Council has identified the need to establish a new 54 place co-educational primary special school to meet the needs of children with social, emotional and mental health difficulties in Lancaster, to open by September 2024.

The county council has a statutory duty to ensure that there are sufficient special school places for children in Lancashire. Where a local authority has identified a shortfall in capacity the county council will work with schools, trusts and partners, including district and borough councils, the Department for Education and where appropriate diocesan bodies to expand existing schools and/or to open new free schools, as necessary.

Lancaster County Council propose to deliver a new 54 place co-educational primary special school on the former Firbank Children's Centre site to provide the accommodation for this new school. Firbank Children's Centre is adjacent Castle View Primary School. Castle View Primary School converted to an academy on 1st September 2022.

The proposal to create this new school has been driven by the increase in the number of education, health and care plans (ehcp) and the increasing demand for special school places in Lancashire. The new school will assist in mitigating the shortfall in places.

In February 2023 Lancashire had 9,665 education, health and care plans. This represents a 40% increase since 2019. This has been accompanied by a 11% increase in demand for special school places, which equates to an overall increase of 368 special school places, although it should be noted that not all these places are within schools located within the Lancashire border and 418 special school places are within the independent, non-maintained sector.

The overall cost for pupils attending independent and non-maintained schools in February 2023 was £25.1mil. Based on current predicted trends it is anticipated this will continue to rise. This is because while the numbers of pupils attending schools within the independent non-maintained sector have remained constant over the last five years the average cost of these school places has seen a 11.1% increase since 2022. In February 2023 the average cost of a school place within the independent non-maintained sector was £49k, whereas in 2022 the average cost was £45k.

There are no primary special schools for children with social, emotional and mental health needs in the Lancaster/Morecambe area of Lancashire or in Fylde and Wyre. The nearest schools for primary aged children presenting with this type of need are in Rossendale and

Skelmersdale, both of which are 35 miles from either Lancaster and Morecambe or Fylde and Wyre.

Currently there are 38 children between the ages of five and eleven who live in the north of the county and who attend independent or non-maintained special schools for pupils presenting with social emotional and mental health needs. The annual cost of this is £1.7m.

There is more demand for specialist provision for older primary aged pupils as can be seen in the table below.

Age group	Number of pupils		
	Independent/non-maintained special school	Maintained pupil referral unit	Total
Key stage 1 (4 to 7 years)	4	0	42
Years 3 and 4 (7 to 9 years)	16	2	18
Years 5 and 6 (9 to 11 years)	18	5	33
	38	7	45

Lancashire County Council is therefore seeking proposals from appropriate sponsors to open a new 54 place co-educational primary special school in Lancaster. This school would be deemed a free school.

Proposers should complete the Free School Presumption application form in [Annex B of the DfE's free school presumption guidance](#) and return it to Lancashire County Council, by email to janette.hastings@lancashire.gov.uk by 15th September 2023

Timetable

Date	Action
June 2022	Seek approval from Cabinet to initiate feasibility study and informal consultation in relation to new free school
July/August 2022	Liaison with Regional Schools Commissioner's office about the proposal to establish a new free school
September 2022	Public Consultation and engagement

May 2023	Completion of new free school specification and impact and equalities assessment and notification of Secretary of State
June 2023 – September 2023(12 weeks)	Competition
October 2023	Assessment panel and decision making
December 2023	Secretary of State final decision
January to July 2024	Building works
July 2024	Building Works Completed
September 2024	Date of school opening

Applications will be assessed using the model criteria in [Annex C of the DfE's free school presumption guidance](#), plus, the county council's additional criteria which is shown below in this specification.

The local authority's assessment shortlisting and participation in the assessment panels will include, but is not limited to, the Cabinet Member for Education and Skills, county council officers, a Lancashire primary special head teacher and a representative from the Department for Education.

The Regional Director (RD) for Lancashire, and on behalf of the Secretary of State, will consider the local authority assessments and recommendations before deciding which proposer is in the best position to take forward the new school. The RD will inform the local authority and the successful proposer of its decision, and the local authority will inform any unsuccessful proposers.

If you would like further information or wish to discuss your application, please contact Janette Hastings, Inclusion Service Policy and Practice Development Officer; janette.hastings@lancashire.gov.uk

NB: the local authority led free school presumption is a different route to the DfE's free school programme. Further information about how to establish a new school via the DfE's free school programme route can be found at:

<https://www.gov.uk/government/collections/opening-a-free-school>

Section B - The School

It is proposed to open a 54-place co-educational primary special free school by September 2024,

Address and postcode - **Firbank Children's Centre, Firbank Road, Bulk, Lancaster, LA1 3HL.**

Size of site – GIA – 983.12m², GEA -1048.68m²

Current and previous uses including planning designation – Former children's centre

Estimated timescale for formal ratification that the LA will release the site for the school (if agreed) - Can be immediate

Estimated date the site would be available for works to commence – As soon as the agreement for the school is in place

Tenure upon which the site will be made available if agreed) - Leasehold with the agreement of a peppercorn rent payable to the LA for a 125-year lease

If applicable, whether the site is co-located with another school – not co-located however it is adjacent to Castleview Primary School

The school will be a 54 place co-educational primary special school for Reception to Year 6 cohorts (aged 5 -11) for children with education, health and care plans who have social, emotional and mental health difficulties.

The organisational structure is proposed to be delivered across four teaching groups comprising one teaching group for pupils in years 1 and 2 to accommodate key stage 1 pupils and they would be taught in class bases that will accommodate six pupils

The pupils in years 3 and 4 and years 5 and 6 will be accommodated in class bases for up to eight pupils

It is proposed that the school will offer 20 pupil place within the first year of opening, and thereafter will offer a further 20 places in year two and the remaining 14 places in year three.

All pupils will have an education, health and care plan and will have significant social, emotional and mental health needs that require specialist provision that cannot reasonably be provided within a mainstream setting or within an SEN (Special Educational Needs) unit attached to a mainstream school. Decisions about which children are offered a place within the school would be made by a multi-agency panel, and wherever possible will be in accordance with parental preference unless:

- it would be unsuitable for the age, ability, aptitude or SEN of the child or young person, or

- the attendance of the child or young person there would be incompatible with the efficient education of others, or the efficient use of resources.

The overall responsibility for decisions about the placement of children and young with education, health and care plans lies with Lancashire County Council as the admissions authority for Lancashire pupils.

Given the proposed location of the school in Lancaster it is anticipated that pupils attending this school will live in the Lancaster/Morecambe area of Lancashire and/or that the travelling time from the child's home to the school will not exceed 45 minutes each way.

Travel assistance will be provided in accordance with the Special Educational Needs and Disability Home to School Transport Policy.

Lancashire County Council are seeking a sponsor with significant experience in supporting pupils with SEND. It is expected the school will be able to demonstrate effective strategies for inclusion and meeting the diverse needs of children with challenging behaviour, where permanent exclusion and/or the suspension of pupils is only applied where it is deemed that the placement no longer meets the needs of the pupil

Lancashire County Council are looking for a sponsor with a strong record of accomplishment and school improvement. The curriculum must be broad, balanced, and delivered in an inspiring and exciting way. High educational standards with a resolute focus on ensuring children can reach their full potential are a key requirement. The school must show a strong moral and caring ethos, ensuring children have the right support they need to thrive.

The sponsor must be able to demonstrate how they will work in partnership with Lancashire County Council, other local schools and other agencies and organisations to support individual children. The provider will be encouraged to work collaboratively with local primary and secondary schools to assist in the successful transitions between educational phases.

An essential requirement is the sponsors ability to demonstrate their understanding and delivery of safeguarding practices and measures for children with high levels of need. The council will look at how the sponsor will work with key stakeholders, such as social workers, early help staff, Children's Centres, health and police services to keep children safe. Lancashire County Council is committed to promote collaborative working with partners to improve quality, efficiency and drive integrated working for a more effective service delivery for the communities and residents that it serves.

In addition it should be noted:

- There is a private nursery co-located on site
- There are no shared facilities
- The site is owned by Lancashire County Council
- The adjacent academy is a 1FE primary

Section C - Vision

Applicants should take account of the relevant criteria in Annex C of the free school presumption guidance and the following.

As a minimum, please ensure you include the following:

- A strong educational vision and a curriculum delivery based on high standards of attainment for each key stage, which will ensure that all children fulfil their potential.
- Plans of how you will engage with key stakeholders in the local community, including parents during the pre-opening period and thereafter commitment to ongoing community collaboration.
- How you meet the needs of children with significant social emotional and mental health difficulties, to:
 - minimise or eliminate the performance gap for children from disadvantaged backgrounds.
 - develop their self-belief and social skills so they can become confident, independent and collaborative learners.
 - provide equality of opportunity to every learner and embrace the diversity of the school community and society irrespective of gender, race, disability, or religion.
 - meet each child's individual academic needs through a personalised curriculum which enables them to acquire, practice and build upon skills.
 - work in partnership with all families, involving them in their child's education and welcoming their involvement in the daily life of the school.
- Demonstrate commitment to excellent outcomes and high quality of teaching and learning.

Section D - Education Plan

Applicants should take account of the relevant criteria in Annex C of the free school presumption guidance.

As a minimum, please ensure you include the following:

- How your strategy to meet the needs of the pupils supports the vision and priorities of Lancashire County Council.
- Detail of how you will deliver an ambitious, broad and balanced, curriculum which uses a multi-sensory approach and is consistent with the vision and pupil intake. This could include a curriculum table and pupil build up chart
- How you will provide a wider curriculum which is flexible and reflects the diversity of needs of the pupils in attendance.
- The strategies you will apply for measuring pupil performance effectively and setting appropriate challenging targets
- A staffing structure that will deliver the planned curriculum within the expected income levels; with a focus on outstanding teaching (including strategies for effective performance management). This could also include an organogram and staff build up chart.
- How you will ensure that the needs of all children are fully provided for and how the school will demonstrate inclusive practice.
- Details of enrichment and extended services, for example, breakfast clubs, sports clubs, homework clubs and music/art clubs
- The school's approach to: PHSE; the Prevent Duty; Safeguarding and Welfare; and promoting fundamental British values (democracy, the rule of law, individual liberty, mutual respect and tolerance of those with different faiths and beliefs)

Section E - Capacity and Capability

Applicants should take account of the relevant criteria in Annex C of the free school presumption guidance.

As a minimum, please ensure you include the following:

- The resources you would draw on and/or deploy to support the development of the new free school by the opening date.
- Clear evidence that you have the range of skills and abilities necessary to set up and then run a school effectively, including managing school finances; leadership; project management; marketing; human resources; safeguarding; and health and safety.
- How the school would be organised and what the governance arrangements would look like, including a diagram of the proposed structures.

Section F - Funding and Costs

- The feasibility study will determine the cost of the building works for the adaptations proposed above and these will be funded by the local authority.
- Any building works will be funded through the high needs provision capital allowance that has been allocated to Lancashire by the Department for Education, or through Section 106 funding or a mixture of the two. Lancashire County Council will cover the costs of refurbishing the existing building and the DfE will provide £25,000 for legal expenses to the successful sponsor.
- Start-up costs of £65,000 have been confirmed by Lancashire's Schools Forum to support pre-opening costs and this would be payable in the financial year and could include
 - Salary costs for a headteacher designate
 - Administration and finance support costs
 - Recruitment and interview related costs
 - Marketing and consultation
 - Any other incidental expenses
 - Pre-opening cost will then be funded through commissioned places
- High needs funding within the dedicated schools grant supports provision for children and young people with special educational needs and disabilities. This funding enables local authorities and education providers to meet their statutory duties under the Children and Families Act 2014 and so would be used to provide

revenue funding in the same way as for other maintained and academy special school

Section G - Impact and Equalities Assessments

As prescribed by section 9 of the Academies Act 2010 and section 149 of the Equality Act 2010, the local authority must assess the potential impact of any new school on existing educational provision in the area. The local authority must also consider whether the new school would impact on any groups with protected characteristics.

The Impact and Equalities assessment is attached as a separate document