

Gloucestershire County Council

Establishment of a new 200 place special school

for boys and girls aged 4-16 years with

Moderate and Additional Learning Difficulties (MALD) to open

in 2026

School specification: special free school presumption process

Deadline for applications: 12 noon on 8 November 2023

September 2023

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.

Gloucestershire County Council has identified the need to establish a new 200-place 'all through' special school for children aged 4-16 years with Moderate and Additional Learning Difficulties (MALD) to open early in 2026. This is not simply an MLD school, but a school that will meet the needs of children with a range of complex learning profiles including those functioning at a level below the moderate learning difficulties range. A significant number will have communication and interaction difficulties (including autism spectrum conditions) as part of their learning difficulties profile. We have identified an appropriate site in Gloucester, which is subject to an education use covenant, on which to construct (subject to planning approval) a modern, carefully designed and purpose-built school.

The need to increase the number of special school places is underpinned by Gloucestershire's [Special Educational Needs and Disabilities \(SEND\) Strategy \(PDF, 1.8 MB\)](#) 2022-25 and Gloucestershire's [SEND Commissioning Strategy 2019-2024 \(PDF, 399.9 KB\)](#). Gloucestershire County Council consulted widely with schools, parent carer groups, partner agencies as well as the wider public when these strategies were developed. There continues to be a high level of support for further developing local provision as an alternative to making placements out of area and in the independent non-maintained sector.

More recently, in October 2022, we engaged with key stakeholders around the proposal to increase the number of special school places available and the establishment of a new school (or schools) of this type. Feedback from the engagement was overwhelmingly positive in favour of increasing the number of special school places available locally, and the following themes were identified as areas of concern and noted by respondents:

- High demand for special school places across Gloucestershire
- Lack of available special school places within the county
- Increasing transport costs and longer journey times due to lack of local provision
- Lack of appropriate facilities and resources in mainstream settings
- The need for a school to be able to cater for a range of needs alongside learning difficulties, including autism spectrum condition, speech, language and communication needs, social, emotional and mental health needs.

It is important to note that plans were not sufficiently developed at that stage to include the proposed location of the school other than that it would be close to one of the urban localities of Gloucester and Cheltenham and within easy reach of other parts of the county. There will be further engagement and consultation with local residents and key stakeholders in relation to the proposed location and design of the building as part of the pre-planning application activity and during the planning approval process.

Our intention to initiate a free school presumption competition to establish a special school of this type has also been widely publicised through the council's communication channels; to schools, partner agencies and the public. Information has been available on the [Gloucestershire County Council website](#) since June 2023.

The authority is therefore seeking proposals from strong, high performing and inclusive academy trusts to open this new school. The school would have a primary designation of Moderate and Additional Learning Difficulties (MALD) and would cater for children with cognitive abilities within the Moderate Learning Difficulties (MLD) range, including those functioning below this range, who present with other, additional and significant needs that, together, present a complex profile of need. The Local Authority is keen to emphasise that this is not simply an MLD school.

These additional needs would include, but are not limited to:

- Cognition and Learning
- complex Speech Language and Communication Needs (SLCN)
- Autism Spectrum Conditions (ASC)
- behaviour that adults find challenging, arising from Social Emotional and Mental Health (SEMH) and/or conditions that impact on emotional regulation
- physical, sensory and medical needs that are commonly catered for within a mainstream school.

A significant number will have communication and interaction difficulties (including autism spectrum conditions) as part of their learning difficulties profile. It is not envisaged that children classified as having PMLD or those who are non-ambulant and presenting with significant physical difficulties will be referred for places at this school.

All special schools in Gloucestershire are part of a Gloucestershire Association of Special School Headteachers (GASSH), which is a school led association. We would anticipate that the successful academy sponsor will seek opportunities for early collaboration with this existing and well-established partnership.

If you would like further information or wish to discuss your application, please contact:

Nathan Roe, Education Planning Manager

Tel: 01452 427262 Email: Nathan.roe@gloucestershire.gov.uk

or

Tracy Oosthuizen, SEND Sufficiency and Development Manager

Tel: 01452 427200 Email: Tracy.oosthuizen@gloucestershire.gov.uk

Process the Local Authority will follow when assessing proposals

As per the [DfE guidance on the commissioning of new free schools](#), the process will be managed by the Local Authority in consultation with the Regional Director's office for the Southwest. Following a short-listing and bid assessment process, which will include a face-to-face interview in November 2023, the Local Authority will provide a report to the DfE with the recommended sponsor(s) and the reasons for the recommendation. The recommendation/decision will then be referred to the Regional Director for agreement. The final decision over the trust to be appointed to run the new school rests with the Regional Director, in discussion with the [Advisory Board](#), on behalf of the Secretary of State and the Regional Director will be making their decision using the June 2023 [Commissioning High-Quality Trusts Guidance](#).

Assessment

Only applications received by the published deadline of **noon on Wednesday 8th November 2023** and on the model [Free School Presumption application form \(Annex B\)](#) documentation will be considered for evaluation and presented to the shortlisting panel. All bids received will be evaluated against the criteria set out in the (Annex B) application form and the key criteria set out by the DfE (Annex C), which are;

- Vision
- Education plan
- Capacity and capability

Scoring criteria:

Each criterion is scored using a 4-point scale so that:

0 = The evidence and argument contained in the application is “inadequate”

1 = The evidence and argument contained in the application is “adequate”

2 = The evidence and argument contained in the application is “good”

3 = The evidence and argument contained in the application is “excellent”.

Each section and criterion will be scored equally, no weighting applies.

Shortlisted applicants will be invited to an interview, with a panel constituted by Gloucestershire County Council.

How to apply

Bids must be submitted using the Free School Presumption application form (Annex B).

All guidance, criteria and forms can be found at: [Free School Presumption application form \(Annex B\)](#). All supporting documentation prepared by the Local Authority can be found at: www.goucestershire.gov.uk/new-special-school-gloucester

Where to send your completed application

The completed (Annex B) application form and any supporting documentation should be sent, by the date set out in the table, to:

Nathan Roe, Education Planning Manager, Education Planning and Infrastructure,
Gloucestershire County Council, Shire Hall, Westgate Street, Gloucester, GL1 2TP

Email: nathan.roe@gloucestershire.gov.uk

Submissions by e-mail are preferred. Applicants are advised to reassure themselves of safe delivery and receipt.

Process and timetable for selection and appointment process

Notification e-mails to all trusts, from Premier Advisory Group, that a competition will launch later in the month – ‘Market Warming’:	Monday 11 September 2023
Start of the Free School Presumption competition:	Monday 18 September 2023
Expressions of interest requested by:	Monday 9 October 2023
Application deadline:	Wednesday 8 November 2023 (noon)
Shortlisting:	Monday 13 November 2023 (outcome communicated by Wednesday 15 th November 2023)
Interviews:	Wednesday 29th November 2023 to be held at Shire Hall, Gloucester <i>(likely to be required for 1 hour)</i>
Recommendation sent to DfE for final decision:	Monday 18 December 2023
Decision by Regional Director (on behalf of Secretary of State): *	late February 2024

*there is no specified timescale for this part of the process, but it is estimated at six to eight weeks from the LA making a recommendation. Once advised of the Regional Director's decision the local authority will publicise this information on its website and via other media/communication channels and begin the process of working with the successful sponsor to establish the new school.

The Regional Director for the Southwest, on behalf of the Secretary of State, will consider the Local Authority assessments and recommendations before deciding which academy trust is in the best position to take forward the new school. The decision is made by the Regional Director, who will inform the Local Authority and the successful academy trust of its decision. The Local Authority will feedback the outcome to any unsuccessful applicants.

Section B - The school and the context of Gloucestershire

Our county

Gloucestershire is a large rural county with two large urban areas, several smaller towns and many villages. About 47% of children and young people live in the two urban areas of Gloucester and Cheltenham. We are a two-tier county in terms of local government administration, comprising of a county council and six district councils.

Whilst Gloucestershire is one of the 20% least deprived local authority areas in England, about 12% (13,100) of our children live in low-income families. We are a geographically large and demographically diverse county with differing needs in different localities and contrasting characteristics in terms of affluence, deprivation, and concentration of population across the different districts.

There are approximately 646,000 people living within the county, with approximately 127,266 of those being children and young people within the 0-17 age range. In June 2023 there were 5531 children and young people aged 0-25 with an EHCP maintained by Gloucestershire County Council, with 4179 of these being in the 5-16 age range.

As a large county we have a considerable number of schools (300 state funded schools) situated within our area. This is made up of 244 primary schools, 41 secondary schools, 12

special schools and three providers of Alternative Provision. Approximately 61% of these are local authority maintained schools and 39% are academies. Approximately 89% of the children in who attend state funded school in Gloucestershire attend good or outstanding schools.

Type of school and the children it will serve

This is a non-residential special school for boys and girls with Moderate and Additional Learning Difficulties (MALD) aged 4-16 years. Whilst the school will have a primary SEND designation of MALD the school should be well equipped to meet the needs of children with other, additional and significant, secondary needs as well as learning difficulties below the moderate range. This is not simply an MLD school. The interplay between the needs will result in the children presenting with a ***complex profile of need***.

The school will provide long-term special education provision to meet the needs of children with significant, complex and pervasive special educational needs including, but limited not to, more than one of the following:

- Cognition and Learning difficulties (at least within the moderate range, but also below);
- Complex Speech Language and Communication Needs (SLCN);
- Autism Spectrum Condition (ASC);
- Behavior adults find challenging, arising from Social Emotional and Mental Health (SEMH) and/or conditions that impact on emotional regulation, for example, phobias, habit disorders, anxiety and depression;
- Hyperkinetic disorders, for example disturbance of activity and attention;
- Attachment needs, for example children who are markedly distressed or socially impaired as a result of an abnormal pattern of attachment to parents or care givers;
- Those living with trauma arising from traumatic experiences, Adverse Childhood

Experiences (ACEs) or persistent periods of abuse and neglect;

- Ambulant children with physical and sensory impairments that are commonly and routinely met within a mainstream school;
- Children with medical needs that are commonly and routinely met within a mainstream school;

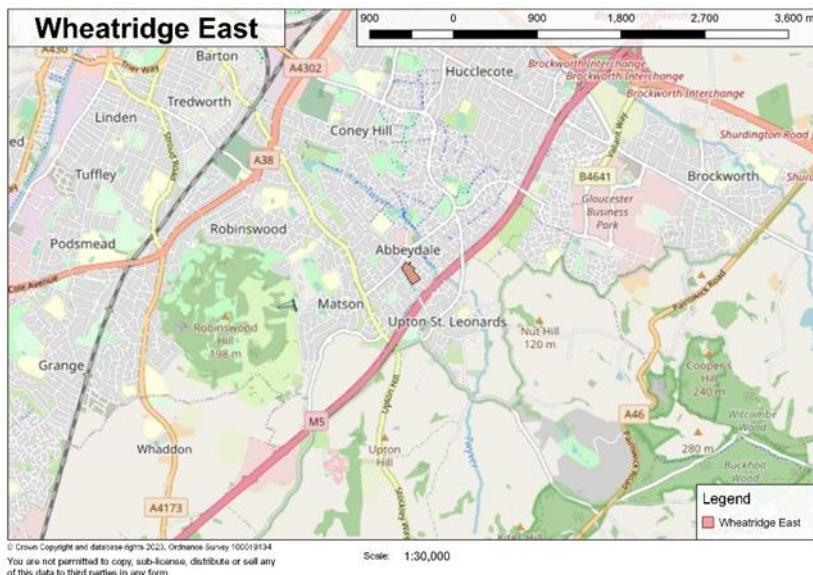
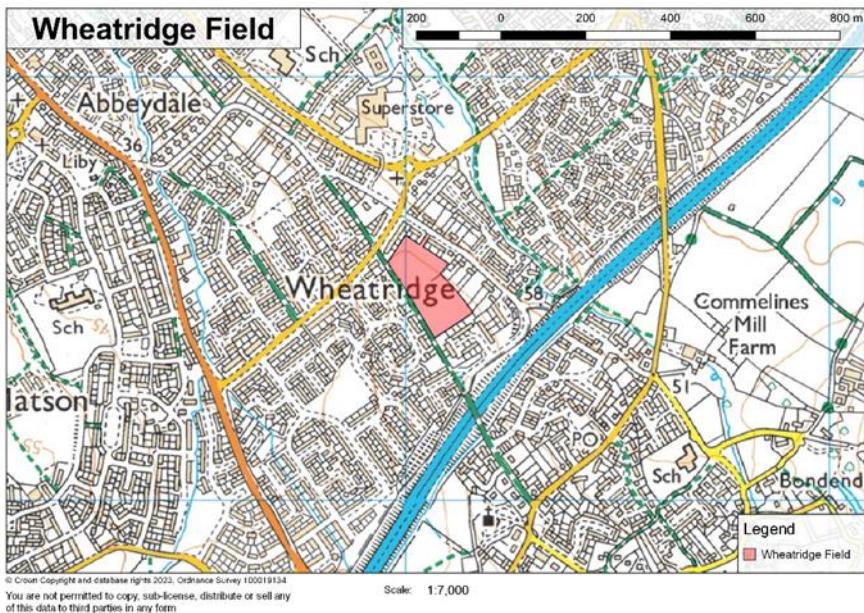
It is not envisaged that children classified as having PMLD or those who are non-ambulant and presenting with significant physical difficulties will be referred for places at this school.

A significant proportion of the cohort may have social care support under Early Help, S17 or S47 of the Children's Act or may be looked after or adopted. A deep appreciation of how to support these children, and their families, is required.

The pupils may be at risk of sexual exploitation, and they may present with harmful sexual behavior making them vulnerable to becoming both victims and perpetrators of peer-on-peer abuse. Pupils will have significant barriers to learning, may have experienced a disrupted pattern of education and will be at risk of disengagement from learning. Their needs may have not been fully and successfully met in previous school settings.

Where the school is to be located

The council will fund the design and delivery of a brand-new school building on land at Wheatridge East in Abbeydale, Gloucester. The site can be identified by the postcode GL4 5DF and Northing: 215495/Easting: 386060. The site is subject to an existing restrictive covenant for education use, is already in GCC ownership and is well situated centrally within the county, close to where there is the greatest level of demand for special school places, and within reach of other parts of the county. The site is shown in the maps below.



The proposed site for the school is in a mature residential area on the Southeast edge of Gloucester and is approximately four miles from the centre of Gloucester, nine miles from the centre of Cheltenham and eight miles from Stroud. Junction 11a of the M5 is approximately three miles away.

The academy trust that is appointed will be fully involved in the design and specification of the building. However, some of the early and initial planning work will already be at an advanced stage by the time the Regional Director confirms the appointment, which is anticipated to be towards the end of February 2024/early March 2024. We will be working

towards a planning application being submitted in 2024 a completion and handover of the building in January 2026.

Close and careful liaison with local residents on the part of the academy trust, beyond the minimum requirements of the statutory Section 10 consultation, is required from an early stage, throughout the planning approval process and ahead of opening owing the proximity of residential properties and some disappointment that this green space is to be lost. Local residents, along with the GCC divisional councillor for the area, should be viewed as key stakeholders.

Pupil capacity

When fully open and operational the school will offer 200 places, with the scope for modest expansion in the future being factored into the design and build.

Proposed admission arrangements

Admissions will be determined by the Local Authority's SEND Panel. All pupils will have an Education Health Care Plan (EHCP). The Local Authority will consult with the school before deciding to name it in the child's EHCP (SEN Code of Practice 2015, paragraph 9.80). **The trust will need to work in close collaborative partnership with the Local Authority in order to receive. Consider and respond to referrals for places several months before opening, even though this may be before the appointment of the Principal Designate.** The Local Authority would expect places to be available up to the number it has commissioned and a willingness on the part of the school to discuss the commissioning of additional places as the need arises.

Whilst it is anticipated that the building will be completed and handed over to the trust in January 2026, it is recognised that time needs to be invested in pre-opening mobilisation

activity, high quality workforce development and individualised and carefully planned induction and transition planning for pupils. However, we expect the school to admit its first pupils no later than Easter 2026 (the start of Term 5). It is not envisaged that the school will be full until the start of the academic year 2027/28.

The need to admit a new pupil could occur at any point within the year and flexibility on the part of the school is required. The sponsor will be required to abide by the Codes of Practice on Admissions and Special Educational Needs and admit any child whose EHCP names that school (after consultation with the school or as a result of direction to name the school by the SEND Tribunal or the Secretary of State).

Out of hours and ‘wrap around’ provision

To provide sufficient support for working parents, out of hours provision is a key priority for Gloucestershire County Council. Whilst there will not be dedicated accommodation provided for these facilities, it is anticipated that there will be the potential for these to be provided within the main school building and we would expect the school to secure opportunities for before-school and after-school provision, where practical to do so. It is important that the academy trust appointed to run the school works in partnership and collaboratively with the nearby schools, the other special schools in Gloucestershire and the wider community to enable access to the school’s facilities, where practical and through a formalised agreement, when not being used by the school and for the benefit of the wider community. This arrangement may need to be formalised at an early stage of the process through a Community Use Agreement, or equivalent arrangement (such as that recommended by Sport England) if required.

Transport arrangements

The majority of children and young people who attend the school will travel to and from school using Local Authority arranged multi-occupancy taxis and minibuses. There will be some who do not qualify for transport assistance, who will travel to and from school by a different means. A close working relationship with Gloucestershire County Council's Home to School Transport Teams will need to be developed at an early stage and it is expected that the school will contribute to a detailed travel plan as part of the planning approval process. There is an aspiration, supported by the local community, to ensure that all pupil pick up and drop offs occur within the school grounds to avoid taxis and minibuses waiting on the roads near to the school and to ensure there are sufficient parking spaces for staff and visitors onsite.

Character/ethos of the school

It is expected that the school will:

- be welcoming to pupils of all world views, faiths and of no faith. The school will be sensitive to the cultural and religious views of all pupils and parents whilst preparing them for life in modern Britain;
- have a strong educational vision and a curriculum delivery based on high aspirations and standards for attainment and progress at all key stages, personalising the learning pathways for those who need this;
- plan carefully, thoughtfully and in a person-centred way for pupils' transition into and from the school, risk assessing and pre-empting the full range of factors that might undermine the success of the placement;
- have a commitment to excellent outcomes and a high quality of teaching and learning based on well researched and validated pedagogy;
- have strong trauma informed practice underpinned by a deep appreciation of the

impact Adverse Childhood Experiences (ACEs) can have on children's learning.

Gloucestershire is an [ACEs informed county](#):

- be inquisitive about the needs of the children and young people who attend the school, and exercise curiosity in understanding the factors that influence the presenting behaviours and barriers to learning, seeking creative and innovative solutions;
- respond and adapt its offer as the needs of a child changes;
- be able to work in partnership, and take a coordinating role where required, with wider services (e.g. social care, health, police, and other schools) to enable each child to progress and succeed as set out in paragraph 1.37 of the SEND Code of Practice;
- plan for appropriate engagement with the local community, other schools, and parents from the earliest stage;
- be a learning environment in which physical intervention is rarely required;
- be a learning environment in which exclusion is almost never considered as a response to incidents of poor behaviour and in which a restorative approach is taken. **Please provide information about the exclusion rates in the schools your trust runs and how these compare with other schools in those areas;**
- be a learning environment in which part timetables are rarely used and in which high rates of school attendance is secured. **Please provide information about the attendance and absence rates in the schools your trust runs and how these compare with other schools in those areas;**
- work in partnership with parents to build trusting and mutually supportive relationships, planning carefully how to achieve this for parents who have had less positive working relationships with previous schools and those who live some distance from the school.

Section C - Vision

Applicants should take account of the relevant criteria in [Annex C of the Free School Presumption Guidance](#).

Please ensure you include the following:

- A strong educational vision and a curriculum delivery based on high standards of attainment for each key stage;
- Plans for appropriate engagement with the local community, other key stakeholders and parents during the pre-opening period and any on-going engagement;
- Excellent support arrangements to meet the needs of all children, including children in care, those who have been adopted and those on the edge of care;
- Excellent support arrangements to meet the needs of all children, including those with non-binary gender identity;
- Excellent support arrangements to meet the needs of children with English as an additional language, those nearly arrived in the UK and refugee and asylum seeking families;
- A commitment to excellent outcomes and high quality of teaching and learning, informed by the soundest pedagogy and which actively plans for over-coming identified barriers to learning and the additional challenges this group of learners face;
- How children and young people will be supported to include within mainstream settings for part of the week, where this is appropriate, and ultimately returning to mainstream school or transition to mainstream Post 16 provision;
- How alternatives to exclusion will be developed and how regular school attendance will be promoted;
- How mainstream schools in Gloucestershire will benefit from the expertise of staff working at this school;

- How the school will take a central and coordinating role in effective partnership working amongst the multi-disciplinary team supporting the children and young people who attend and their families;
- How the school would personalise the learning programme for children who need it;
- How a sense of belonging and community will promote regular school attendance and address persistent absence ;
- How the school will work holistically and in partnership with parents through, for example, the provision of a Family Support Worker;
- How the school will secure input from and work effectively alongside allied health professionals and therapists in order to meet the complex needs of its pupils, especially where resources may not be available from the local health trust.

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:

- Details of an ambitious, broad and balanced, deliverable curriculum plan, which is consistent with the vision and pupil intake and equips pupils to attain vocational qualifications as well as more traditional academic qualifications in the future. The information provided could include a curriculum table and pupil build up chart;
- Approaches that would be used for measuring pupil performance effectively and setting challenging targets;
- Approaches that would be used for baselining, measuring and tracking other skills, e.g. resilience, social skills, self-esteem, so that next steps can be identified and progress can be demonstrated;
- The philosophy underpinning the approach to behaviour management;

- The approach to be taken in ensuring strong trauma informed practice underpinned by a deep appreciation of the impact Adverse Childhood Experiences (ACEs) can have on children's learning.
- 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) and staffing to provide (non-intensive) therapeutic intervention as part of the school's core offer. This could also include an organogram and staff build up chart;
- The approach to ensure that the needs of all children are fully provided for and how the school will be fully inclusive, thinking particularly about therapeutic intervention and support for families;
- How the school will work proactively with parents to support them to meet their responsibilities in securing their child's regular attendance at school and reduce persistent absence;
- Details of enrichment and extended services, for example, breakfast clubs, sports clubs, homework clubs and music and 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)
- Detailed information about school's approach to **all** aspects of safeguarding.

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 upon 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 and governance, project management, marketing and community engagement, human resources, safeguarding and health and safety;
- How the school would be organised as it grows to full capacity and what the governance arrangements would look like, including a diagram of the proposed structures.
- Experience the trust has in establishing other new schools.

In addition to this, applicants who already run or lead more than one school should also provide a brief overarching vision for your trust, including:

- The number and types of any academies, free schools or independent schools you currently manage, or have in the pre-opening phase;
- The number and types of any state-maintained schools you lead;
- Your planned expansion strategy (including how many schools you plan to have in total, your planned geographical spread and timelines), and a summary of any discussions you have had with the relevant Regional Directors about this and information on how this new school forms part of that vision;
- Please provide information about the exclusion rates in the schools your trust runs and how these compare with other schools in those areas;
- Please provide information about the attendance and absence rates, including the

- use of part time timetables, in the schools your trust runs and how these compare with other schools in those areas;
- The Trust's approach to and track record in redressing social disadvantage

Section F - Funding and costs

The Local Authority will fund the delivery and design of a suitable, new and thoughtfully designed school, funded from its High Needs and Basic Need Capital Grants.

Gloucestershire County Council's cabinet has approved an allocation of £16.5m to support the delivery of this new special school. The overall construction budget will include an allowance for furniture, equipment and ICT, for the trust to procure.

The DfE currently provides £25,000 for legal expenses to the successful sponsor, paid to the Trust in the pre-opening phase. The Local Authority will provide to the school a one-off lump sum of £75,000 as a contribution towards start-up costs. This is intended to be used towards costs such as, but not limited to:

- Funding salary costs of the designated head teacher, admin and finance support prior to opening;
- Recruitment and interview related costs;
- Any other incidental costs.

and would be paid to the Trust a term before the school admits its first children (based on a three-term year). It will be up to the trust how to use these funds. No further one-off funding prior to opening will be payable and any unspent funds can be retained by the school. Trusts will need to familiarise themselves with the differences between the funding models of the DfE directly delivered free school projects and the LA led presumption route free school projects.

The school will be provided with land and a building owned by the Local Authority and leased to the academy trust on a 125-year lease.

The school will receive the nationally agreed base place funding per pupil (currently £10,000) from the Education Skills Funding Agency. Top up funding will be provided in line with all other special schools in Gloucestershire using the new universal banded funding model that is in place currently (Bands 1 to 7) to identify a top-up amount, dependent on the assessed needs of the individual student. An annual audit takes place to ensure top funding is appropriate for the level of need of pupils. The current banding (top-up) rates in operation for special schools are:

| ***Table 2: Current banding rates***

Banding	Amount for financial year 2023/24
Band 3	£2,116
Band 4	£7,938
Band 5	£14,110
Band 6	£24,693
Band 7	Bespoke arrangement where needs and provision exceed the Band 6 descriptors

| The Trust will receive base funding for 80 places (i.e., £10,000 x 80 = £800,000 pro rata) during the first year (year ending August 2026). Base funding will increase to 150 pupils at the start Year 2 (September 2026) and 200 at the start of Year 3 (September 2027). The ESFA will only provide the base funding to the school up to the number of children it is intended will be placed in any given year and any further funding will be provided by the LA as start-up funding for the school (on opening) to address diseconomies of scale as the school builds to capacity at Year 3 (September 2027). Please see Table 3 below for further

detail about the proposed funding model over the first three years, which will inform the funding balance between the ESFA and the LA.

Whilst there is a pressing need to increase the sufficiency of special school places at the earliest point that is practically possible, the Local Authority would wish to work collaboratively with the successful trust to determine the build-up rate in a way that is manageable for both parties and best meets the needs of the pupils.

	Year 1 January – Aug 2026	Year 2 September 2026 (<i>start of Term 1</i>)	Year 2 January 2027 (<i>start of Term 3</i>)	Year 2 Easter 2027 (<i>start of Term 5</i>)	Year 3 September 2027 (<i>start of Term 1</i>)
Number of pupils	TBD between LA and Trust	TBD between LA and Trust	TBD between LA and Trust	TBD between LA and Trust	200
Funding amounts					
Base funding	Base funding equivalent to 80 places totalling £0.80m pro rata		Base funding equivalent to 150 places totalling £1.5m		Base funding for 200 commissioned places totalling £2.0m (£2.0m from ESFA and £0.00m from LA)
(split between the ESFA and the LA determined by the agreed number of places to be commissioned)					
Banded top ups from LA	TBD between LA and Trust	TBD between LA and Trust	TBD between LA and Trust	TBD between LA and Trust	200 x banded top-ups from LA

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 school will be commissioned to provide places for children and young people aged 4 – 16 years) with Education Health Care Plans (EHCPs) whose needs cannot be met within a mainstream school. The addition of this school to the family of Gloucestershire schools is unlikely to impact adversely on mainstream schools in the area. In fact, it is envisaged that the school will become another source of specialist advice and expertise that nearby mainstream schools can draw upon.

There are three existing, state-funded special schools (academies), catering for children and young people with this type of need in Gloucestershire. These other schools, part of a multi-academy trust, are commissioned by Gloucestershire County Council to provide 253 places between them but are currently, working in partnership with the LA, supporting pupils above their commissioned number. The establishment of this new school is unlikely to adversely impact on those existing schools given that the demand for placements of this type is so high and, based on our analysis, is set to remain so. Two of the schools are at capacity with very limited options for further expansion and one is set to be at capacity by September 2025 as it steadily builds from its September 2023 opening point. Furthermore, the existing schools catering for this type of need are located in a different district of our large county to the one in which it is intended the new school will be located.

Whilst the school will be responsible for its own compliance with equalities legislation and the formation and lawful implementation of policy in this area, it is not considered that the establishment of this new school will impact particularly on people with protected characteristics. Some of the children and young people who will attend the school will likely fall within the definition of disabled as set out in the Equality Act 2010. The impact on the learners of Gloucestershire who require this type of SEN provision (and have complex SEND needs) will be a positive one. The establishment of this school will enable them to have their identified and complex special educational needs met closer to home and in the county in which they live, without the need to travel often long distances out of area.