

<b>Classification:</b> Open	<b>Decision Type:</b> Non-Key
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<b>Report to:</b>	Cabinet	<b>Date:</b> 25 September 2024
<b>Subject:</b>	Delivery of a new SEMH Secondary Special School – Land proposal to Department for Education (DfE) & Oak Learning Partnership	
<b>Report of</b>	Deputy Leader and Cabinet Member for Children and Young People	

## 1.0 Summary

- 1.1 Bury Council is committed to delivering a new special school, working in collaboration with the Department for Education (DfE) and Oak Learning Partnership.
- 1.2 The scheme will be funded and delivered through the DfE Free School Programme with the Council being required to make a modest Capital contribution towards site remediation costs. Indicative Capital costs of £475,000 have been received by the DfE in relation to the Council's obligations. Following detailed assessment these will be the subject of a further report to Cabinet once confirmed. Provision has been made within the Children & Young People Capital Programme to meet these costs.
- 1.3 The revenue funding for the new school will come from the High Needs Block of the Dedicated Schools Grant. As the Council is part of the DfE's Project Safety Valve (PSV), there is a DSG Management Plan agreed with the DfE and the funding for the new school will be built into the plan.
- 1.4 In accordance with delivery of the Free Schools Programme, the DfE requires the Council to provide the land and cover infrastructure costs.
- 1.5 A site has been identified at Redvales Playing Fields at the junction of Manchester Road and Radcliffe Road. The DfE has commissioned detailed feasibility studies into the potential construction of the new school on the Redvales site. These have now been concluded and the outcome is anticipated imminently.
- 1.6 In addition to identifying the site for the new school, the Council is required to enter into a long lease with the DfE to enable Oak Learning Partnership to have use of that site for the purpose of the school.
- 1.7 The DfE is responsible for ensuring the school is delivered, determining the sponsor of the school, developing and delivering the project to construct the school building, and determining when the school can open.

1.8 The new 60 place school will provide specialist Social Emotional and Mental Health (SEMH) facilities for children and young people aged 11-16 years.

### **Recommendation(s)**

1. That Cabinet:

- Approve the disposal of the land on a long leasehold basis in accordance with the proposed terms as set out in section 4 of this report
- Instruct the Monitoring Officer to enter into lease arrangements with the DfE
- Note that a full proposal of quantified abnormal costs will be submitted to Cabinet for approval at a later date.

### **Reasons for recommendation(s)**

To unlock the delivery of a new SEMH secondary special school

The proposed site boundaries ensure stakeholder considerations including strategic site access, future transport routes and contractor site management

The PSV agreement between the Council and Department for Education (DfE) sets out the requirement for new specialist educational provision, including new Resourced Provision and new Free Special Schools.

The agreement has been subject to consideration by Cabinet and the Children & Young People's Scrutiny Committee and is subject to governance provided by the PSV Delivery Board and Schools Capital Board. The development of new specialist provision seeks to ensure access to a high quality continuum of provision, enabling the majority of children and young people with additional needs to access local provision, with appropriate capacity and resources to meet need.

The proposed new school will greatly enhance Social Emotional Mental Health (SEMH) provision in the borough and increase the overall range and type of provision that is available to support the successful education of children and young people in Bury. In addition, it will provide support for children in mainstream schools in Bury who may be experiencing SEMH difficulties.

### **Alternative options considered and rejected**

The DfE Capital & Property Teams are responsible for site selection, in considering the Council's application an initial desktop analysis of two proposed sites was conducted which resulted in support for use of the land at Redvales, subject to completion of a detailed feasibility study.

To not proceed with the delivery of a new SEMH secondary special school.

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## 2.0 Background

- 2.1 In common with many other local authorities Bury is seeing an increasing number of children and young people presenting with Special Educational Needs and Disabilities (SEND) requiring support within a special school setting.
- 2.2 Historically, Bury has been served by two Special schools, Millwood Primary Special School and Elms Bank High School.
- 2.3 The Local Authority has a statutory duty to constantly review the specialist provision available for children and young people with SEND, whilst also ensuring that there are sufficient specialist places available to meet the needs of the growing SEND population.
- 2.4 Bury Council and the Department for Education (DfE) have entered into a 'Safety Valve' agreement, which includes planning for future specialist provision, working closely with partners to develop a financial plan and forecast model, and identifying measures to increase access to local provision in Bury.
- 2.5 The Council has thus embarked on a SEND transformation programme and one of the key objectives is to reduce the number of out of borough placements by expanding in borough specialist provision, targeted at the right areas of need.
- 2.6 The Council's strategy for responding to the growth in demand for places seeks to ensure access to a high-quality continuum of provision, enabling the majority of children and young people with additional needs to access local provision, with appropriate capacity and resources to meet need.

This continuum will comprise:

- Inclusive mainstream schools, ensuring that the majority of children and young people can be supported in their local mainstream school.

- Mainstream schools with Specialist Resourced Provision, where those children and young people whose needs can be met in a mainstream setting, but with additional support, have access to local provision.
  - Special schools, building additional capacity to enable a local solution to be available to the majority of children and young people who require a special school place.
- 2.7 In respect of the additional special school capacity, this is to be achieved through the provision of two new Secondary Special Schools, funded through the DfE special free school programme, and the expansion of Millwood Primary Special School.
- 2.8 The first of these new Special Schools, Brookhaven, opened in February 2024, located on Parr Lane, Unsworth.
- 2.9 This report sets out the approach to the development of proposals for the second new secondary special school, which is at an early stage in development and expected to become available in 2026/27.

### **3.0 The Special Free School: Redvales High School**

- 3.1 Local authorities no longer have the statutory power to establish new schools. All new schools must be established as a Free School. Only a limited number of Free Schools are supported and can only proceed if approved by the Department for Education (DfE). Once approval is granted, the DfE is then responsible for ensuring the school is delivered, determining the sponsor of the school, developing and delivering the project to construct the school building, and determining when the school can open. The scheme will be funded through the DfE Free Schools Programme, with the Council being required to make a modest Capital contribution towards site remediation costs.
- 3.2 The application for this second special free school was pre-approved in principle under the safety valve agreement. In response to the growing demand for specialist school places the Council submitted an application to the DfE in 2022 for a 60 place secondary special school.
- 3.3 The new school will have two main purposes:
1. To provide specialist Social Emotional and Mental Health (SEMH) facilities for children who are struggling with the mainstream environment on a full time, part time or fixed/short term intervention basis.
  2. Act as a centre of excellence and support for the local communities and schools and possibly the wider sub region providing:
    - a. Staff training and development by Social Emotional and Mental Health (SEMH) specialists to help Children and Young people remain in mainstream education.
    - b. A base for multi-disciplinary outreach services supporting schools, colleges, parents and employers to improve children's outcomes.

### **3.4 The new free school is intended for children who:**

1. Have an Education Health and Care Plan (EHCP) which identifies Social Emotional Mental Health (SEMH) as the primary need and who currently attend mainstream schools or alternative provision, who are struggling with the setting and for whom an academic environment away from mainstream would be most appropriate – these should be long term or permanent placements, the duration being dependent on their age, level of development, support and environmental needs.
2. Currently attend Independent Non-Maintained schools due to the lack of provision within the borough (addressing this would increase parental choice).

### **3.5 The proposed site**

- 3.5.1 In submitting its application to the DfE, the Council was required to identify sites on which the new school could potentially be constructed. It is a condition of application that the Council provide the land on which a new school is to be developed.
- 3.5.2 The Council's Land & Property team identified two potential sites of sufficient size to accommodate the school, both within Council ownership, and each with the potential to be developed. Both of these sites were included within the application to the DfE.
- 3.5.3 The DfE Capital & Property Teams are responsible for site selection, in considering the Council's application an initial desktop analysis of the two sites was conducted which resulted in support for use of the land at Redvales, subject to completion of a detailed feasibility study.
- 3.5.4 The Free School application was subsequently approved, and a sponsor Trust identified. There now follows a long process before the school can be formally established. Key amongst this process is the ability to construct the new school building on the identified site.
- 3.5.5 The DfE has commissioned Mott McDonald to carry out a feasibility study into the potential construction of the new school on the Redvales site. This process involves undertaking site surveys, both non-intrusive and intrusive, to determine the suitability of the land, but also looks at a range of other constraints to development including any planning restrictions or limitations, access and highways related issues, environmental impact, and any other considerations that could impact on the ability to construct the new school. The feasibility studies have now been concluded are awaiting internal approval from the DfE.
- 3.5.6 One constraint to development will include any current designation that applies to the land. In the case of Redvales, the land is designated as Public Open Space. In order to demonstrate to the DfE that this does not represent a risk to

delivery of the project, it requires the Council to take the necessary steps to comply with legal requirements and release the public trust in the land in accordance with S123(2A) Local Government Act 1972. In February 2024 the Council published statutory notices of its intention to dispose of the land. Due to the number of objections to the Public Open Space Notices, a report was submitted to Cabinet on 4 September 2024 and subsequently approved.

3.5.7 The feasibility study is intended to identify potential constraints to development and other factors that will impact on the design of a building. Only after the feasibility is complete, and if it demonstrates the potential to construct a new school on that site, will the DfE progress the scheme to more detailed design, and the stakeholder and public engagement that will be required.

3.5.8 Community engagement will be extremely important to the delivery of the project and the Council is committed to working with the DfE to engage with all stakeholders to hear and understand any concerns they have. Ordinarily this would come later in the process once detailed designs were being developed, but the Council recognises that there is a level of anxiety, particularly from neighbouring residents. Therefore, the following programme of engagement is proposed:

- Meet with Ward Councillors, with DfE input – describe the process, timelines, and key milestones particularly for stakeholder and resident input.
- Briefing to residents – potentially using the above narrative regarding the proposed new school, supplemented by input from DfE describing the process, timelines, and key milestones particularly for stakeholder and resident input.

3.5.9 Planning process: Only after the feasibility study is complete, and if it demonstrates the potential to construct a new school on that site, will the DfE progress the scheme to more detailed design, and the stakeholder and public engagement that will be required.

3.5.10 The cost of constructing the new school building will be met by the DfE, with the exception of site-specific costs including the provision of access and associated highways works, site remediation including demolition of existing buildings, and any relocation costs relating to existing uses, and costs arising from planning conditions. Indicative Capital costs of £475,000 have been received by the DfE in relation to the Council's obligations. Following detailed assessment these will be the subject of a further report to Cabinet once confirmed. Provision has been made within the Children & Young People Capital Programme to meet these costs.

#### **4.0 Leasehold terms**

In accordance with the delivery of the Free Schools Programme, the DfE requires the Council to provide the land and cover infrastructure costs.

A site has been identified at Redvales Playing Fields at the junction of Manchester Road and Radcliffe Road. The DfE has commissioned detailed feasibility studies into the potential construction of the new school on the Redvales site. These have now been concluded and the results are anticipated imminently.

In addition to identifying the site for the new school, the Council is required to enter into a long lease with the DfE to enable Oak Learning Partnership to have use of that site for the purpose of the school. The agreement between the Council and DfE must set out the clear boundaries of the site to be included on the lease.

To provide security and clarity to the DfE throughout the feasibility process, the Council is proposing to grant a 125 year lease to the DfE on a peppercorn rent.

Plan of the proposed red edge is shown below:



The proposed red edge of the leasehold provides suitable land for the delivery of the proposed secondary school.

The DfE requires vacant possession of the site to enable the development of the site to commence.

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#### **Links with the Corporate Priorities:**

The proposal will support key ambitions of the Let's do it strategy:

- A better future for the children of the borough
- A better quality of life
- A chance to feel more part of the borough
- Building a fairer society that leaves no-one behind

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### Equality Impact and Considerations:

Please provide an explanation of the outcome(s) of an initial or full EIA and make **specific reference regarding the protected characteristic of Looked After Children**. Intranet link to EIA documents is [here](#).

A full EIA has been completed, all impacts identified are neutral with mitigations in place

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### Environmental Impact and Considerations:

Please provide an explanation of the Environmental impact of this decision. Please include the impact on both **Carbon emissions** (contact [climate@bury.gov.uk](mailto:climate@bury.gov.uk) for advice) and **Biodiversity** (contact [c.m.wilkinson@bury.gov.uk](mailto:c.m.wilkinson@bury.gov.uk) for advice)

Environmental impacts and concerns will be considered as part of the pre-construction services and will be in-line with existing Council policies.

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### Assessment and Mitigation of Risk:

Risk / opportunity	Mitigation
Outcome of feasibility studies	Awaiting confirmation of outcome from DfE
Objections to the site of the new school	Community engagement, briefings, planning process

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### Legal Implications:

1. The proposed free special school in Borough is consistent with the Safety Valve programme aims.
2. An EIA has been completed addressing potential impacts of the proposals.
3. The legal requirement to advertise public open space has been undertaken.
4. A lease term of 125 years at a peppercorn rent are standard terms in respect of DfE leases.

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### Financial Implications:



The estimated capital costs of £475k have been included in the capital programme and will be funded from uncommitted capital grant. The revenue costs of the special school will be funded from the High Needs Block (HNB) of the Dedicated Schools Grant. The HNB had a deficit of £18.6m as at 31<sup>st</sup> March 2024. The current projected deficit for 31<sup>st</sup> March 2025 is £20.1m. There is a deficit recovery plan which is subject to the Safety Valve arrangements with DFE. The revenue implications (savings) are not currently built into the recovery plan and therefore the opening of this school will improve the plan and forecast deficit. The net estimated savings are as follows:

	Assume 7 Months from September 26			Full Year 2027-28		
	No of Pupils	Per Pupil £	Total £	No of Pupils	Per Pupil £	Total £
Place Funding	60	10,000	350,000	60	10,000	600,000
Historic TPPG	60	660	23,100	60	660	39,600
Less Increase In HNB Grant	30	-6,000	-105,000	60	-6,000	-360,000
Less Increase in TPPG			-23,100			-39,600
<b>Net Placement Cost</b>			<b>245,000</b>			<b>240,000</b>
Top Up Funding at Band B x 15%	4	11,300	26,367	8	11,300	90,400
Top Up Funding at Band C x 75%	23	13,500	181,125	46	13,500	621,000
Top Up Funding at Band D x 10%	3	18,000	31,500	6	18,000	108,000
<b>TOTAL Top Up Funding</b>	<b>30</b>		<b>238,992</b>	<b>60</b>		<b>819,400</b>
<b>Net Cost of Special School 2026/27</b>			<b>483,992</b>			<b>1,059,400</b>
<b>Saving in Independent School Costs</b>	<b>30</b>	<b>56,000</b>	<b>-980,000</b>	<b>60</b>	<b>56,000</b>	<b>-1,680,000</b>
<b>Net Saving</b>			<b>-496,008</b>			<b>-620,600</b>

The main assumptions around these estimates are:-

- The school will open in September 2026
- The school will have 30 pupils in September 26 and 60 in September 27.
- All of these pupils would otherwise have attended more expensive independent special schools.

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**Appendices:**

*Please list any appended documents.*

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**Background papers:**

*Please list any background documents to this report and include a hyperlink where possible.*

**Please include a glossary of terms, abbreviations and acronyms used in this report.**

<b>Term</b>	<b>Meaning</b>
DfE	Department for Education
SEMH	Social Emotional Mental Health