



Outline Business Proposal – Special School for Children with Autism Spectrum Condition (ASC)

Version: 1

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1.0 Introduction

- 1.1 In 2010 Cheshire East began an extensive Special Educational Needs and Disability (SEND) Review of its specialist services for children with Special Educational Needs and Disability.
- 1.2 One of the key recommendations from the review was the identified need to develop local specialist provision for children with an Autism Spectrum Condition (ASC) between the ages of 4 to 19.
- 1.3 Cheshire East Councils aspiration is to develop an outstanding/excellent ASC-specific Special School and Service for children with ASC as close to their local community as possible, underpinned by our vision that 'no child, or young person is left behind', enabling every child and young person to achieve the best possible outcomes.
- 1.4 This document sets out the outline business case for this ambition. This paper will give a clearer picture of what the model will look like in practice and outline some of the means by which the vision will be realised.

2.0 Autism is a lifelong developmental disability

2.1 People with autism have said that their world can often seem like a mass of people, places and events which they struggle to make sense of, and which can cause them considerable anxiety. In particular, understanding and relating to other people, and taking part in everyday family and social life may be harder for them. Other people appear to know, intuitively, how to communicate and interact with each other, and some people with autism may wonder why they are different.

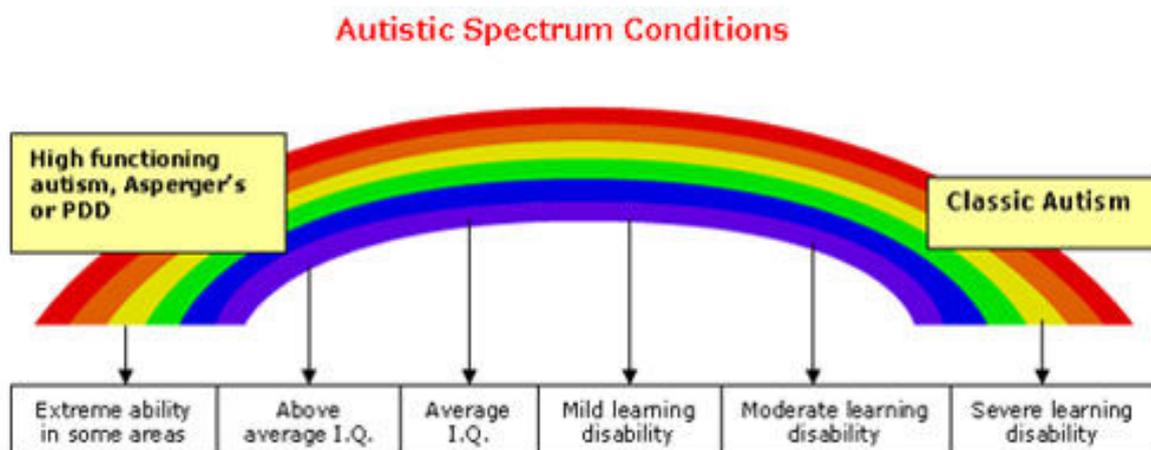
2.2 The word spectrum is used because, while all children and young people with autism share areas of difficulty, their condition will affect them in very different ways. Some are able to live relatively everyday lives; others will require a lifetime of specialist support at different times in their lives and may need crisis intervention from time to time

2.3 Autistic Spectrum Conditions are characterised by deficits in:

- Social interaction
- Verbal and nonverbal communication
- Repetitive behaviours or interests

2.4 Many children and young people affected by autism will also experience sensory differences and present with unusual responses.

2.5 The rainbow below depicts the Autism Spectrum Conditions.



3.0 Vision, Ambition and Aims

- 3.1 Cheshire East Councils vision for Special Educational Needs and Disability is “to work together to ensure all children and young people have a fair start to life” and “for Cheshire East to be a place where all children and young people are supported well to maximise their life choices”.
- 3.2 Our ambition for children and young people affected by autism is to develop an outstanding ASC-specific Special School and Service for children with Autism Spectrum Condition (ASC) as close to their local community as possible, where **“no child or young person is left behind”** and “that every child and young person receives the support they need to lead successful lives”.
- 3.3 The goal is to “provide responsive, locally based services which make sense to children, young people and their families that addresses their needs earlier” and “to be a place where all pupils achieve their full potential in a learning environment where they feel safe, happy, accepted and included”.
- 3.4 We are committed to our role in promoting inclusion, and strongly believe in the power of early intervention with the co-operation and partnership of all those, who share our commitment and endeavours to improving the life chances of children and young people affected by autism.
- 3.5 This vision in practice means that we aim to:
- offer a curriculum which is personalised to give all young people affected by autism unprecedented opportunities to learn, so they can surpass all previous expectations for attainment and achievement;
 - develop an ASC-specific environment in every feature, designed and engineered to provide a calm and stable context where constructive challenges can be introduced in a planned and managed way;
 - be proactive in developing, using and promoting consistent ASC-specific approaches, with a focus on social interaction and communication, and the reduction of anxiety and unnecessary stress;
 - create a centre for co-operation and collaboration, delivering seamless and personalised services that enhance the lives of children with autism and their families;
 - promote health, well being, happiness, enjoyment, and independence in a stimulating yet safe, secure and caring environment;
 - provide the Cheshire East Autism Service through a ‘hub and spoke approach’ offering multi-agency advice to mainstream schools to ensure

that pupils on the autistic spectrum receive the appropriate autism specific support they require to be successful in all aspects of their school life;

- create a culture of achievement, by stimulating a desire to learn, raising aspirations, opening up a wide range of opportunities for those that are able to work towards external accreditation;
- provide a base from which pupils can access selected mainstream experiences in primary and secondary schools that are within easy travelling distance;
- invest in the long term quality of life of our children, by preparing them for an independent and purposeful role in society as adults, through explicit teaching of life skills and socially acceptable behaviour and by fostering confidence, self-esteem and a realistic understanding of themselves as people affected by autism;
- value and respect individuals, recognising their strengths, encouraging them to develop their interests and abilities, and helping them show positive attitudes towards others;
- prepare our children and young people for the challenges and opportunities of a complex and technologically advanced society through creative, innovative and motivating approaches to teaching and learning;
- create an organisation which attracts and retains the best teachers and support staff, and where innovative approaches to leadership, management and administration enable an increasingly expert workforce to operate flexibly and efficiently to meet the highest stakeholder expectations;
- ensure that the school is a key player in promoting inclusion and a major regional contributor to Continued Professional Development (CPD) in the area of ASC.

4.0 Rationale and evidence of demand

- 4.1 In recent years, there has been a significant increase in the number of children and young people diagnosed as being on the autism spectrum, both nationally and in Cheshire East.
- 4.2 ASC is of high incidence nationally with 16% of statements having ASC as the primary category of need. In Cheshire East the percentage is higher. This increase may be partially explained by improved awareness and increased diagnosis of ASC.
- 4.3 The SEND Review identified a gap in educational provision for children and young people with ASC, whose needs are not currently being met in mainstream schools, resourced provision or non ASC-specific special schools and hence are placed in ASC-specific provision out of borough. We do not have an ASC-specific special school in Cheshire East to provide these pupils with an appropriate placement..
- 4.4 The current provision of three resourced primary schools and two resourced secondary schools, within Cheshire East does not meet the continuum of provision required for children and young people affected by autism or offer much parental choice.
- 4.5 Children and young people accessing ASC-specific provision out of borough are travelling to Cheshire West, Staffordshire, Stockport, and small percentages attend independent specialist schools and residential care. (refer to map A)
- 4.6 The Children and Young Peoples Database (CYPD) figures for 2010/11 indicate 85 children and young people were placed in ASC-specific out of borough placements, at a cost of £2.5 million, with an additional travel cost for these pupils of £0.4 million. The cost for these out of borough placements for ASC-specific provision funded by Education was £2.9 million. In addition, Health contributed £59,000 and Social Services contributed a further £0.5 million. The overall sum for ASC-specific out of borough placement for 2010/11 was £3.4million.
- 4.7 Parents of children with ASC are concerned that Cheshire East is unable to provide a continuum of provision for their children and young people.
- 4.8 ASC affects communication, social interaction and the ability to think flexibly. Many of our children with ASC need a highly structured adapted environment, and become too stressed to learn if overloaded with information and faced with choices and changes. This environment is difficult to create within a

mainstream school, and inconsistent with the needs of most 'neuro-typical' children.

- 4.9 Given the above, and the increasing diagnosis trends for ASC and local parental interest in an ASC-specific special school and service, there is a strong case and demand for establishing an ASC-specific special school and maximising the Cheshire East Autism Service within Cheshire East.
- 4.10 The proposed school and service is an innovative model that will provide continuum of effective provision, better value for money, supporting a more buoyant market with greater parental choice and flexibility than the current status quo.
- 4.11 Cheshire East Council is committed to providing an 'enhanced' local offer which ensures each child and young person with ASC is able to cope with the world and is able to develop the skills needed to cope within social networks.

5.0 Outline of model

- 5.1 Cheshire East Council intends to develop an ASC-specific all age special school and further maximise its current ASC-specific outreach service, Cheshire East Autism Service (CEAS). The school will utilise and promote ASC-specific approaches, with a focus on developing the pupils' social interaction and communication skills.
- 5.2 The ASC-specific special school will cater for 60 children. The identified and preferred site is the former Church Lawton Primary School, Alsager, Cheshire.
- 5.3 Early intervention is a key factor in maximising achievement for children and young people affected by autism. The current, long established, Cheshire East Autism Service (CEAS) will be further enhanced through the 'hub and spoke' approach.
- 5.4 Cheshire East Autism Service will further maximise the numbers of children and young people affected by autism through continued support for ASC-specific resourced provision and other key partners and mainstream schools.
- 5.5 The children and young people attending the ASC-specific special school will need to fulfil the following admissions criteria:
- A statement of SEN
 - A diagnosis of ASC as either a primary or secondary need with the recognition that ASC is a significant barrier/inhibitor to their access the curriculum, or
 - Recognition from the professionals working with the pupil that a social communication disorder is a major barrier to learning.
 - The ability to progress academically given the appropriate ASC-specific support and strategies. For example by the end of key stage 2 students whose needs would be met by the ASC-specific special school will be working at National Curriculum Level 2 in at least one of the core subjects. They will not be identified as having severe learning difficulties.
- 5.6 All pupils placed in the school will typically present with the following:
- Significant levels of social isolation due to their degree of social impairment and/or limited understanding of social signals, for example facial expressions and emotions, and rules such as two way conversations
 - Severe levels of anxiety caused by changes in routine requiring adult intervention
 - Repetitive behaviours which impact on learning
 - The need for autism specific strategies, such as additional structure, distraction free work spaces to enable access to the curriculum
 - Severe sensory difficulties impeding learning and socialisation and/or fine and gross motor difficulties, which are exacerbated in a busy classroom environment

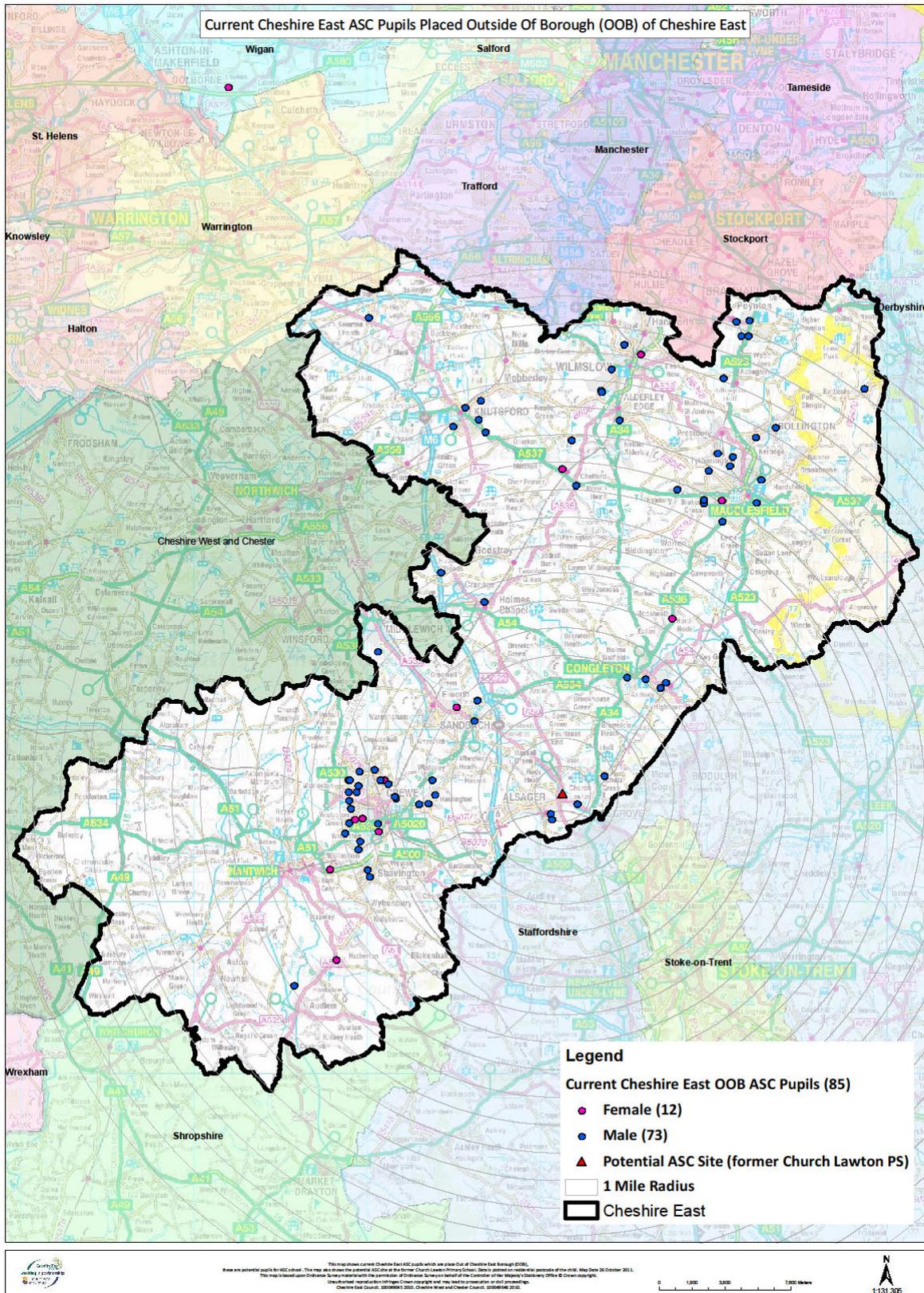
- Difficulty in accessing a successful education within a mainstream environment (including resourced schools at both primary and secondary level)
- Severe difficulties with the understanding and use of language in addition to higher level language difficulties that are subtle and pervasive and result in misunderstandings requiring specific programmes of work. They may be non-verbal and use alternative methods of communication. This would not include pupils with identified speech and language disorders.

5.7 It is anticipated that the pupils will come from a variety of school or pre-school placements (refer to scenario 2 in Finance section for further analysis). This may include:

- Out of borough placements, either inter-authority or independent specialist schools,
- Resourced school, either primary or secondary
- Pre-school placements, where their needs have already been identified.

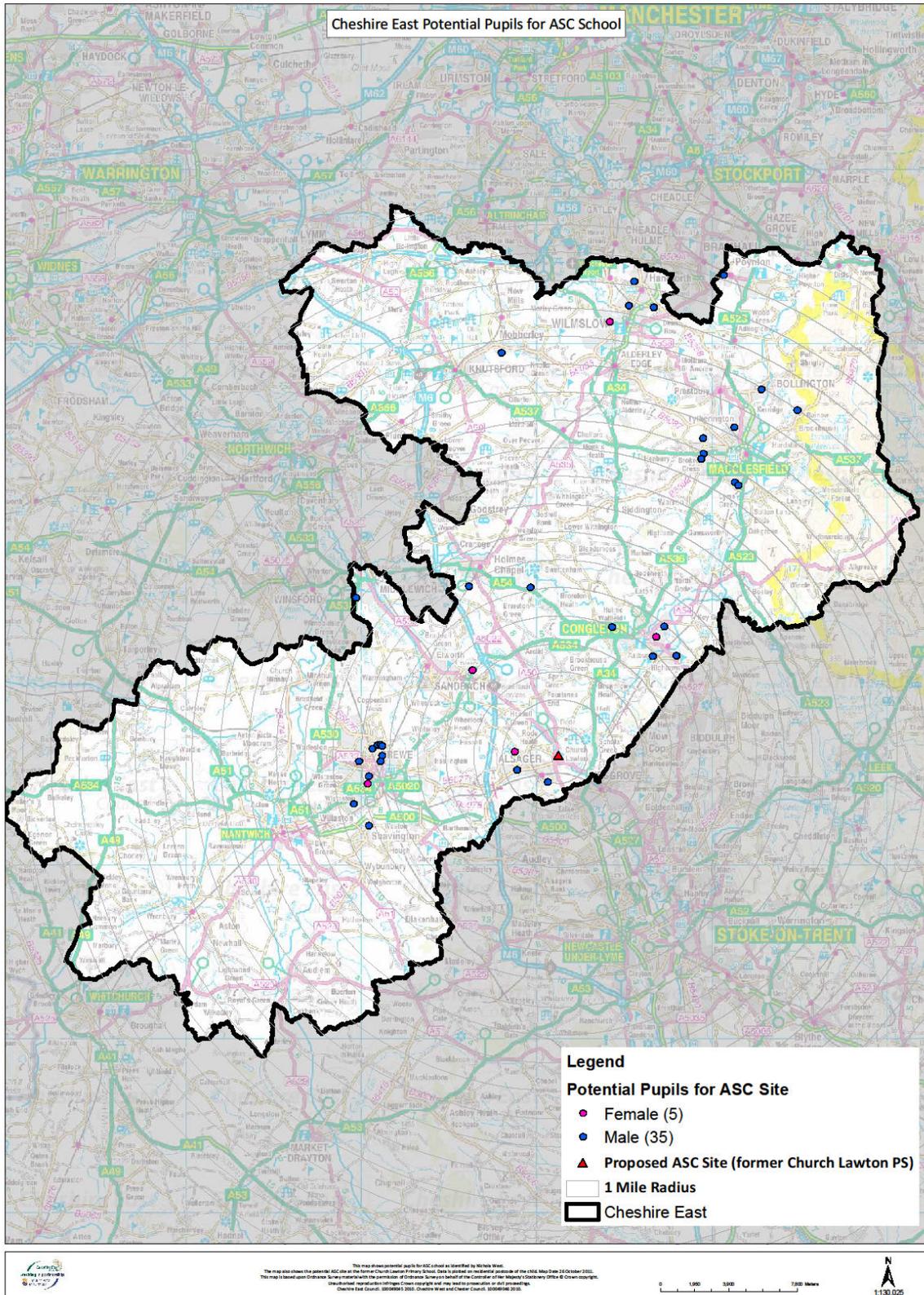
5.8 Map A overleaf depicts the geographical locations of our current Out of Borough placements relative to the preferred Church Lawton site (marked as a triangle).

5.9 Map A below depicts the geographical locations of our current out of borough placements and the proximity to the proposed Church Lawton Site.



- 5.10 Financial analysis demonstrates a strong case for the relocation of our current out of borough placements to the proposed new ASC-specific Special school.
- 5.11 With that in mind, parental choice for the relocation to the new ASC-Specific special school in their local community will be offered to those pupils currently attending out of borough placements.
- 5.12 ASC affects communication, social interaction and the ability to think flexibly. Many children and young people with ASC need a highly structured adapted environment, and become too stressed to learn if overloaded with information and faced with choices and changes. Hence Cheshire East Council will honour current out of borough placements for their duration, if the parents feel it is not in the best interest of the child or young person to relocate.
- 5.13 There is recognition that it will not be possible to relocate pupils solely from out of borough placements, Map B overleaf, is a trajectory and geographical locations of identified potential pupils who will greatly benefit from the proposed ASC-specific special school and are not currently in out of borough placements.

Map B depicts identified pupils who are from resourced provision, mainstream – who are not in Out of Borough Placements currently and who have been identified as benefiting from a placement within an ASC –specific special school.



6.0 Educational Plan

- 6.1 Pupils admitted to this ASC-specific special school will require significantly different approaches to teaching to enable them to access the curriculum. The nature of their difficulties in the areas of social communication, understanding and use of language, sensory problems, severe anxiety and obsessive/repetitive behaviours create barriers to learning in a mainstream school environment.

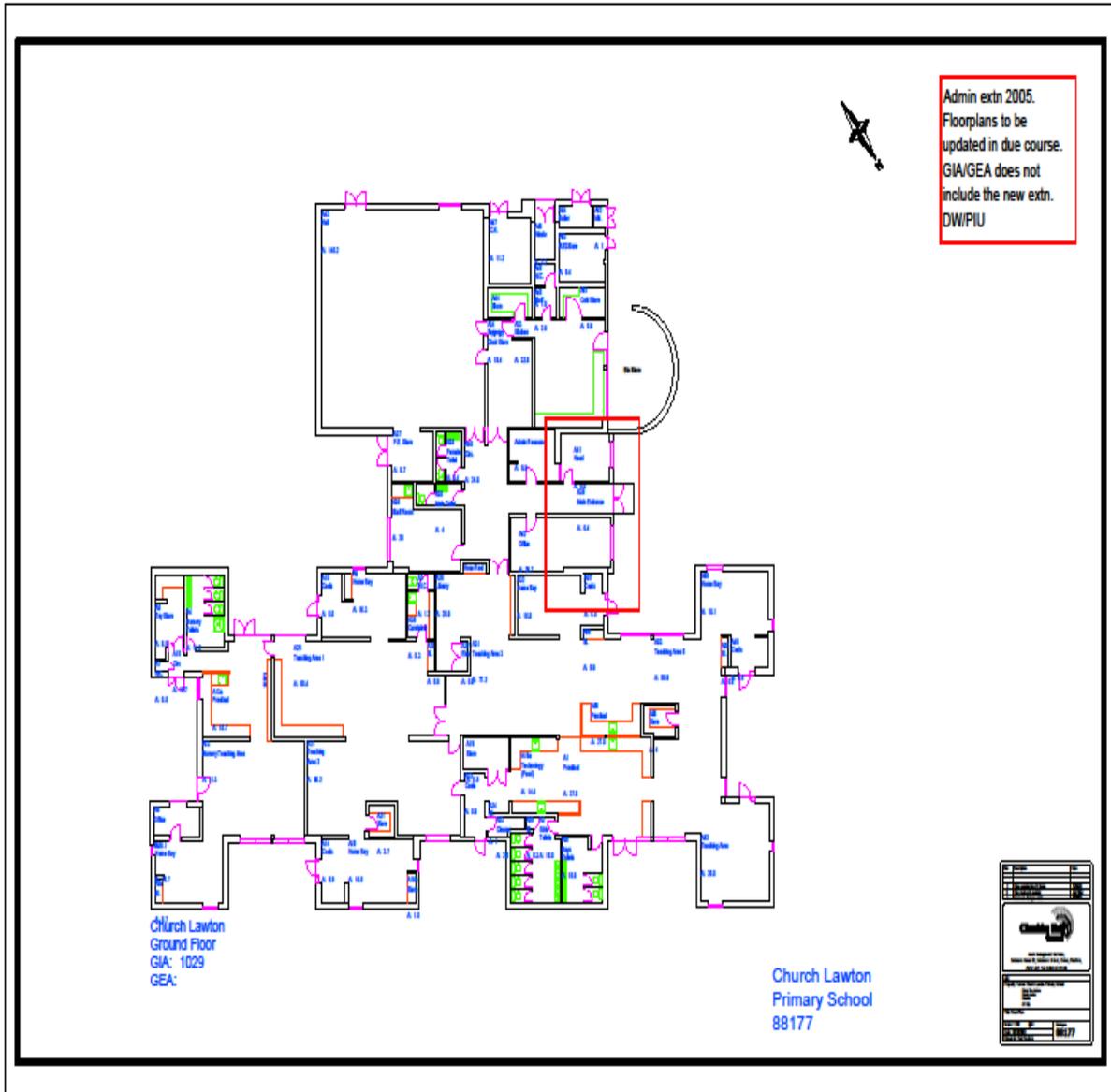
7.0 Premises

- 7.1 The build will provide a physical environment within which a calm and structured approach to learning is promoted. For children and young people affected by autism, the control of sensory stimulation and distraction is imperative. This needs to be recognised in all aspects of the design to the building to maximise learning and to reduce stress.
- 7.2 The preferred identified site is the former Church Lawton School in Alsager, Cheshire. The site is depicted below:



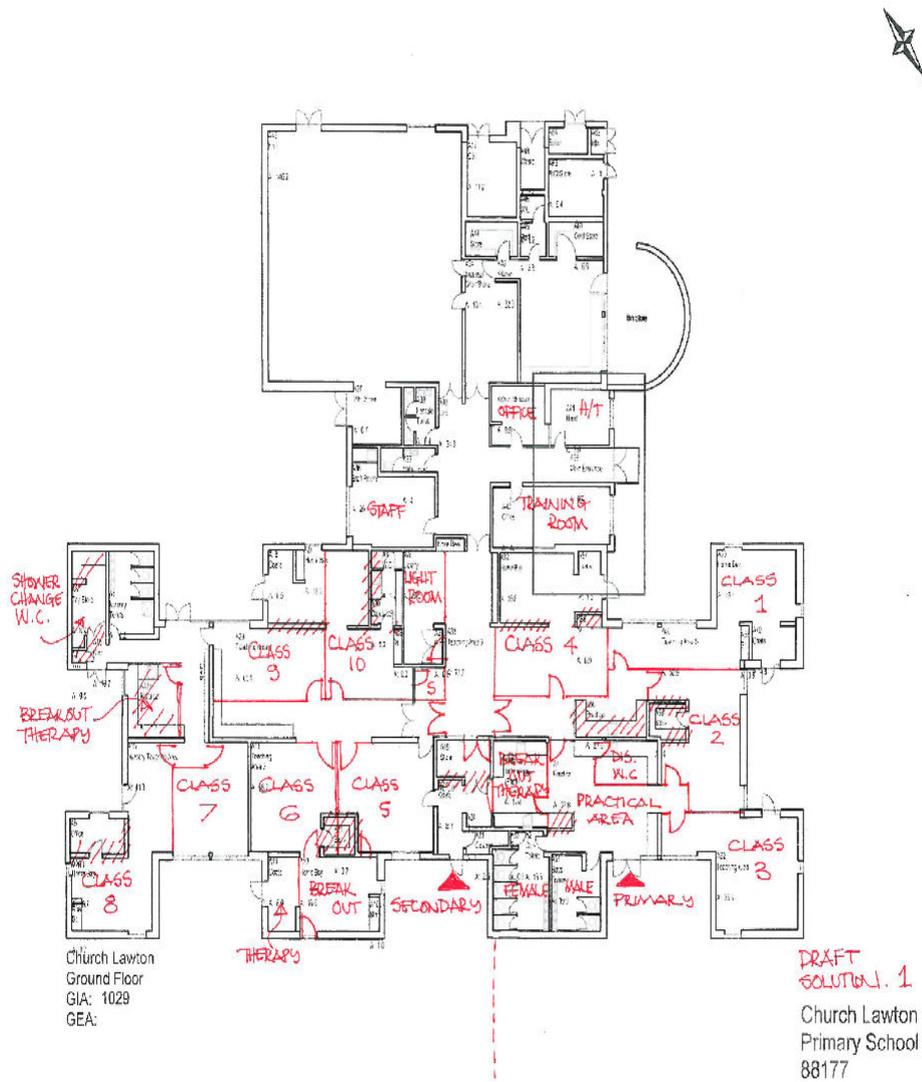
- 7.3 The site is centrally located in Cheshire and is easily accessible via the motorway minimising journey times for pupils, and their families.
- 7.4 The building has the capacity to be flexible (refer to Fig 2 for existing layout). A number of small classes can be created and each area of the building and grounds will have a clear function and purpose.

7.5 Fig 2. below depicts the existing layout.



7.6 The school will operate with 8 to 10 class groups, two in each Key Stage with approximately 6 pupils per class. There will be no more than 12 pupils in each year group

7.7 Fig 3. below depicts the draft lay out plans



7.8 The site is flat with the possibility to expand in the future, if required.

8.0 Finance

8.1 This section outlines the cost-analysis of the associated costs and savings that will emerge from the establishment of an ASC-specific special school within Cheshire East.

8.2 **Three scenarios have been explored, which demonstrate that the children selected to enter the ASC-specific special school will be key to the financial viability of the school. This will need to be monitored on an ongoing basis to ensure that the financial viability is sustained.**

8.3 The three scenarios outlined are:-

1. **Least financially viable option** - The majority of children earmarked to join the school are currently within a mainstream setting.
2. **Medium financially viable option** – The school is initially populated with a mixture of children within any education setting (mixture of out of borough and CEC maintained schools)
3. **Most financially viable option** – The school is initially populated with children currently educated in independent or mainstream schools in other Local Authorities (mainly high cost out of borough children)

8.4 The **overall assumptions** used in each of the calculations are:

8.5 **Funded places** – It has been assumed that the school is filled with 45 children Jan-Aug 2013, with 60 children from Sept 2013 – March 2014. The average number of places for year 2 is therefore 54, with up to 60 in subsequent years.

8.6 **Total associated costs** – The calculation of the revenue costs of running an ASC school is based on the number of places using the Special Schools Funding Formula. Costs of travel have also been included, where applicable dependent on the pupils selected for the school and their circumstances.

8.7 **Offsetting savings / income** – These are comprised of a number of elements, and have been applied to the outlined scenarios where applicable. Please note that some of the savings will be against the Dedicated School Grant (DSG) and some will be against Children & Families base budgets.

- a. **Additional DSG awarded to CEC** - Pupils not currently placed within a local authority maintained school will attract Dedicated School Grant for the Local Authority when placed in a Cheshire East Council school and included in Cheshire East Council pupil counts..
- b. **Age Weighted Pupil Unit funding (AWPU)** - This funding will transfer to the ASC school with those pupils who transfer from an existing LA maintained school.

- c. **Savings on Individual Pupil funding** for pupils earmarked to attend the school. This funding is delivered through the Special Schools formula to the ASC school and is already captured in the total associated cost column. Therefore IPF currently committed by the LA for the pupil moving to the ASC School, will be a contributing saving for CEC to offset the ASC school cost when the child moves. Figures based on 11/12 information.
- d. **Savings from Out of Borough placements** – The level of saving depends on the individual circumstances of the child being placed. Where a child is currently placed out of borough, and is then moved to the ASC school there will be savings. Where children are not moved from their current out of borough placement, as each year group works way through the education system, there should be an incremental drop off in out of borough placed children, as these placements shouldn't be renewed, which will achieve further savings. .
- e. It is assumed that as pupils go through their educational lifespan in an out of borough school, they are replaced at the beginning of the cycle by new children who attract DSG as CEC children as part of the ASC school.
- f. **Travel costs** – there will be savings from travel costs due to the expected incremental drop off in children placed in out of borough schools reduces.
- g. Each scenario that in future years, the school is filled with similar children in terms of IPF need, and that savings continue from that child no longer being placed in an out of borough setting. In any of the models,, if children leaving the school are replaced by children with different needs in different school settings, then levels of savings will change. The scenarios included provide a representation only, based on the assumptions outlined above. Once the school was opened, actual savings realised will be fully dependent on the circumstances and associated costs of those children who would enter the new school.

8.8 The three scenarios which have been explored are summarised below. A representation of the expected timeframes for realising savings and for recovering initial costs is also provided.

Scenario Number	Description	Year when savings are first expected	Year when revenue costs are expected to be

		to be made	recovered
1	Majority of children earmarked to join the school are currently within a mainstream setting.	2022/23	2035/36
2	School is initially populated with a mixture of children within any education setting (mixture of out of borough and CEC maintained schools)	2017/18	2018/19
3	School is initially populated with children currently educated in independent or mainstream schools in other Local Authorities (mainly high cost out of borough children)	2013/14	2013/14

8.9 Scenario 3, is the most financially viable. This shows the financial implications if the school is initially populated with children currently educated in independent or mainstream schools in other LAs, is the most financially viable.

8.10 The detailed analysis of all three scenarios is provided overleaf.

8.12 **Scenario 1 – Majority of pupils placed in a new ASC-specific Special School are moved from existing maintained school provision within Cheshire East.**

8.13 The table below demonstrates that the first year there will be a net savings position from the school is 2022.

8.14 Calculations show that full costs from the school will be recovered in 2036.

Financial Year	Start Date	Funded Places *	Total Associated Costs	Offsetting savings/income	Revised Net Cost / (saving)
		No	£	£	£
Year 1	01-Jan-13	45	348,092	(166,351)	181,741
Year 2	01-Apr-13	54	1,493,977	(841,333)	652,644
Year 3	01-Apr-14	60	1,660,915	(977,350)	683,565
Year 4	01-Apr-15	60	1,660,915	(1,067,379)	593,536
Year 5	01-Apr-16	60	1,660,915	(1,163,427)	497,488
Year 6	01-Apr-17	60	1,660,915	(1,246,401)	414,514
Year 7	01-Apr-18	60	1,660,915	(1,366,523)	294,392
Year 8	01-Apr-19	60	1,660,915	(1,464,863)	196,052
Year 9	01-Apr-20	60	1,660,915	(1,517,244)	143,671
Year 10	01-Apr-21	60	1,660,915	(1,607,892)	53,022
Year 11	01-Apr-22	60	1,660,915	(1,696,014)	(35,100)

Year 11	01-Apr-23	60	1,660,915	(1,729,611)	(68,696)
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8.15 Below is an analysis of the first 45 children entering the school year 1 and the type of provision they will be moving from.

School Type	IPF Funding						Grand Total
	£0k	£0k-£5k	£5k-£10k	£10-£15k	£10k - £15k	£15k-£20k	
Academy		1	1		2	2	6
Independent out of Borough school	3						3
Out of Borough maintained school	2						2
LA maintained school	1	7	5	1	8	7	29
Grand Total	6	8	6	1	10	9	40

8.16 Specific assumptions made for scenario 1 include:

1. Any travel costs built into calculations have been determined by calculating the average cost per mile for each child.
2. Currently at least 40 children have been identified for admissions in year 1. It has been assumed that any children admitted in year 2 would attract the minimum level of AWPU and IPF support whilst in mainstream.

8.17 Scenario 2- School is initially populated with a mixture of children within any education setting (mixture of out of borough and CEC maintained schools)

8.18 The table below demonstrates that in the first year there will be a net savings position from the school by 31st March 2016.

8.19 Calculations demonstrate that full costs from the school will be recovered in 2018.

Financial Year	Start Date	Funded Places	Total Costs	Offsetting savings / income	Revised Net Cost / (Saving)
		No	£	£	£
Year 1	01-Jan-13	45	354,170	231,959	122,211
Year 2	01-Apr-13	54	1,509,361	1,344,489	164,872
Year 3	01-Apr-14	60	1,669,922	1,620,319	49,603
Year 4	01-Apr-15	60	1,669,922	1,686,631	(16,709)
Year 5	01-Apr-16	60	1,669,922	1,741,361	(71,439)
Year 6	01-Apr-17	60	1,669,922	1,798,108	(128,185)
Year 7	01-Apr-18	60	1,669,922	1,863,708	(193,785)
Year 8	01-Apr-19	60	1,669,922	1,911,030	(241,108)
Year 9	01-Apr-20	60	1,669,922	1,943,891	(273,968)
Year 10	01-Apr-21	60	1,669,922	2,014,560	(344,638)
Year 11	01-Apr-22	60	1,669,922	2,071,814	(401,892)

Year 11	01-Apr-23	60	1,669,922	2,084,033	(414,110)
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8.20 Below is an analysis of first 45 children entering the school in year 1 and the type of provision they will be moving from:

Type of school	IPF Funding					Grand Total
	£0 as OOC	£0k-£5k	£5k-£10k	£10k-£15k	£15k-£20k	
Academy				1	2	3
Independent Out of Borough school	3					3
Maintained school		1	3	7	5	16
Out of Borough maintained school	23					23
Grand Total	26	1	3	8	7	45

Higher need

8.21 The specific assumptions made for scenario 2 is that the pupils are comprised of a random selection of 30 pupils from scenario 1 and 30 pupils from scenario 3.

8.22 Scenario 3- the school is initially populated with children currently educated in independent, high cost out of borough placements or mainstream schools.

8.23 The table below demonstrates that the first year there will be a net savings position from the school is 31st March 2014.

8.24 Calculations show that full costs from the school will be recovered in 2013.

Financial Year	Start Date	Funded Places *	Total Costs	Offsetting savings / income	Revised Net Cost / (Saving)
		Nos	£	£	£
Year 1	01-Jan-13	45	350,244	(267,116)	83,128
Year 2	01-Apr-13	54	1,498,766	(1,755,418)	(256,651)
Year 3	01-Apr-14	60	1,662,978	(2,139,456)	(476,477)
Year 4	01-Apr-15	60	1,662,978	(2,139,456)	(476,477)
Year 5	01-Apr-16	60	1,662,978	(2,139,456)	(476,477)
Year 6	01-Apr-17	60	1,662,978	(2,139,456)	(476,477)
Year 7	01-Apr-18	60	1,662,978	(2,139,456)	(476,477)
Year 8	01-Apr-19	60	1,662,978	(2,139,456)	(476,477)
Year 9	01-Apr-20	60	1,662,978	(2,139,456)	(476,477)
Year 10	01-Apr-21	60	1,662,978	(2,139,456)	(476,477)
Year 11	01-Apr-22	60	1,662,978	(2,139,456)	(476,477)

Year 11	01-Apr-23	60	1,662,978	(2,139,456)	(476,477)
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8.24 Calculations show that full costs from the school will be recovered in 2014.

8.25 Below is an analysis of first 45 children entering the school in year 1 and the type of provision they will be moving from:

Type of school	IPF Funding	
	£0 as OOC	Grand Total
Out of Borough independent school	2	2
Out of Borough maintained school	43	43
Grand Total	45	45

8.26 The specific assumptions made for scenario 3 is that the highest 60 costing pupils were selected from the out of borough register. Any pupil whose placement was as a result of a social care need were excluded.

8.27 The capital cost for the refurbishment is **£1,617,279.20**

8.28 The provisional costs for the conversion of the former Church Lawton Primary school are outlined below.

Provisional Costs: Church Lawton Primary School Conversion to all through Autistic School:	Cost (£)
Existing Building:	
Building Refurbishment to bring the existing building into operation	958,143.06
Conversion:	
Internal Alterations in accordance with client brief, autistic fit out measures etc.	72,045.00
External works: Reinstatement of field, playground surfaces , equipment and fences.	95,000.00
Provisional sums: Asbestos survey and removal, drainage surveys and reinstatement, strip out existing debris, structural work, signage, fire equipment, DDA works, Part L regulations, mains service connections electricity, gas and water.	180,000.00
Preliminaries and Contingency	96,387.07
Consultancy Fees (say 13%)	186,058.67
Total	£1,617,279.20

8.29 No allowance has been made for any loose furniture and fixtures any other work or requirements additional to that identified.

9.0 Legislative Framework

9.1 The Education and Inspections Act 2006, which came into force on 25 May 2007, requires a competition to be held where a new primary, secondary or special school is proposed (including a brand new school or replacement school which will replace one or more closing schools). The provisions do not apply to proposals to rebuild an existing school on its current site or transfer it to a new site.

9.2 Only an LA can organize a competition: there is no provision for proposers other than LAs to hold competitions.

9.3 Where the LA wish to see a new school established they **must** either:

- invite proposals for the school as provided for in Section 7 of EIA 2006 and The School Organisation (Establishment and Discontinuance) (England) Regulations 2007 (SI: 2007 No 1288) (as amended). The process is generally referred to as a “competition”. This is expected to be the route by which most new schools will be established
- apply to the Secretary of State for consent to publish proposals for a new school, without running a competition, as provided for in Section 10 of EIA 2006;
- work with the Secretary of State and sponsors to establish an Academy; or [for new maintained nursery schools and new 16-18/19 foundation schools] publish proposals for the new school under Section 11 of EIA 2006.

9.4 Academies are publicly funded independent schools and Section 482 of the Education Act 1996 provides for the Secretary of State to enter into funding agreements for new Academies with sponsors. Where an LA holds a competition, Academy sponsors may also submit proposals in response to the competition.

9.5 Establishing a new school by competition LAs are required by Section 7 of Education Inspection Act 2006 to invite proposals from potential providers for any proposed new school. They can also publish their own proposals for the new school as part of a competition.

9.6 When is school competition required?

9.7 A competition is required where an LA wishes to establish a new school. This includes cases where:

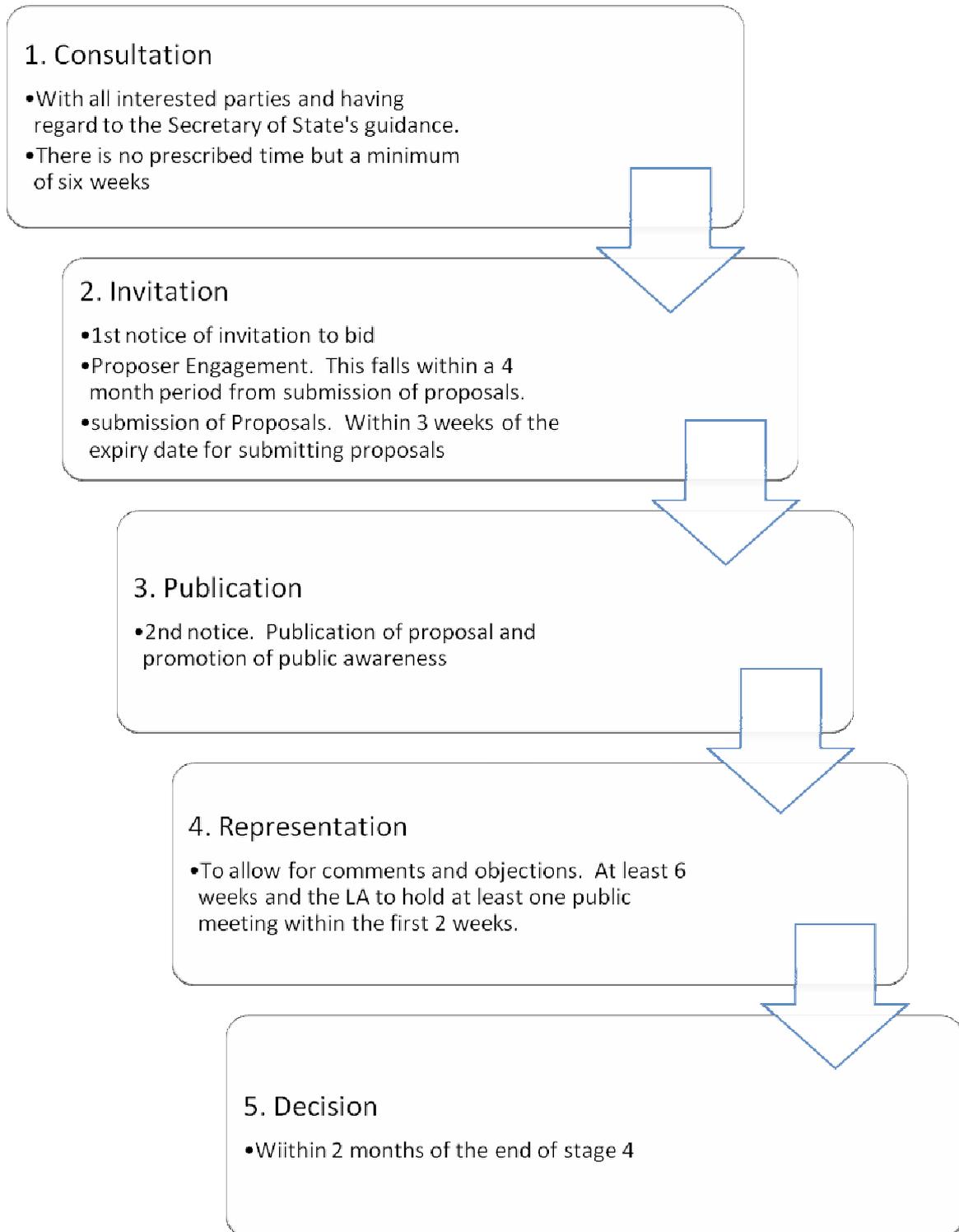
- a brand new school is required to meet an increase in the local population;

- a school is required to replace a discontinuing school; or
- one or more schools are proposed to be closed and one or more new schools are to be established to replace them.

9.8 Competitions are not required where a school is:

- a proposed new nursery school;
- a 16-18/19 school;
- transferring from its existing site to a new site; or
- to be re-built on its existing site.

9.9 The statutory process for consent is outlined below;



9.10 The final decision on competition proposals **must** be taken by the LA except where the LA:-

- is the proposer of any proposals;
- is a member, or appoints a member, of the foundation of a proposed foundation school with a foundation (i.e. a “Trust School”);
- appoints a charity trustee of the foundation of a proposed “Trust School”; or
- exercises any voting rights, or appoints a person who exercises voting rights, in the foundation of a proposed “Trust School”.

9.11 In all other cases the proposals will be decided by the schools adjudicator. Where the LA decides the proposals there is no provision for appeal against the decision. If however the LA does not decide the proposal within 2 months of the end of representation, then the proposal must be referred to the schools adjudicator.

