

## **Cabinet**

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**Date of Meeting:** 09 July 2019

**Report Title:** Proposed Expansion of Park Lane School, Macclesfield

**Portfolio Holder:** Cllr Dorothy Flude, Portfolio Holder for Children and Families

**Senior Officer:** Mark Palethorpe, Acting Executive Director People

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### **1. Report Summary**

- 1.1. As the Strategic Commissioner of school places, Cheshire East Council has a statutory duty to ensure that there are sufficient places in our schools to meet demands of the residents. Having the right educational placement for all children and young people is critical to supporting children and young people to achieve their potential and to develop the range of skills and experiences they need to equip them for adulthood.
- 1.2. The Council has undertaken and published its Children and Young People with Special Educational Needs and Disabilities Joint Strategy and Sufficiency Statement for Children and Young people with Special Educational Needs and Disability (SEND). These documents highlight a need to increase specialist provision in the Borough as the amount of provision currently available does not match the needs. The Sufficiency Statement has allowed the development of a 3 year plan allowing for the Council to strategically plan a programme of increased provision to meet its needs. (The documents can be viewed by following the links in Section 3.3). These data sets are under constant review and a reflection period will be undertaken following the completion of the phase 1 schemes which are identified within the Children & Families Capital Programme.
- 1.3. The proposal, and the findings in the Sufficiency Statement, has been discussed in workshops with schools, other settings and professionals in summer 2017. Schools who were interested in developing or expanding their current SEND provision were invited to express their interest in this work going forward.

- 1.4. The Sufficiency Statement indicated that in the Macclesfield locality 39% of pupils requiring specialist provision travel outside Cheshire East, with average journeys being over an hour away (28km). A further 20% of the pupils attend provision within another area of Cheshire East on average 21km away.
- 1.5. The Sufficiency Statement identified a significant need for the Council to increase its specialist provision in Borough as the amount of provision it has does not meet its needs. By increasing its capacity in Borough the Council can reduce placement and travel costs, make better use of its resources and provide more choice for families, reduce journey times and support pupils to be part of their local community.
- 1.6. Park Lane School expressed an interest in expanding its current provision and this paper reports on the outcome of the statutory public notice, and subsequent 4 week statutory representation period which ran for four weeks between 24<sup>th</sup> April 2019 and 22<sup>nd</sup> May 2019. There were 6 responses to the statutory proposal notice of which 5 were fully supportive of this option. Details of these responses are provided with this report for consideration (Appendix 1). Copies of the statutory notice and the full proposal are attached (See Appendix 2 and 3).
- 1.7. The Cabinet plans to bring forward a draft environment strategy in September which will outline the steps the council can take to improve its impact on climate change and the environment. Climate change and environmental sustainability will be taken into consideration as part of the school expansion.

## **2. Recommendations**

### **2.1. That Cabinet:**

- approve the proposed expansion of Park Lane School, Macclesfield from 82 places to 122 places over a phased period.
- delegate authority to the Executive Director People to implement all actions considered necessary or expedient, within budget allocation, to procure and deliver the construction of the proposed expansion.

## **3. Reasons for Recommendations**

- 3.1. This recommendation is made on the basis of the publication of a public notice and the outcomes of the subsequent statutory 4 week representation period. Feedback / objections have been received during the period of statutory notice and the Cabinet are required to consider the feedback and

appropriate due process in considering the recommendation to expand the school. The vast majority of the consultation responses were in support of the proposal to expand Park Lane School.

3.2. This scheme is included in the 3 year plan to develop our Specialist SEND provision within Cheshire East and is in response to our SEND Sufficiency Statement. The Sufficiency Statement highlights the need to increase specialist provision in our Borough as the amount of provision we have doesn't match our needs and too many pupils have very long journeys; one in five pupils attending specialist provision has a journey over 45 minutes each way. Half of those attending a specialist provision attend outside our Borough. All of our children and young people who attend independent schools or non maintained schools (more expensive placements) are attending specialist provision, so by increasing the specialist capacity within our Borough we can reduce placement and travel costs and make better uses of our resources, as well as increasing choice for families, reducing journey times and increasingly supporting pupils to be a part of their local community. An expansion of Springfield School in Crewe is currently under construction. In advance of this new build completing Springfield School admitted an additional 7 pupils in September 2018 which will offer savings of approximately £101,483 per annum and offer reduced travel times for pupils in the South of the Borough.

3.3. The following links provide the detailed documentation relating to Sufficiency Statement and 3 Year Plan referred to above.

<https://www.cheshireeast.gov.uk/pdf/livewell/local-offer-for-children-with-sen/sen-sufficiency-statement.pdf>

<https://www.cheshireeast.gov.uk/pdf/livewell/local-offer-for-children-with-sen/three-year-plan-for-developing-our-sen-provision.pdf>

3.4. Through developing our provision, we want to:

- Achieve the best possible outcomes for children and young people
- Ensure there are the right number and type of places to meet children and young peoples needs
- Ensure that children and young people can have their needs met within their local community wherever possible
- Make the best use of our resources

#### **4. Other Options Considered**

4.1. Expansion of other schools – Park Lane School is the only school in the North of the Borough providing for children with Severe Learning Difficulties

(SLD), Profound and Multiple Learning Difficulties (PMLD), Complex Needs including Language / Communication, Autism and a combination of these needs. The next nearest school providing similar provision within Cheshire East is Springfield School which is over 25 km away.

- 4.2. There is the option to continue accessing specialist provision out of Borough. However this means that children may have significant journey times to access this provision which is not always in their best interests and is also considerably more expensive and takes children out of their local area and community.
- 4.3. The proposal to expand Park Lane School forms part of a wider programme to provide additional SEND school places across Cheshire East examples of which include the expansion of Springfield School currently under construction and a new Resource Provision which has been provided at Shavington Primary School.

## **5. Background**

- 5.1. Park Lane School is a Cheshire East Community Special School rated “Outstanding” by Ofsted at the last published full inspection in October 2014. The School were subject to a short inspection in 2018 where there was no change to the schools rating.
- 5.2. A high proportion of children and young people with SEND access specialist provision. However, there are more children and young people travelling outside of the Borough to attend special schools than those who attend Cheshire East schools (365 attend outside the Borough against 344 attending Cheshire East schools). This demonstrates that there is a significant need for more specialist provision within Cheshire East alongside the mainstream provision.
- 5.3. The development of the scheme is currently underway and the proposal which includes a mixture of refurbishment and expansion will be subject to all of the necessary permissions including planning and building regulation approvals.
- 5.4. In accordance with the guidance issued by the Department for Education the statutory publication notice was published on the Councils website and in the Macclesfield Express on the 24 April 2019. The 4 week period concluded on 22 May 2019.
- 5.5. Key Stakeholders including Local Ward Members and the Diocese were notified of the proposal by email on 24<sup>th</sup> April 2019 and notification was sent to all schools via the schools bulletin.

- 5.6. The Council's 3 year plan to develop Specialist SEND provision in Cheshire East identified the need for an additional 41 Severe Learning Difficulties (SLD) & Autistic Spectrum Condition (ASC) places in the Macclesfield, Knutsford, Wilmslow and Poynton locality. The proposed 40 place increase at Park Lane School is therefore responding to this identified shortfall in provision.

## **6. Implications of the Recommendations**

### **6.1. Legal Implications**

- 6.1.1. The DfE statutory guidance "Making prescribed alterations to maintained schools" applies to local authorities when exercising functions under the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013. Those regulations came into force on 28 January 2014. The Guidance provides information on the processes involved in making significant changes to maintained schools (e.g. expansion, changing of age range, transferring to a new site etc.).
- 6.1.2. The regulations include a provision that the local authority must have regard to any statutory guidance given from time to time by the Secretary of State when they take a decision on proposals. The most recent statutory guidance was published in October 2018.
- 6.1.3. Local authorities have a statutory duty to ensure sufficiency of school places in their area. They can propose an enlargement of the premises of community, foundation voluntary schools and special schools. When proposing an alteration to a special school, local authorities must follow the statutory process as set out in the 2013 Regulations.
- 6.1.4. The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 describe the procedures that must be followed when making prescribed alteration proposals and state that local authorities must make decisions about any expansions that they propose.
- 6.1.5. The statutory process for making significant changes to schools has four stages, described in the statutory guidance and as set out below:

<b>Stage 1</b>	<b>Publication</b>	Statutory proposal published
<b>Stage 2</b>	<b>Representation (formal consultation)</b>	4 weeks, as prescribed in the Regulations.
<b>Stage 3</b>	<b>Decision</b>	LA should decide a proposal within 2 months otherwise it will fall to the Schools Adjudicator.  Any appeal to the adjudicator must be made within 4 weeks of the decision.
<b>Stage 4</b>	<b>Implementation</b>	No prescribed timescale, but must be as specified in the published statutory notice, subject to any modifications agreed by the decision-maker.

6.1.6. The implementation timescale, and so any construction contract and programme, will need to allow sufficient time to obtain planning permission, factoring in a contingency in the event of a refusal, appeal or challenge by way of Judicial Review.

## 6.2. Finance Implications

6.2.1. The option to expand Park Lane School “in Borough” SEND placement capacity scheme features in the “Education and 14 – 19 Skills” Capital Programme.

6.2.2. The Business Case for the scheme received approval from the Head of Finance & Performance / Section 151 Officer on the 13 March 2019.

6.2.3. The scheme will be initially fully funded from the Children & Families Capital Programme 2019/20. An element of this funding will then be replaced utilising Section 106 funding.

6.2.4. Recent feasibility has resulted in an estimated figure in the region of £2,600,000 for the scheme. This includes for the acquisition of the premises from Macclesfield College for an agreed figure of £385,000.

6.2.5. At the time of writing the funding profile will consist of :-

- Section 106 contributions totalling £1,092,000 (subject to payment triggers being realised)
- CEC approved SEN funding to expand in Borough SEN placement capacity of £1,508,000

6.2.6. The Section 106 element of the project funding will be utilised to repay an element of the CEC approved funding when the developer payments are received into the Local Authority (payable via a phased payment mechanism).

### **6.3. Policy Implications**

- 6.3.1. In accordance with the Directorate's Policies and Procedures the proposed expansion of Park Lane School will allow more children access to an outstanding school with the intention of supporting children and young people in achieving the best possible outcomes.
- 6.3.2. An expansion of Park Lane School will provide more places for children within the Macclesfield locality keeping them within their local community, allowing them to build friendships with people who live close to them and spend less time travelling.
- 6.3.3. By providing more local schools places within Cheshire East the scheme will allow for some considerable savings when compared to educating children out of Borough, thus allowing the Council to make best use of its resources.
- 6.3.4. By providing additional places, the expansion will also provide more choice for families who would otherwise not find a place in borough.

### **6.4. Equality Implications**

- 6.4.1. The Council's Sufficiency Statement identified a shortage of provision in the Macclesfield, Knutsford, Wilmslow and Poynton locality and by providing these places at Park Lane School the Council will be supporting its aim to
- Achieve the best possible outcomes for children and young people
  - Ensure that there are the right number and types of places to meet children and young peoples needs
  - Ensure that children and young people can have their needs met within their local community wherever possible
  - Make the best use of our resources

### **6.5. Human Resources Implications**

- 6.5.1. There are no additional human resource implications for the Council but the school are aware that increased numbers on roll could require additional staffing costs which would be the responsibility of the school to fund through additional places at the school

### **6.6. Risk Management Implications**

- 6.6.1. The Section 106 funding identified towards the project is realised once developments achieve agreed trigger points. In the event that trigger

points are not achieved then the payments will not be forthcoming. The proposed expansion of Park Lane School is not dependant on Section 106 funding. Full funding for the scheme is identified within the Children and Families Capital Programme.

6.6.2. The proposed expansion is identified to address a basic need for specialist school places in the North of the Borough in order that the authority meets its statutory duty in providing sufficient school places.

6.6.3. The proposal will require a planning approval but is not subject to any application for Section 77 of the School Standards and Framework Act 1998. (Section 77 of the Schools Standards and Framework Act 1998 protects land on a school site that is designated for the purpose of playing field).

#### **6.7. Rural Communities Implications**

6.7.1. The proposed expansion of Park Lane School will bring benefit to the rural communities in that it will result in additional special school places which would be available to residents within a more reasonable travel distance.

#### **6.8. Implications for Children & Young People/Cared for Children**

6.8.1. Providing these additional places at Park Lane School will allow children resident within Cheshire East access to this much needed specialist provision

6.8.2. The savings made from the provision of better value school placements will allow for more effective budgeting by the Service which in turn will reduce the pressures on the ring fenced High Needs budget. This will ultimately benefit children by reducing the cost of school placements and allowing funding to focus on education.

#### **6.9. Public Health Implications**

6.9.1. Some children and young people travel significant distances which can have an impact on their emotional wellbeing and can significantly lengthen the school day. The proposal to provide additional places at Park Lane School will mean more children getting a placement in their local school thus keeping them in their local community.

6.9.2. By reducing the distances which children have to make to attend school the proposal will also reduce congestion on the roads and therefore emissions thus improving air quality and making a better environment to live in.



## **6.10. Climate Change Implications**

- 6.10.1. The internal works required to update the purchased building to make it fit for purpose will include a comprehensive review of the impact on climate factors. Significant changes will take place which will require full compliance with the latest building regulations relating to such factors as insulation/heat loss and energy efficiencies. Such factors will be key considerations as the scheme is progressed to contract award. The reduction in travel time/distance for the additional pupils will also impact in terms of a reduction in use of motorised vehicles and emissions.

## **7. Ward Members Affected**

- 7.1. The additional school places which are proposed at Park Lane School can influence pupils and their families across the Borough, this has the potential to influence all wards.

## **8. Consultation & Engagement**

- 8.1. In accordance with the guidance issued by the Department for Education, the statutory publication was published in the Macclesfield Express on the 24 April 2019 and the statutory four week period ran from 24 April to 22 May 2019. Cabinet members are advised that this statutory process provides the opportunity for any person with an interest to submit representations, which can be objections as well as expressions of support for the proposals. Cabinet members must take any views received into account when deciding whether to approve the proposal.
- 8.2. The consultation period was notified to key stakeholders including ward members, MP's, the Diocese and Parish Councils. Information was emailed to all local schools and an article was published in the Cheshire East School Bulletin. A public consultation event was held at Park Lane School on the 9 May 2019
- 8.3. Responses to consultation (See Appendix 1)

## **9. Access to Information**

- 9.1. Links included to specific documents within the report

## **10. Contact Information**

- 10.1. Any questions relating to this report should be directed to the following officer:

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