

Open

Children and Families Committee

7 April 2025

Children and Families Capital Programme –Capital schemes (including new, named, and amended schemes and School Condition Programme)

**Report of: Claire Williamson - Director of Strong Start, Family Help
and Integration**

Report Reference No: CF/53/24-25

Ward(s) Affected: All Wards

For Decision or Scrutiny: Decision/Scrutiny

Purpose of Report

1. To update the Committee on progress delivering the school capital programme and approve progression of the projects and named schemes that are detailed in the Appendices.
2. To provide the Committee with an overview of schemes undertaken and on those schemes that have been completed over the last year.
3. To ask the Committee to delegate authority to the Executive Director of Childrens Services to deliver the Childrens and Families 2025/26 capital programme in a timely manner and assist the Council to meet its statutory responsibility to ensure sufficiency of school places.

4. To ask the Committee to delegate authority to the Director of Childrens Services to allocate uncommitted funds to projects for the purpose of supporting additional pupil places and Special Education Needs (SEN)schemes, and to approve any Virements and enter into any grant agreements as necessary in order to deliver these projects. Where necessary such decisions to be made in consultation with the Chief Finance Officer in accordance with the Finance Procedure Rules.

Executive Summary

5. Overall, this report emphasises the positive working arrangements in place between the Council's internal departments with schools in order to progress schemes from initial concept through to completion. This coordinated approach enables the Council to continue to achieve very high percentages for Cheshire East families being able to attend their local school of choice. Appendix 1 of this report outlines details of this.
6. 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 the needs of residents. Having the right educational placement for all children and young people is key 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.
7. As strategic commissioner we are also required to ensure we have sufficient provision for pupils with special educational needs. Due to the increasing level of complexities of children and young people identified through assessment, the demand for specialist SEN places continues to increase and is most acute in SEN special schools. The Council is currently over-reliant on using high cost out of borough independent schools to meet the needs of children and young people with complex needs which due to their locations can also include long travel journeys. Therefore, increasing local specialist provisions within Cheshire East is essential to enable us to deliver high quality local schools for children and young people and at the same time reducing revenue costs.
8. Appendix1 provides details of the schemes that have been completed during 2024/25 and provides an update on the schemes which are in progress and provides the anticipated start/completion dates.
9. Appendix 2– Medium Term Finance Strategy (MTFS) – Capital Programme 2025/26

This Appendix sets out the detailed programme of identified schemes together with future proposals which are included in the MTFS and highlights the following: -

- The changes to the 2025/26 programme
- Identifies new schemes to be included that are fully funded from grant funding.
- Where Funding allocation has been identified it can be used to support the feasibility of the schemes for future projects and to help to determine the viability of the scheme together with indicative costings.
- Where applicable, it provides details of the schemes that were included within the previous block allocations, these schemes have now been detailed as named schemes.
- It details the Stage of works currently being progressed (as at March 2025)
- It provides a rationale for any changes that have taken place since the previous report to Children and Families Committee in June 2024
- It details any Budget uplifts that may be required.

10. Appendix 3 provides an overview of the changes to the capital programme which includes details of the new, named and amended schemes, in addition to the proposed works that are to commence using the block funding allocations.

11. Appendix 4 provides members with an overview of the surveys and visits undertaken in schools to assess the condition of the building and any assets in the buildings, health and safety and compliance.

12. It is very much hoped that committee can recognise the significant work undertaken by officers to effectively manage this capital investment in our schools and work within existing financial processes linked to the MTFS. There is much to celebrate in achieving a comprehensive programme of capital investment in Cheshire East schools to allow families to attend a successful and local school of their choice.

RECOMMENDATIONS

The Children and Families Committee is recommended to:

1. To note the overview of current schemes in progress and those completed during 2024/25 as detailed in Appendix 1.
2. Agree the allocation of the Children and Families Capital funding as approved in the budget by full council on 26 February 2025 to the schools and projects as set out in Appendix 2.
3. Delegate authority to the Executive Director of Childrens Services to determine the school sites and works to be carried out from the block allocations set out in Appendix 2 and take all necessary steps to deliver those works.
4. To approve the new, named and amended schemes as detailed in Appendix 3.
5. Delegate authority to the Executive Director of Childrens Services to approve uplifts to project costs of individual schemes approved in the Capital Programme to a maximum of 20% of the approved capital budget or £500,000 whichever is the lesser sum, in consultation with the Chief Finance Officer where required by the Finance Procedure Rules.
6. Delegate authority to the Executive Director of Childrens Services to allocate uncommitted funds to enable the progression of feasibility studies, design development and project delivery, where projects will be for the purpose of supporting additional pupil places, SEN schemes, condition schemes and any necessary accommodation updates to school settings.
7. Delegate to the Executive Director of Childrens Services the authority to approve Virements and where necessary enter into grant agreements with Academies and Diocesan bodies to facilitate the delivery of the projects identified in the Children and Families Capital Programme.
8. To note the information provided in appendix 4, Briefing note – Condition, Compliance and Health & Safety assessments in our schools.
9. To note that the Executive Director of Childrens Services will provide a regular update to committee on the implementation of the Children and Families Capital Programme and the exercise of the delegations set out in this report.
10. To note that the Executive Director of Childrens Services will provide a further report to committee detailing the school condition programme once the school condition grant allocation has been announced by the DfE.

Background

13. The various funding streams which are utilised to support the capital investment into our schools include Basic Need Grant (DfE funded), Schools Condition Allocation Grant (DfE funded), High Needs Provision Capital Fund (DfE funded), developer contributions under s106 Town and County Planning Act 1990 and Approved Council Prudential Borrowing. Many of the grant allocations received from the DfE are based upon annual returns which the Council completes outlining our levels of need.
14. The Department for Education (DfE) provides basic need capital grant funding to local authorities to support them to meet their statutory responsibility to ensure there are enough school places available in their area for every child aged 5 to 16, as set out under section 14 of the 1996 Education Act.
The annual 'School Capacity Survey' return (SCAP) as submitted to DfE in July provides the summary of priority areas where additional places are needed, and this is used to generate basic need allocations.
15. The DfE provides School Condition Allocations (SCA) on an annual basis for local authority-maintained schools only which provides the Council with the mechanism to maintain/improve school building infrastructures. In line with DfE guidance, investment should be prioritised on keeping school buildings safe and in good working order by tackling poor building condition, building compliance, energy efficiency, safeguarding concerns as well as health and safety issues. An indicative budget for the anticipated 2025-26 School Condition Allocation (SCA) grant of £2m was included in the Medium-Term Financial Strategy (MTFS), which was approved at full council in February 2025. This figure will be adjusted once the allocation is confirmed, in line with previous years we are expecting an announcement from central government in April/May 2025.
16. The school condition allocation can only be used for maintained, foundation and voluntary controlled schools. Academies have access to the Condition Improvement Fund and Voluntary Aided settings are funded via LCVAP (Locally Co-ordinated Voluntary Aided programme), both of these grants are distributed by the Department for Education direct to Academy Trusts and the Diocesan Authorities.
17. In previous years the DfE have provided High Needs Provision Capital Fund to meet the capital costs associated with providing new places and improving existing provision for children and young people with complex needs, who have Education, Health and Care plans (EHCPs), and where

appropriate, other children and young people with SEND (Special Educational Needs and Disability) who do not have an EHCP. At this stage we are awaiting confirmation of funding and have not included any additional funding in advance of any notifications.

18. The critical themes which combine to potentially result in an increase to any budget envelope for our named capital schemes are outlined below.

- a. Inflation – whilst it is recognised that the overall inflation rate is now falling, some building associated costs are showing higher rates which is impacting on the overall costs.
- b. Planning requirement – during the planning process, there are often conditions included in the grant of a planning permission that must be complied with and result in additional costs being added to the overall budget.
- c. Design and development – as schemes progress from an initial feasibility stage, associated costs may change as a result of more detailed investigations due to the outcomes of required surveys and ground conditions/stability.
- d. Carbon Neutral – the Council is committed to being carbon neutral by 2027 which results in capital build schemes being required to modify buildings to align with this expectation. Due to demand the costs of greener technologies such as Air Source Heat Pumps have significantly increased and when these are installed there can be the additional cost of increasing electricity supplies to a site.
- e. School infrastructure/condition – any scheme will attempt to improve certain conditions of existing buildings and/or to ensure existing infrastructure has the capacity to cope with the increase of school places. Meeting catering /dining hall requirements or additional toilets are examples of common infrastructure changes.

19. The delivery of more SEN schemes will ultimately support the Council's ambitions to provide more in borough specialist school placements to support its residents whilst helping the Directorate with its management plan in reducing the overall deficit within its dedicated schools grant budget.

Consultation and Engagement

20. Prior to and during the scoping and progression of capital programmes of work, engagement events, both formal and informal will take place to seek views and feedback from key stakeholders on proposed schemes. Such events will involve meetings with

Headteachers/Governors/academy trusts both individually and across planning areas, briefings for local members as well as structured consultations.

21. In accordance with the guidance issued by the Department for Education, Making significant Changes ('prescribed alterations') to maintained schools, Statutory guidance for proposers and decision-makers (October 2024) formal consultation is undertaken as required on all schemes where specific criteria are met. Similar national guidance applies to academies; Department for Education, Making significant changes to an academy-non-statutory guidance on collaborative school place planning and making organisational changes to academies (October 2024)
22. Detailed records of consultations are kept for all schemes where formal consultation is required, and the feedback received is carefully considered as part of the finalisation of a scheme to ensure community views are considered.

Reasons for Recommendations

23. The necessity to commit to the significant capital investment in our schools set out in Appendices attached to this report, is fundamentally in response to our statutory requirement to provide sufficiency of school places for Cheshire East families. Failure to meet this requirement would result in increased anxieties in families being unable to attend a local school and added competition between schools many of whom set their own admission arrangements. The recommendations seek approval from Committee to progress with these priority schemes and allocate funding accordingly and to delegate authority to the Executive Director of Children Services to take decisions to deliver the schemes which allows for the effective management of each of these programmes of work in a timely manner.
24. The delegated authority to the Executive Director of Childrens Services to approve uplifts to project costs of individual schemes approved in the Capital Programme to a maximum of 20% of the approved capital budget or £500,000 whichever is the lesser sum, will ensure that schemes are progressed in a timely way and to provide updates to committee as required. Where the decision process includes financials or contracts, this will be done in consultation with the Chief Finance Officer.
25. Committee have been previously informed about the current pressures on funding which are resulting in costs of scheduled schemes increasing due to a range of factors, these can include additional costs as a result of planning conditions, high costs resulting from low carbon build standards, increasing costs of materials, rising costs of raw materials etc.

Other Options Considered

26. The option to do nothing and consequently not increase mainstream and special school provisions across the borough would result in a failure to meet our statutory duties as a commissioner of school places and incur increasing costs for out of borough SEN places.
27. There is an option that officers continue to provide individual committee reports and seek individual decisions or delegations for every scheme. This does not allow for flexible working to deliver schemes or to react to individual emergencies or needs. It is also time consuming for Officers and the Committee.
28. In each of the schemes in Appendices 1,2 and 3, detailed consultations are planned or will have taken place with school leaders, local ward members and local school communities to ensure that feedback and option appraisals are thorough and take into account local views. These processes will identify a range of options in terms of identifying schools to expand. Consultation responses are available as required to show that there is a robustness and openness in the process.
29. In terms of SEN programmes of works, the option to continue to place SEN learners in placements out of borough or in independent specialist provisions is not considered appropriate as this will result in a continuation of financial pressures on the High Needs DSG budget. This approach aligns with the detailed work undertaken as part of the 'Developing Better Value' (DBV) programme to increase local provisions which reduce travel costs and time and offers increased value for money.
30. The service works closely with colleagues in the Council's Assets team to identify other potential local sites to address the forecast need for specialist school places across the borough and the provision of funding to undertake feasibilities for future schemes is requested as per the recommendation detailed in appendices 2 and 3.
- 31.

Option	Impact	Risk
The option to do nothing and not increase mainstream and special school provisions across the borough	This would result in a failure to meet our statutory duties as a commissioner of school places and occur increasing costs for out to borough SEN places	High Risk
The option not to do nothing and not	This could result in the closure of schools and/or failure to address	High Risk

progress the school condition programme	health and safety risks and safeguarding issues	
---	---	--

Implications and Comments

Monitoring Officer/Legal

32. The Council has a legal duty under sections 13 to ensure that efficient primary, secondary and further education is available to meet the needs of their population; 13A which require local authorities to: ensure that their education functions are exercised with a view to promoting high standards, ensuring fair access to opportunity for education and training,, and promote the fulfilment of learning potential; and 14 of the Education Act 1996 secure that sufficient schools for providing primary and secondary education are available for their area.

Under the DFE guidance, Making significant changes ('prescribed alterations') to maintained schools, the statutory process is set out when making prescribed alterations to schools. Part of the process includes consultation.

Consultation must be adequate, carried out fairly with all of those affected by the proposals being included, with a sufficient explanation as to why the consultation is taking place to enable the consultees to consider the reasons, it should allow adequate time for consultation to take place and all consultee responses must be given proper weight before the final decision is taken. The decision must set out the reasons in how the decision has been reached and include a consideration of the consultation responses.

A failure to follow the correct process can result in the decision and the consultation exercise being subject to judicial scrutiny in a judicial review.

The Council are under a duty to ensure that they have regard to the public sector equality duty (PSED) which requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities, including making decisions and carrying out consultation exercises. Therefore, careful thought needs to be given to engage with the relevant individuals and that the aims of the PSED are achieved at the earliest possible stage in the decision-making process. Under the Gunning principles set out the common law principles to be observed when undertaking consultation. *R v London Borough of Brent ex parte Gunning* [1985] 84 LGR 168 established these principles, which set out that a consultation is only lawful when these four principles are met:

1. Proposals are still at a formative stage - A final decision has not yet been made, or predetermined, by the decision makers.
2. There is sufficient information to give 'intelligent consideration' - The information provided must relate to the consultation and must be available, accessible, and easily interpretable for consultees to provide an informed response.
3. There is adequate time for consideration and response- There must be sufficient opportunity for consultees to participate in the consultation. In the absence of a prescribed statutory period, there is no set timeframe for consultation, though it is widely accepted that twelve-week consultation period is sufficient. The adequacy of the length of time given for consultees to respond can vary depending on the subject and extent of impact of the consultation.
4. 'Conscientious consideration' must be given to the consultation responses before a decision is made. Decision-makers should be able to provide evidence that they took consultation responses into account.

Section 151 Officer/Finance

33. Funding for Children and Families capital programme is through a range of routes with the main ones relating to the use of the 'Basic Need' grant along with agreed Section 106 developer funding for education to mitigate the need for additional school places due to the impact of new housing. In addition to this external DfE grant has been allocated that supports SEN/High Needs schemes including provision of additional places. There is an annual allocation of School Condition funding, but this can only be used for local authority-maintained schools.
34. The Authority receives differing allocations of Basic Need grant which is based upon our submitted annual SCAP return. This funding is used to meet the additional places required in priority planning areas as referenced in the SCAP. Following the announcement from the DfE on 28 March 2023, the 2025/26 Basic Need allocation was confirmed as £2.442m. There have been no further Basic Need allocations at the time this report was written.
35. The School Condition Grant allocation is based on the number of maintained schools within the authority and can change subject to the number of schools that have converting to an academy, or an academy order has been submitted.
36. The DfE provides School Condition Allocations (SCA) on an annual basis for local authority-maintained schools only and provides the Council with the mechanism to maintain/improve school building infrastructures. In

line with DfE guidance, investment should be prioritised on keeping school buildings safe and in good working order by tackling poor building condition, building compliance, energy efficiency, safeguarding concerns as well as health and safety issues.

37. An indicative budget for the anticipated 2025-26 School Condition Allocation (SCA) grant of £2m was included in the Medium-Term Financial Strategy (MTFS) 2025-29, which was approved at Full Council in February 2025. This figure will be adjusted once the allocation is confirmed, in line with previous years we are expecting an announcement from central government in April/May 2025.
38. Following the announcement from the DfE on 26 March 2024, the 2023 to 2025 High Needs Provision Capital Fund Allocation was confirmed as £5.8m. There have been no further allocations at the time this report was written.
39. In January 2024, Cheshire East Children and Families Service, submitted its application for Safety Valve Capital Funding, this included 2 x 60 place SEND primary schools, 20 place expansion of Springfield (Wilmslow), 1 x 14 place SEN unit and additional funding to support new SEND satellite schools, SEND school places, SEN units and Resource provisions within mainstream settings across the borough. On 1 May 2024, the DfE confirmed that the majority of the application had been approved, and the Council has been allocated an additional £16,574,250 of grant funding to support these proposals.
40. The new schemes detailed in the Appendix 3 will be funded from the uncommitted Basic Need, High Needs Provision Capital Funding allocation and School Condition allocation.
41. The schemes with budget uplifts detailed in Appendix 3 will be funded from the uncommitted Basic Need and High Needs Provision Capital funding.
42. The schemes and block allocations named in Appendix 4, are fully funded from the School Condition Block allocation, also approved at Full Council on 26 February 2025 as part of the Medium-Term Financial Strategy (MTFS) 2025-26.
43. Capital grants have conditions that specify what they can be used for. If a scheme does not go ahead any spend incurred on that scheme would need to be written off to revenue.

Policy

44. Local authorities are under a duty to ensure sufficiency of school places in their area (section 14 of the Education Act 1996) and over the last 5 years, the percentage of parents receiving one of their three preferences has remained very strong and above the national average.
45. The programme of works for additional SEN special school provision would support the Council in meeting its duty to provide sufficient school places. The SEND Code of Practice requires us to consult with parental preference schools and parents have a right to appeal where we are unable to name their preference school through the tribunal process.

An open and enabling organisation.	<p>A council which empowers and cares about people</p> <p>Support all children to have the best start in life.</p> <p>Increase opportunities for all children and young adults with additional needs.</p> <p>Ensure all children have a high quality, enjoyable education that enables them to achieve their full potential (Include which aim and priority)</p>	<p>A thriving and sustainable place</p> <p>Reduce impact on the environment.</p> <p>Thriving urban and rural economies with opportunities for all</p> <p>Be a carbon neutral council by 2027</p>
------------------------------------	--	--

Equality, Diversity and Inclusion

46. Equality Impact Assessments are completed informally and formally to determine the varying needs of learners and their families to be able to access schools. Such factors are built into all stages of the progression of a scheme.

Human Resources

47. There are no direct human resource implications for the council, but if any additional school provision forms part of a current maintained school, the local authority will work with the school in the appointment of additional specialist staffing to ensure high quality staffing is achieved, both teaching and non-teaching. Levels of support will be dependent upon buy back of certain services including Hr and payroll.

Risk Management

48. As outlined in the finance section, the DfE have confirmed capital funding grants which allows for the virement of funding. This funding is already available and therefore is not reliant on future funding allocations.
49. Appendix 2 outlines the availability of unallocated funding. This does reduce levels of risk where scheme costs are increasing. However, we often have no ability to predict future grant allocations.
50. Force Majeure – The global Covid pandemic has identified that there can be some risks that on impact cannot be mitigated against and will inevitably cause some delay, disruption, and any additional costs.

Rural Communities

51. The creation of additional school places would potentially bring benefit to rural communities in that it will result in residents having a more reasonable travel distances to transport pupils if a local school place cannot be met.

Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)

52. In accordance with the programme to provide additional school places within Cheshire East, the schemes as outlined will provide more spaces for young people to learn and develop friendships with other local children within a local school thus promoting local community cohesion.
53. The school organisation service wherever possible will directly involve the young people in some of the design elements of schools as well as decision making with the appointment of sponsors for new schools.

Public Health

54. There are no direct implications for public health however, some children and young people currently travel significant distances to access the specialist provision they may require. This can have an impact on their emotional wellbeing and can significantly lengthen the school day. The

successful applications for new SEN free schools will mean more vulnerable children getting a placement in their local area thus keeping supporting their needs within their local community.

55. By reducing the distances which children are having to make to attend school the programme of works as outlined will also help reduce congestion on the roads and therefore reduce emissions improving the air quality and making a better local environment to live in.

- Any increase in SEND provision will require strategic joint commissioning of specialist health services to ensure resources for such services as physiotherapy are sufficient to meet increased demand as more localised school places are generated.

Climate Change

56. Providing additional school places will enable Cheshire East children the ability to secure at place at their local school thus reducing the need to travel outside of the area which will reduce energy consumption.

57. Cheshire East Council are very aware of their environmental education and stewardship role and are very interested in promoting sustainability in general.

58. Cheshire East Council is committed to being carbon neutral by 2025 and our capital build schemes are required to align with this expectation.

59. It is noted that any funding is for a capital project and not for the ongoing revenue costs. Therefore, as part of the detailed design process, the design team will be exploring how the expansion could be designed to minimize future running costs. Systems that save on energy consumption will be considered, particularly for electricity, with absence detection being the preferred lighting strategy.

Access to Information	
Contact Officer:	Joanne Prophet Joanne.prophet@cheshireeast.gov.uk
Appendices:	Appendix 1 – Update on projects Appendix 2 – Children’s and Families capital Programme March 2025 Appendix 3 -summary of changes

	Appendix 4 - Briefing Note - Condition, Compliance and Health & Safety assessments in our schools.
Background Papers:	1. MTFS approval paper Feb 2025 2. Children and Families Committee June 2024 3. Pupil Place Planning Sufficiency Report