

OPEN

Children and Families Committee

19 January 2026

Renewing the Sufficiency Strategy and Expanding Specialist Provision in Cheshire East – Options Paper

Report of: Dawn Godfrey, Executive Director, Children's Services

Report Reference No: CF/40/25-26

Ward(s) Affected: All

For Decision

Purpose of Report

- 1 To update the Children and Families Committee of the current pressures and challenges with the sufficiency of SEND placements across Cheshire East and provide a more detailed oversight of the data and information required to ensure decisions about how both capital and high needs spend are prioritised to ensure the highest impact on meeting the needs of all children and young people with SEND across Cheshire East.
- 2 To provide an update regarding the SEN Free School at Westfields, Sandbach, and to provide alternative options for consideration that may enable places to be brought forward for SEN pupils in a timelier way.
- 3 To request the Children and Families Committee's approval of the alternative proposal to self-deliver and fund the SEND 'All Through' school at the Westfields site, resulting in the pausing of the Springfield satellite school (Cledford, Middlewich), and declare that St Gregory's and Vernon Infant sites are surplus to requirements of Children and Families, enabling the sites to be added to the Council's disposal programme.
- 4 For Committee to delegate the authority to the Executive Director of Children's Services to: -

- Enter into all necessary consultancy and ancillary agreements to undertake a detailed feasibility study
- Enter into a preconstruction services agreement and progress with the detailed design and development of costs to RIBA stage 4. This will enable the service to work towards obtaining a target cost and submission of a planning application to facilitate the delivery of the new SEND Free School on the Westfields site, together with any other agreements associated with or ancillary to the contract.

5 For the Children and Families Committee to consider and approve the proposal to progress with the free school presumption process to open a new SEN Free School at Westfields, Sandbach, including the process of attracting potential sponsors to run the new school.

6 To ensure Children and Families committee are well informed of the scope of this work in line with the definition of “high needs” which should include children and young people with SEND, both with statutory education, health and care plans (EHCP) and non-statutory SEN support, and those requiring additional inclusion support or alternative provision (AP).

Executive Summary

7 As the strategic commissioner of school places, Cheshire East Council has a statutory duty to ensure sufficient school places for local residents. Providing the right educational placement for all children, including those with special educational needs (SEN), is essential to helping them achieve their potential and develop skills for adulthood.

8 The out of borough placements have grown largely as a result of the separation during the Local Government Review in the area where the majority of Cheshire County Council special schools were located in what is now Cheshire West & Chester Council. Only four out of the nineteen special schools were transferred to Cheshire East Council, and the resulting imbalance has never been properly addressed. On top of this, there are 11 high cost Independent Non-maintained Special Schools within our border as an option for our families.

9 To date, capital investment has focused on expanding specialist places in special schools, SEND units, and resource bases—primarily for pupils with Education, Health and Care Plans (EHCPs). For example, in the last three years, Cheshire East has created 224 new specialist places in special schools, SEND Units and resource bases, with a further 46 either in progress or being consulted on. While necessary, this approach has inadvertently driven demand for EHCPs

as a gateway to specialist support. A strategic shift is needed to strengthen inclusive practice in mainstream schools, reducing reliance on specialist placements and mitigating escalating EHCP requests.

- 10 The current plan involves the delivery of a SEND Secondary Free School (Westfields) through DfE funding. Unfortunately, the DfE is not committing this funding. If Cheshire East use existing SEND Capital funds to continue with the delivery of this project, this can only be achieved through virement of funds allocated to existing schemes (see Appendix 1) in the approved Medium Term Financial Strategy (MTFS)/ 2025-26 Budget.
- 11 Cheshire East had also allocated £6m SEND capital to the development of Springfield satellite school (Cledford, Middlewich)
- 12 There is an urgent requirement to review the options to ensure SEND capital and other funding is allocated as efficiently and effectively as possible.
- 13 Progressing with the two currently proposed options of expanding special school places at Springfield satellite school (Cledford, Middlewich) and Westfields would consume all of the SEND Capital available and only attend to one pressure in the SEND system, therefore we are requesting approval to pause on the Springfield satellite school (Cledford, Middlewich) and progress with the Westfields scheme.
- 14 In Cheshire East, there is a requirement to invest in the system at all levels to ensure we are not just reacting to the seemingly highest levels of need, potentially escalating many needs through the system through a lack of investment lower down the system.
- 15 Investing in increasing places in just one or two special schools is a risk as it would leave no funding to invest in any other parts of the system to ensure needs are being met without the need for escalation, where appropriate.
- 16 Ensuring our strategy also invests in increasing mainstream capacity will improve educational outcomes, support social integration, reduce travel costs, and align with the council's statutory duty as well as reduce the pressure on both the High Needs Block spend as well as ensure SEND Capital is allocated as efficiently as possible.
- 17 Inclusive practice enables many pupils to have their needs met without costly specialist placements. This approach also builds parental confidence, ensuring children can thrive locally in familiar

environments. Please see appendix 2 for examples of how inclusive practice can have an impact on our High Needs block.

- 18 While previous programmes have expanded specialist provision, they have not sufficiently addressed early intervention or inclusive mainstream capacity.
- 19 Additionally, external pressures out of the council's control have continued to add to the pressure, creating a 'perfect storm' for the increased pressure to spend on high cost placements; namely the opening of 5 Independent Special Schools (ISS) and Non-Maintained Special Schools (NMSS) within the borders of Cheshire East – often the preferred option for parents and carers and also the most expensive options.
- 20 Future strategy must go beyond physical space planning and must include workforce development, stronger partnerships, improved commissioning, proactive transitions, more intelligent and responsive data use, and accurate identification of emerging needs.
- 21 Concurrently to this, robust data intelligence reporting and recording systems are being developed to enable the most efficient and effective decisions based on data and information.

RECOMMENDATIONS

The Children and Families Committee is recommended to:

1. Approve the funding and self-delivery of Westfields SEN school using existing capital allocations, see attached appendix 1 detailing how this would be funded. This would include the proposal to change this to an 'all through' special school rather than solely secondary.
2. Approve and delegate authority to the Executive Director of Children's Services to: -
 - Enter into all necessary consultancy and ancillary agreements to undertake a detailed feasibility study
 - Enter into a preconstruction services agreement and progress with the detailed design and development of costs to RIBA stage 4. This will enable the service to work towards obtaining a target cost and submission of a planning application to facilitate the delivery of the new SEND Free School on the Westfields site, together with any other agreements associated with or ancillary to the contract, where necessary in consultation with the Executive Director of Resources/S151 Officer, the Governance, Compliance and Monitoring Officer and the Executive Director of Place.

3. Recommend to Finance Sub Committee to approve the grant funded capital budget of circa £16m to progress with the Westfields proposal and approve a diversion of High Needs Capital Funding from the schemes as set out in Appendix 1.
4. Agree to progress with undertaking the free school presumption process to identify and obtain agreement for a new school sponsor under section 6A of the Education and Inspections Act 2006. This will include undertaking a consultation with the local community, schools, councillors, town council and local MP. This is not the formal statutory consultation which sponsors are required to undertake.
5. Approve the pause of the primary aged proposals, including the additional Springfield satellite (Cledford, Middlewich) to ensure funds available to make further decisions as we work on developing the strategy in response to the emerging information and data of both SEND support and EHCP needs.
6. Approve the release of the former St Gregory's and Vernon Infant sites and declare the sites surplus to the requirements of Children and Families, enabling the sites to be added to the Council's disposal programme.
7. Approve the development of a renewed sufficiency strategy to ensure a strategic approach to SEND provision across the system.

Background

- 22 The DfE confirmed, in March 2023, that we had been successful in bidding for two new free special schools, which would provide for up to 120 additional places. It was proposed that the successful DfE bid would provide two 60 place 'all through' schools
- 23 In March 2024, a revised bid was submitted to the DfE that proposed one new SEND free school which would offer 120 secondary age places for pupils with broad range of SEND and complex needs, including autistic children and young people, those with moderate learning and speech language and communication needs. The proposed location for the new SEN free school is Westfields site in Sandbach. This free school was to be funded and delivered by the DfE. (Please note that the site could actually deliver additional places to a total of 144, but the revised bid had to reflect the numbers detailed in the original submission of 120).
- 24 Since the June 2025 general election, we have had no decision on whether the DfE will be progressing this scheme, and at a meeting on

11 November it was advised that this scheme is highly unlikely to be progressed by the DfE.

- 25 The Government announced details of the Spending review on the 11 June 2025, within this announcement the government has said it will set out its approach to SEND reform in a white paper in the autumn 2025. This publication has now also been delayed to early 2026. Due to the urgency of the need to progress our sufficiency strategy, we can no longer wait for a solution from the DfE and need to progress options based on the assumption we will not receive any funds from the DfE.
- 26 Correspondence, with support from the Leader, Deputy Leader, local Members of Parliament and local Members has been sent to the Department for Education requesting updates to the scheme.
- 27 At Children and Families committee on the 29 April 2024 approval was given to delegate authority to the Executive Director for Childrens Services to; -
 - i. Progress with detailed feasibility studies for the two x 60 place SEND primary schools from the Cledford site in Middlewich, and the other from either the Vernon site in Poynton or St Gregory's site in Bollington. This will include design development work, to be commissioned through the Estates Property Projects Team for RIBA Stages 0-2 to cover initial feasibility and survey work on the proposed sites.
 - ii. To initiate the process of developing proposals for the two satellite schools, these would be part of expansions to existing Cheshire East special schools, and further reports will be provided at Committee.
- 28 The Education Act 2011 changed the arrangements for establishing new schools and introduced section 6A (the 'free school presumption') of the Education and Inspections Act 2006 which requires that, where a local authority identifies the need for a new school in its area, it must seek proposals to establish an academy (free school). Section 6A came into effect on: 1 February 2012 for new mainstream and special schools.

Consultation and Engagement

- 29 If Cheshire East were to take forward the proposal, in accordance with DfE "Establishing a new academy: the free school presumption route, Guidance for local authorities and new school proposers (May 2024) in order to open a new school, the local authority must follow the free school presumption process. This guidance sets out the consultation process and timeline.

- 30 Before relaunching the competition to identify the sponsor to run the new school, we will undertake consultation and engagement sessions.
- 31 Information will be made available on the Cheshire East website and during the representation period notified to key stakeholders including Ward Members, MP's, Diocese, and Town Councils. Information will also be emailed to all schools.
- 32 It is proposed that a public drop-in session will be held (venue and dates to be confirmed), with representatives from the local authority in attendance to discuss the proposal and seek views from parents and the local community. Feedback gathered through consultation will be used to help formulate and finalise the local authority's specification for a new school before its publication inviting expressions of interest from sponsors.
- 33 This is not the formal statutory consultation which sponsors are required to undertake under section 10 of the Academies Act 2010, which takes place during the pre-opening phase i.e., after the sponsor has been selected.

Reasons for Recommendations

- 34 To ensure the most efficient and effective responses to the demand for specialist places and increasing pressure on the SEND system in Cheshire East.
- 35 To continue to support the key mitigation within our DSG management plan, to reduce the increasing reliance on ISS and NMSS through a systemic, strategic and proactive approach. This proposal incorporates elements of the Cheshire East Plan 2025 - 2029 in that it will support all children to have the best start in life and will increase opportunities for all children and young adults with additional needs ensure all children have a high quality, enjoyable education that enables them to achieve their full potential.
- 36 In line with DfE policy we would need to initiate the Free school presumption, this is the main route by which local authorities bring about the establishment of new schools to meet the need for additional places.

Other options considered

Option	Impact	Risk
Do nothing	This 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.	High
Wait for DfE confirmation and delay all decision-making processes linked to SEND Capital spend	Continued increase of CYP without appropriate support and provision. Cost to Councils revenue budget of maintaining a vacant building with significant business rate value.	High
CEC fund and self-build Westfields SEN school using existing capital allocations, as detailed in appendix 1 but change this to an 'all through' special school rather than solely secondary, and ...continue with Springfield satellite using remaining funds available leaving no further funds to respond to the developing strategy.	This option would utilise all our High Needs Provision Capital allocation, whilst not addressing inclusive practice in mainstream schools. At this stage we are requesting approval to put Springfield satellite scheme on hold pending the outcome of the renewal of the sufficiency strategy.	High

Implications

Monitoring Officer/Legal

37 The Council as a principle council has the power to acquire land for various statutory functions and also to dispose of land. However, if the land was acquired for a specific statutory function such as to build and maintain a school, if the land is no longer required for that purpose, it will be necessary for the Council to appropriate the land under section 122 of the Local Government Act 1972 ("LGA 1972"). Therefore, a principal council can only appropriate land under section 122(1) of the LGA 1972 if the land is no longer required for the

purpose for which it is currently held. In reaching this decision, the council must consider the public need within the area for the existing use.

- 38 It is for the principal council to determine whether the land is no longer required for the purpose for which it is held – the Council is the sole judge of this.
- 39 There is no statutory requirement to advertise or consult on a proposal or decision to appropriate land under the general power contained in section 122 of the LGA1972, unless the appropriation relates to special categories of land – open space land is one such category. It will be necessary to assess whether any land could be regarded as open space land. If there is land falling under this category it will be necessary for the Council to advertise its intention to appropriate the open space for 2 consecutive weeks in a newspaper circulating in the area and to consider any objections of the proposed appropriate (section 122 (2A) LGA 1972) . If a principle council appropriates open space land under section 122(2A) of the LGA 1972, it is released from any trust for the enjoyment of the public imposed by section 164 of the Public Health Act 1875 or section 10 of the Open Spaces Act 1996 (section 122(2B), LGA 1972).
- 40 All actions involving the disposal or acquisition of property assets must be taken in accordance with the Council's Constitution current at the time of taking the decision.
- 41 However, it will be necessary to seek the Finance Sub-committee approval to appropriate the land so that it can be used for an alternative purpose and placed on the disposal list. Therefore, approval is needed to be sought to dispose of the surplus schools. No approval is required to re-use the site of Westfields as this was purchased using general administrative powers.
- 42 Land can be appropriated for planning purposes pursuant to section 122 of the LGA 1972. The phrase – *“the appropriation of land for planning purposes”* – is defined by section 246(1) of the Town and County Planning Act 1990 (“TCPA 1990”) as a reference to the appropriation of land for purposes for which land can be (or, as the case may be, could have been) acquired under section 226 or section 227 of the TCPA 1990. Acquisition under these sections is permitted (whether by compulsion or by agreement) where such acquisition facilitates the carrying out of development, re-development or improvement on or in relation to the land, provided that such development, re-development or improvement is likely to contribute to the achievement of the promotion or improvement of the economic,

social or environmental well-being of the relevant local authority's area.

43 When considering appropriation, the Council needs to have regard to the same issues, and take the same approach, as if they were seeking to promote a compulsory purchase order. The same degree of "requirement" or "necessity" is to apply. Members need to be aware that under the Housing and Planning Act 2006, when easements or other rights are overridden, compensation is payable for the interference with the relevant right. It will be necessary to seek further legal advice at that time.

Section 151 Officer/Finance

44 The Council have made available Westfields building for the purpose of this free school. The Westfields building was fully vacated as of 31st December 2024 and holding costs of £276k per annum will need to be met from council budgets until the DfE progress with the build.

45 The delayed delivery of the free school will have a financial impact on the DSG management plan and consequently a significant impact on the DSG deficit position (detailed below).

46 Within the approved DSG management plan the opening of the free school at Westfields is scheduled for academic year 2027-2028. The savings/cost avoidance related to this key mitigation are:

- (a) Academic year 2027/28 based on occupancy of 46 circa £1.073m.
- (b) Academic year 2028/27 based on occupancy of 92 circa £2.913m.
- (c) Academic year 2029/28 based on occupancy of 140 circa £4.800m.
- (d) 2030/31 thereafter based on occupancy of 140 circa £5.600m.

Cost avoidance calculations are based on the cost avoided of placement within an ISS/NMSS less the cost of funding a placement (place and top up funding) within a CEC special school/academy.

47 In addition to the free school delay, the Government have announced a delay to white paper which sets out its approach to SEND reform. This was due to be released in autumn but is now expected in January 2026. This will impact mitigations within the DSG management plan. At this point in time the impact is unknown.

48 Due to the affordability and available capital resources, it is recommended to pause Springfield satellite (Cledford, Middlewich) and release Vernon/St Gregorys sites. These sites were creating a total of 100 specialist places and have been included in the DSG management plan. The DSG management plan will be amended to reflect this proposal. We intend to mitigate the impact on the DSG management plan and are working on alternative solutions which may include the potential option of housing temporary specialist provision within existing mainstream schools which have spare capacity. Alternative solutions will also support the inclusion agenda and anticipated white paper. This approach will require significantly less capital investment.

49 A stage 0 feasibility was completed on the Westfield proposals in 2023, for a SEN secondary school. The estimated cost was £12 to £15m. In order that the costs are robust, a detailed feasibility will be undertaken to enable the service to work towards a target cost for the 144 place all through school.

50 The delivery of SEN places 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.

51 Given the current financial constraints of the Council, the intention would be for any future projects to be fully funded by the DfE and/or existing unallocated grant allocations already held by the Council. There is currently no scope within the Capital Financing Budget to afford additional Prudential Borrowing, unless other schemes are deferred, de-scoped or removed from the wider capital programme. The preference would therefore be that the DfE fully fund the scheme (i.e. remain with the project as is) or that funding is allocated from other areas of the programme.

52 However, as there are wider cost implications for the council due to an ongoing lack of SEN places within the borough. The build of the new school is intended to bring significant long-term savings to the council and consequently this is therefore an "invest to save" scheme. As such, if progress with the DfE continues to delay the project it is appropriate to fully review other options to try to meet the delivery target.

53 Appendix 1 details the proposals for funding the self-delivery of the Westfields SEN school, this includes pausing on Springfield satellite (Cledford, Middlewich) and removal of the other satellite school proposals from Children and Families Capital Programme.

- 54 Any costs relating to the running/operation of a Special school (school or academy) is managed within the school's budget. Special schools are funded from the high needs block of the DSG. Funding is provided for both places and pupil top up funding.
- 55 The local authority is also expected to meet the associated capital and pre/post-opening revenue costs if a free school is opened following a free school presumption process, the revenue costs will be funded from the high needs block of the DSG. High Needs Provision Capital Allocation funding is provided by the DfE on an unringfenced basis, so that local authorities can provide the places that they need, including through new presumption schools. If costs increase between the specification being drafted and the school opening, these should be covered by the local authority; the department will not provide any funding.
- 56 The Westfields site is centrally located and will support the reduction in transport time for learners and associated costs. The challenges of long journey times for our most vulnerable learners are a real concern and we know that too many learners are travelling more than two hours to and from school each day which impacts significantly to their emotional wellbeing and to our overall budget pressures.

Human Resources

- 57 There are no direct human resource implications for the council at this stage.

Risk Management

- 58 There is an overall risk that the council does not meet its statutory requirements to best support SEND learners due to a lack of specialist SEND placements.
- 59 Due to capacity constraints within our resource provision, SEND units and special schools, the reliance on placements within non-maintained special schools, independent special schools, and specialist post 16 institutes are growing considerably, creating an unsustainable position and urgent action is needed to manage this situation.
- 60 Force Majeure – the global Covid pandemic has identified that there can be some risks where impact cannot be mitigated against and will inevitably cause some delay, disruption, and any additional costs.
- 61 Once specific schemes are identified, approved to feasibility stage and then beyond, all risks will be monitored as part of the staged

process utilising the agreed Project Management Office (PMO) methodology.

Policy

- 62 Local authorities are under a duty to ensure sufficiency of school places in their area (section 14 of the Education Act 1996).
- 63 The provision of the new school will support the Council in meeting its statutory duty to provide sufficient school places.

Commitment 1: Unlocking prosperity for all	Commitment 2: Improving health and wellbeing	Commitment 3: An effective and enabling council
1.3 Education, skills and life-long learning leads to employment and roles in the community	2.2 Improved independence, health and wellbeing through early intervention and prevention 2.4 Children and young people thrive and reach their potential with targeted support when and where they need it	3.1 Financially sustainable council, enabled by council-wide service transformation and improvement.

Equality, Diversity, and Inclusion

- 64 Equality impact assessments (EIAs) 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. The EEIA is to be completed once the detail of the schemes is agreed and will be available on the website.

Rural Communities

- 65 The creation of additional places across the borough will potentially bring benefits to rural communities by providing settings within more reasonable travel distances 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)

- 66 It is essential that the council makes best use of resources to ensure that children and young people receive the services they need, and those services must be provided.

- 67 The Children and Families Together Vision includes a priority around children with additional needs.
- 68 The 0-25 SEND Partnership Strategy sets out the partnership vision for meeting the needs of children and young people with SEND. This strategy has been refreshed to include the delivering better value opportunities and mitigations within the DSG Management Plan.
- 69 Providing sufficient school places for all children and young people resident in our area is a statutory duty.

Public Health

- 70 Any increase in SEND provision will require strategic joint commissioning of specialist health services to ensure resources for such services as physiotherapy and speech language and communication therapy are sufficient to meet increased demand as more localised school places are generated. This will be done through the 0-25 SEND Partnership Board and associated workstreams.
- 71 *By providing local school places and reducing the distances which some children may have to travel to attend school will help to reduce congestion on the roads and therefore reduce emissions, improving the air quality and making a better environment to live in.*
- 72 *Providing sufficient places in their local community could improve a child's social and emotional wellbeing.*

Climate Change

- 73 Providing additional school places will enable Cheshire East children and young people the ability to secure a place at their local school, thus reducing the need to travel outside of the area which will reduce energy consumption.
- 74 Cheshire East Council are very aware of their environmental education and stewardship role and are very interested in promoting sustainability in general.
- 75 Cheshire East Council is committed to being carbon neutral and in future capital build schemes are required to align with this expectation.

76 Consultation

Name of Consultee	Post held	Date sent	Date returned
<i>Statutory Officer (or deputy):</i>			
Chris Benham	Director of Finance and Deputy 151 Officer	28/11/25	19/12/25
Kevin O'Keefe	Interim Director of Law and Governance (Monitoring Officer)	28/11/25	09/12/25
<i>Legal and Finance</i>			
Mandy Withington	Principal Lawyer (Commercial Property and Projects)	11/11/25	13/11/25
Tracy Baldwin	Finance Manager – Strategic Finance and Accounting	11/11/25	13/11/25
Diane Green	Finance Manager – Children's Services	11/11/25	11/11/25
Kathy Oliver	Principal Accountant – Children's Services	11/11/25	13/11/25
<i>Other Consultees:</i>			
<i>Executive Directors/Directors</i>			
Peter Skates	Director of Growth and Enterprise - Place	04/11/25	10/11/25
Dawn Godfrey	Executive Director, Children's Services	19/12/25	19/12/25

Access to Information	
Contact Officer:	<p>Iain Peel Iain.peel@cheshireeast.gov.uk</p> <p>Helen Wallace Helen.wallace@cheshireeast.gov.uk</p> <p>Joanne Prophet Joanne.prophet@cheshireeast.gov.uk</p>
Appendices:	<p>Appendix 1 – Capital Funding Proposal.</p> <p>Appendix 2 - Impact of Inclusive Practice on the High Needs Block of Dedicated Schools Grant.</p> <p>Appendix 3 – Chronology of process and decision making</p>
Background Papers:	<p>1. Children and Families Committee 11 November 2024 https://moderngov.cheshireeast.gov.uk/ecminutes/documents/s120882/Springfield%20School%20Expansion%20Report.pdf</p> <p>2. MTFS 2025-2029 https://www.cheshireeast.gov.uk/pdf/council-and-democracy/budget-report/appendix-a-mtfs-2025-2029-final.pdf</p> <p>3. DfE guidance on establishing new schools through the free school presumption route https://assets.publishing.service.gov.uk/media/663dfcab993111924d9d324a/Free_school_presumption_guidance.pdf</p>