

Children and Families Committee

Date of Meeting:	23 May 2022
Report Title:	Proposed Expansion of Springfield School, Crewe
Report of:	Deborah Woodcock, Executive Director of Children's Services
Report Reference No:	CF/01/22-23
Ward(s) Affected:	All wards

1. Purpose of Report

- 1.1. The purpose of this report is to seek approval for the proposed expansion scheme to increase capacity at Springfield School (Crewe site) by 80 places, increasing the school's overall capacity from 170 to 250 places. This is in line with our strategy to increase local specialist provisions as set out in the high needs management plan.
- 1.2. The proposed expansion will meet the council's priority to increase opportunities for children, young adults, and adults with additional needs through the expansion of local special educational needs and/or disabilities (SEND) provision allowing more children to attend a school within Cheshire East and their local community.
- 1.3. The proposal will contribute to the council's priority to ensure that all children have a high quality, enjoyable education that enables them to achieve their full potential.

2. Executive Summary

- 2.1. 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 the needs of residents. Having the right educational placement for all children and young people is key to supporting children and young people achieve

their potential and to develop the range of skills and experiences they need to equip them for adulthood. This approach is in line with our strategy to increase local specialist provisions as set out in the high needs management plan.

- 2.2.** Due to the increasing level of complexities of children and young people identified through assessment, the demand for special school places continues to increase. The council has undertaken the necessary work and published its updated sufficiency statement for children and young people with special educational needs (SEN) October 2020, this was endorsed by the SEND Partnership Board on 27 November 2020. This document highlights a need to increase specialist provision in the borough as the amount of provision currently available does not match the needs identified. The sufficiency statement has driven the development of a 3-year plan allowing the council to strategically plan a programme of increased provision to meet its needs, this plan was also endorsed by the SEND Partnership Board on 27 November 2020.
- 2.3.** The decision to progress to consultation was taken by the Executive Director for Children's Services (in association with Corporate Leadership Team (CLT) members) in response to the prepared report as considered on the 7 February 2022.
- 2.4.** Springfield School is a maintained special school and one of our most popular and successful special schools; it was rated outstanding by Ofsted in February 2019. The school has been previously expanded but is now full and operating slightly over capacity by 30 places. Currently 14 pupils are being accommodated in temporary leased accommodation on the Apollo Buckingham site, the lease for such will cease at the end of July 2023.
- 2.5.** In the Medium-Term Financial Strategy (MTFS 2022-26) there is a block of funding titled 'Provision of Sufficient School Places – SEND' with £6 million allocation. The MTFS was approved by full Council on the 24 February 2022. The proposal is to allocate in the region of £4 million of this block funding against this project to directly address the critical demand for special school places in the south of the borough. This scheme is the highest priority scheme for progression within the agreed MTFS funding envelope and therefore the proposed budget envelope reflects this.

3. Recommendations

- 3.1.** To approve the proposed expansion of Springfield School from 170 to 250 places for implementation in September 2023 having given due consideration to the responses to the statutory public notice and consultation process without modification.

- 3.2. To provide authority to the Executive Director of Children's Services to procure and award a construction contract for the provision of additional places at Springfield School (Crewe), inclusive of any other agreements associated with or ancillary to the contract.

NOTE: In considering the above recommendations, committee must take regard of the legal guidance as set out in para 8.1.6.

4. Reasons for Recommendations

- 4.1. Springfield School is the only special school in the south of the borough providing places for children and young people with severe learning difficulties (SLD) and profound and multiple learning difficulties (PMLD). The nearest school with provision that meets this type of need within Cheshire East is Park Lane in Macclesfield.
- 4.2. Springfield School is an extremely popular and successful school. Alternative schools are likely to be out of borough, and are likely to be expensive independent schools with extended journeys for children and young people for which the council will have to provide transport. The provision of additional local special school places is a significant element of the local authority's high needs management plan as considered at Cabinet in March 2021.
- 4.3. The proposal will contribute to the council's priority to ensure that all children have a high quality, enjoyable education that enables them to achieve their full potential.

5. Other Options Considered

- 5.1. The option to do nothing and not increase special school provision across the borough would result in increasing costs for out of borough places and failure to provide high quality local provision to meet the local need of our families.
- 5.3. There is an option to consider alternative sites for the increasing demand. The service is working closely with colleagues in the Assets team to identify potential local sites to address the forecast need for specialist school places across the borough. No other available site is currently available close to Crewe in the timescales required.
- 5.4. There is the option to not increase in-borough SEND provisions but utilise independent and/or out of borough specialist provisions. This is not a viable option due to the significant increase in costs for such places which will only further increase the financial pressures on the council due to SEND.

6. Background

- 6.1.** The Sufficiency Statement for Children and Young People with Special Educational Needs and/or Disabilities published in July 2017 as part of the 'SEND Local Offer', indicated that at the time of local government reorganisation, Cheshire East Council did not have the specialist provision that it needed, and because of this, children were being transported out of borough.
- 6.2.** Considering the findings, the council put into place a programme to provide additional specialist school placements which would mean children having a school place within their local area whilst helping the council manage the pressure on its Dedicated Schools Grant (DSG).
- 6.3.** To date the council has undertaken several schemes to meet the findings of its sufficiency statement including:
- A new block was provided at Springfield School providing an additional 24 places in 2019
 - A new 12 place resource provision opened at Shavington Primary Academy in April 2019
 - A new 48 place school, The Axis Academy, opened in Crewe in September 2020, and moved into the purpose-built school in February 2021
 - An expansion of 7 places has been provided to the resource provision at Puss Bank School (the new building was completed in February 2021)
 - The expansion of Park Lane school by 40 places was handed over at the end of February 2022
 - The service is currently progressing with an approved expansion of Springfield School on a satellite site at Dean Row, Handforth; this will provide up to 80 places and is due for completion in summer 2023.
- 6.4.** The updated sufficiency statement (2020) acknowledged the additional places which had been provided since 2017, but also evidenced the increase in the number of pupils with an Education, Health and Care Plan (EHCP) meaning that the need for additional specialist placements has increased.
- 6.5.** Strategically the council is currently forecasting a significant pressure on its Dedicated Schools Grant (DSG) reserve of £25 million on 31 March 2022. A management plan paper was considered and approved by the council's Cabinet on 9 March 2021, with a range of mitigation measures to reduce the budget pressure; a key aspect of this mitigation was to increase local SEND provision. This scheme is an important part of this mitigation plan and will reduce the demand for expensive out of borough places.

- 6.6.** Springfield School is one of our most popular and successful special schools. The school has been previously expanded with Cabinet giving approval for this in 2018, and the scheme being completed in 2019. The school is now full and operating over capacity by 30 places. Currently 14 pupils are being accommodated in temporary leased accommodation on the Apollo Buckingham site, the lease for such will cease at the end of July 2023.
- 6.7.** Currently the school is being asked to consider admitting 14 pupils for September 2022 into reception with these pupils starting at the external Apollo site. There were a group of approximately 25 additional learners who the authority consulted on for places for September 2022, plus there are likely to be additional Education, Health and Care Plans agreed where specialist provision is identified as required to meet the needs of the child, and many of these parents will ask us to consult for places at Springfield School as their parental preference. This highlights the ongoing demand for additional provision at the school. Further work is taking place with the Early Help and Early Years Service to create a clearer trajectory of learners who are likely to require specialist SEND provisions.
- 6.8.** An initial feasibility study, as agreed by the Executive Director in February 2022, was undertaken to assess the school's accommodation requirements for the proposed expansion to provide the additional places. This work identified a schedule of accommodation and a preferred option which has been progressed to the detailed design stage; this is in line with DfE guidance document Building Bulletin 104.
- 6.9.** Any proposal to expand Springfield School would be subject to planning approval and should the proposal impact on land designated as playing field then Section 77 of the School Standards and Framework Act will also apply. As the school is a maintained school then Cheshire East Council will be the applicant in both instances. Initial work has been commissioned to progress the planning application.
- 6.10** In the Medium-Term Financial Strategy (MTFS 2022-26) there is a block of funding titled 'Provision of Sufficient School Places – SEND' with £6 million allocation. This funding was identified to support delivery of our strategy to increase local specialist provision. The MTFS was approved by full Council on the 24 February 2022. The proposal is to allocate at least £4 million of this block funding against this project to directly address the 'Provision of Sufficient School Places – SEND'.

7. Consultation and Engagement

- 7.1.** In accordance with the guidance issued by the Department for Education the statutory publication notice was published in the Crewe Chronicle on 2 March

2022 and the statutory 4-week representation period ran from 2 March 2022 to 30 March 2022. Committee 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 proposal. Committee members must take any views received into account when deciding whether to approve the proposal.

7.2. As part of the consultation and engagement process the local authority has undertaken the following:

- A public notice was published in the Crewe Chronicle on 2 March 2022 and the 4-week representation period ran from 2 March 2022 to 30 March 2022.
- Information was available on the Cheshire East Council website and key stakeholders including Ward Members, MP, Diocese, Town Council and Cheshire East Parent Carer Forum were informed of the process.
- Information was emailed to all local schools together with a letter for distribution to their staff, governors, and parents
- Details of the proposal was published in the School Bulletin on 14 March 2022.

7.3. During the representation period 68 responses were received. Most of the responses supported the proposal. The majority of supportive comments reflect parental views that there is an urgent need for additional special school places whilst the non-supporting comments refer to parking/ accessibility issues. The planned works at the school will provide additional parking to mitigate the needs of additional staff/ pupils as a result of the expansion and ensuring that suitable arrangements are in place at the start and end of the day when traffic issues are most common. Details of the responses are provided for consideration and included in Appendix 1.

8. Implications

8.1. Legal

8.1.1. The DfE statutory guidance 'Making significant changes (prescribed alterations) to maintained schools' that came into force in October 2018 provides information on the processes involved in making significant changes to maintained schools (e.g. expansion, establishing new provision and school closure).

8.1.2. Local authorities are under a duty to ensure sufficiency of school places in their area (section 14 of the Education Act 1996). Local authorities can propose an enlargement of the premises of community, foundation, voluntary controlled schools, and special schools. When doing so they must follow the

statutory process as set out in the Prescribed Alterations Regulations (2013) if:

The proposed enlargement of the premises of the school is permanent (longer than three years) and would increase the capacity of the school by:

- 10% or
- 20 pupils (5 for all boarding special schools) whichever is the lesser.

8.1.3. ‘Making significant changes (prescribed alterations) to maintained schools’ describes the procedures that must be followed when making prescribed alteration proposals and states that local authorities must make decisions about any expansions that they propose.

8.1.4. The statutory process for making significant changes to schools now has four stages, as set out below:

Stage 1	Publication	Statutory proposal published – 1 day.
Stage 2	Representation (formal consultation)	Must be at least 4 weeks, as prescribed in regulations.
Stage 3	Decision	The decision-maker (usually the LA) must decide proposals within 2 months of the end of the representation period or decision defaults to Schools Adjudicator (OSA). Any appeal to the adjudicator must be made within 4 weeks of the decision.
Stage 4	Implementation	No prescribed timescale but must be as specified in the published statutory notice, subject to any modifications agreed by the decision-maker.

8.1.5. If a local authority fails to decide about a proposal within 2 months of the end of the Representation Period the local authority must forward the proposal, and any representations received, excluding those withdrawn in writing, to the Schools Adjudicator for a decision.

8.1.6. Committee members are advised that they must have regard to the guidance when making their decision. The guidance provides as follows:

- Decision-makers will need to be satisfied that the appropriate fair and open local consultation and/or representation period has been carried out and that the proposer has given full consideration to all the responses received.
- Decision-makers should not simply take account of the number of people expressing a particular view. Instead, they should give the

greatest weight to responses from those stakeholders likely to be most affected by a proposal – especially parents of children at the affected school(s).

- Decision-makers should consider the quality and diversity of schools in the relevant area and whether the proposal will meet or affect the needs of parents, raise local standards and narrow attainment gaps
- The decision-maker must comply with the Public Sector Equality Duty (PSED), which requires them to have ‘due regard’ to the need to: eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it; and foster good relations between people who share a relevant protected characteristic and people who do not share it.
- When considering a proposal, the decision-maker should consider its impact on community cohesion. This will need to be considered on a case-by-case basis, taking account of the community served by the school and the views of different groups within the community
- Decision-makers should satisfy themselves that accessibility planning has been properly taken into account and the proposed changes should not adversely impact on disadvantaged groups.
- The decision-maker should be satisfied that any necessary funding required to implement the proposal will be available and that all relevant local parties (e.g. trustees of the school, diocese, or relevant diocesan board) have given their agreement. A proposal cannot be approved conditionally upon funding being made available.

8.1.7. When issuing a decision, the decision maker can:

- reject the proposal.
- approve the proposal without modification.
- approve the proposal with modifications, having consulted the LA and/ or Governing Body (as appropriate); or
- approve the proposal with or without modification - subject to certain conditions (such as the grant of planning permission) being met.

8.1.8. Secretary of State’s consent will be necessary under the provisions of Section 77 of the School Standards and Framework Act 1998 if the proposals involve the change of use of land that is or has been used as school playing field land.

8.1.9. As a community school it is anticipated that the ownership of the site is vested in the council. A title report should be undertaken prior to the award of the contract to (1) confirm the position and establish if there are any title issues that could be affected by the implementation of the proposals and (2)

to verify whether any proposed amendments, upgrades or replacements to services and access require the acquisition of further rights or interests in land outside the council's current ownership.

8.1.10. A compliant procurement process will be undertaken, using a Framework Agreement offered by the Northwest Construction Hub, to award the construction contract on a design and construct basis.

8.2. Finance

8.2.1. Based on this proposal to expand Springfield School for 80 pupils the potential mitigation will be in the region £2,856,000 per annum. This is based on the difference in cost of placing a child at Springfield School and the cost of placing a child in an independent school, which in most cases is the only other suitable alternative.

8.2.2. Savings could be made on school transport for these placements which would obviously vary based on the distance travelled.

8.2.3. The progression of this scheme does not generate actual savings (other than potentially for the transport budget) for the council but will contribute to reduction in the projected DSG overspend of SEND placements as per the mitigation measures considered by Cabinet in March 2021.

8.2.4. The costs of placing a pupil at Springfield School is £22,042 per place. Therefore, 80 places would cost £1.8m per annum. This is funded from the Dedicated Schools Grant High Needs Grant. As referenced above this is a key part of the council's plan to increase local provision. The council's DSG Management Plan was agreed by Cabinet on 9 March 2021.

8.2.5. This funding was identified within the Medium-Term Financial Strategy (MTFS 2022-26) to support delivery of our strategy to increase local specialist provision. This programme was approved by full Council on 24 February 2022. Since this outline proposal, the advancement of the feasibility for this scheme has seen an expected increase of costs above £4 million. This revised projected cost envelope includes the impact of increased costs of resources/ supplies which is ever increasing and adding significant challenge to effective budget control. Other whole school infrastructure changes are having to be planned into the scheme, e.g. the need to extend kitchen/dining facilities to meet the increased number of pupils.

8.3. Policy

- 8.3.1.** An expansion at Springfield School will support the council in meeting its duty to provide sufficient school places. Local authorities are under a duty to ensure sufficiency of school places in their area (section 14 of the Education Act 1996). When exercising functions under The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 ('the Prescribed Alterations Regulations') decision makers must have regard to the DfE statutory guidance ('the guidance') for proposers and decision-makers 'Making significant changes ('prescribed alterations') to maintained schools'. The purpose of the guidance is to ensure that good quality school places can be provided quickly when they are needed; that local authorities and governing bodies do not take decisions that will have a negative impact on other schools in the area; and that changes can be implemented quickly and effectively where there is a strong case for doing so. The SEND Code of Practice requires us to consult on parental preference; schools and parents have a right to appeal where we are unable to name their preference school through the tribunal process.
- 8.3.2.** The proposal will allow more children access to an outstanding school with the intention of supporting children and young people in achieving the best possible outcomes.
- 8.3.3.** The expansion at Springfield School will provide more places for children within their local community, allowing them to build friendships with people who live close to them and spend less time travelling.
- 8.3.4.** By providing more local school places within Cheshire East the expansion will allow for some savings on transport when compared to educating children out of borough, thus allowing the council to make best use of its resources.
- 8.3.5.** By providing additional places the expansion will provide more choice for parents and carers who may otherwise maybe not find a place at Springfield School.

8.4. Equality

- 8.4.1.** An Equality Impact Assessment has been completed (see Appendix 2) for this proposal. It should be noted that this proposal would have an overall positive impact on several critical groups specifically parents and carers and young people.

8.5. Human Resources

8.5.1. There are no additional human resource implications for the council, but the school are aware that increased numbers on roll will require additional staffing costs which would be the responsibility of the school to fund through additional funding the school will receive based on the increased places.

8.6. Risk Management

8.6.1. There are inherent risks associated with any construction project and attempts to mitigate any risks will be managed through regular project meetings and a risk register as the scheme develops.

8.6.2. Programme – it is anticipated that the expanded accommodation premises will be available for occupation by the school in time for the September 2023 intake.

8.6.3. Planning Permission – the proposal to expand Springfield School would be subject to planning approval and should the proposal impact on land designated as playing field then Section 77 of the School Standards and Framework Act will also apply. An added risk to planning is the current delays in achieving approvals.

8.6.4. Budget – an initial budget of £4 million has been allocated to fully fund the proposal. If projected costs come in higher/ increase, there would be a need to undertake a value engineering exercise and assess increased costs against wider budgetary needs.

8.6.5. 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.

8.7. Rural Communities

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

8.8. Children and Young People/Cared for Children

8.8.1. In accordance with the programme to provide more specialist school places within Cheshire East, this proposal will provide more spaces for children to learn and develop friendships with other local children.

8.8.2. The mitigations made from providing better value school places will allow for more efficient budgeting by the service which in turn will reduce pressure on the ring-fenced high needs budget.

8.9. Public Health

8.9.1. There are no direct implications for public health however, some children and young people currently travel significant distances to access the specialist provision they require. This can have an impact on their emotional wellbeing and can significantly lengthen the school day. The proposal to provide additional places at Springfield School will mean children getting a placement in their local school thus keeping them in their local community.

8.9.2. By reducing the distance children are having to travel to attend school the proposal will also help reduce congestion on the roads and therefore reduce emissions improving the air quality and making a better environment to live in.

8.9.3. Many of the children and young people at Springfield School have complex needs including health needs. Springfield School is well placed to meet these needs. The increased 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.

8.10. Climate Change

8.10.1. Providing additional places at Springfield School will enable Cheshire East children 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.

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

8.10.3. It is noted that the funding is for a capital project and not for the ongoing running costs. Therefore, as part of the detailed design process, the design team will be exploring how the expansion could be designed to minimise 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 – Consultation Responses Appendix 2 – Equality Impact Assessment
Background Papers:	The DfE statutory guidance Making significant changes (prescribed alterations) to maintained schools DSG Management Plan receive at Cabinet on 9 March 2021 SEND Local Offer including SEN Sufficiency statement