

**Open Report on behalf of Debbie Barnes OBE, Executive Director -
Children's Services**

Report to:	Councillor Mrs P A Bradwell OBE, Executive Councillor: Adult Care, Health and Children's Services
Date:	22 October 2019
Subject:	Proposal to expand the capacity at The Lincoln St Christopher's School (decision to go to Statutory Notice)
Decision Reference:	I018735
Key decision?	No

Summary:

The proposal under consideration is to permanently expand the capacity of The Lincoln St Christopher's School to contribute towards ensuring that there is the required number of school places for primary and secondary age children with special educational needs and disabilities (SEND) in Lincolnshire. This proposal will address the current and projected need for SEND places covering a wide range of special educational needs including; physical and medical needs, Autistic Spectrum Disorders, social communication difficulties and severe and profound learning difficulties. The proposed expansion would enable children to attend a school with the specialist provision they require whilst reducing the need to place children in schools a considerable distance away from their home, in some cases out of county.

The proposal would expand the school by the addition of 133 places across two sites, which would increase the capacity from 200 to 333. Currently St Christopher's School operates from one site with both primary and secondary aged pupils. The proposal is to build a dedicated primary aged site to accommodate 130 pupils on the site of the former Usher Junior School on Skellingthorpe Road, Lincoln. The current site on Hykeham Road, Lincoln would be extensively redeveloped to provide specialist secondary aged education for 203 pupils.

The school's current capacity is 200 although there are 235 attending the school, with some temporary accommodation on site. The proposed expansion would provide additional teaching and resource space for the children already on roll and enable the school to provide specialist places for more SEND pupils.

If the proposal is approved work would begin in early 2020 on the new primary facility and in early 2022 on the current site. The intention of the Local Authority (LA) is to complete the new primary facility by 1 September 2022 and complete The Lincoln St Christopher's School as a whole by 1 September 2024.

It is the Local Authority's (LA) statutory duty to ensure that there are sufficient school places to accommodate all pupils of statutory school age in Lincolnshire including provision for children with special educational needs and the LA believes that this proposal is the best available option to fulfil this duty.

The Local Authority is co-ordinating the process in line with statutory guidelines published in the Department for Education (DfE) guide "Making Significant changes ('prescribed alterations') to maintained schools. Statutory guidance for proposers and decision-makers" (October 2018) in accordance with the terms of the Education and Inspections Act 2006, as updated by the Education Act 2011.

On 5 September 2019 a four week period of consultation commenced which closed on 3 October 2019 and is further referred to later in this report in the Consultation section where a summary of the responses received is also included. Responses have been generally very supportive.

This report seeks to advise the Executive Councillor on making the decision regarding proceeding to the next stage of the process with the publication of a Statutory Notice, as required by law, to propose the expansion of The Lincoln St Christopher's School. If the Executive Councillor gives approval there will follow a further four weeks Representation Period giving another opportunity for people and organisations to express their views and ensure that they are taken into account when the final decision is taken by the Full Executive in February 2020.

Recommendation(s):

That the Executive Councillor approves the publishing of a Statutory Notice in relation to the proposal to expand the capacity at The Lincoln St Christopher's School across two sites with full effect from 1 September 2024.

Alternatives Considered:

1. For the LA not to expand The Lincoln St Christopher's School; therefore a statutory consultation would not be required and the Statutory Notice would not be published and the consultation process stopped.

The above alternative would have the following disadvantages:

It is likely that there would be insufficient school places for children with special educational needs in Lincolnshire and the LA may be unable to comply with its statutory duty to ensure sufficient provision in the county in future years without having to place pupils at independent schools, out of county schools, at schools a significant distance from where they live or on home tuition.

It would place increasing pressure on St Christopher's and other schools in Lincolnshire, to provide the standard of special needs education that children are entitled to with limited resources and facilities. If the

	<p>expansion proposal does not go ahead this would lead to concerns over the consequent impact of overcrowding on the quality of education provided, particularly for St Christopher's which is operating at 17.5% above their official capacity.</p> <p>In the future it would likely lead to children being offered places at schools outside of their local community. The likely result would be pupils travelling considerable distances to access a suitable school with the specialist provision required, with concerns over the impact of additional travelling time on the children affected. Costly out of county placements would increase as well as transport costs and traffic from potential increased car usage.</p>
2.	<p>For the LA not to expand St Christopher's School; therefore a statutory consultation would not be required and the Statutory Notice would not be published and the consultation process stopped but the LA would look at alternative options for increasing special educational needs provision in the county. This would mean that St Christopher's School remains as it currently is with no further expansion.</p> <p>The Building Communities of Specialist Provision Strategy has been developed to address the increasing demand for special school places and to enable children and young people with SEND to access the right education, health and care, in the right place at the right time, as close to home as possible. The strategy is responsible for the creation of over 500 additional school places to address increased demand and current overcrowding issues and in order for this to come to fruition, all special schools which have the scope to expand are already doing so. Of the 14 special schools aligned to the strategy, only 3 schools are not subject to planned expansion as projected demand does not require them to.</p> <p>Projected demand for required special school places in the Lincoln City area indicates the need for an additional 111 places to be available by 2023. It would not be possible to expand either Lincoln St Christopher's School or St Francis Special School, which serve the children and young people of Lincoln City and surrounding areas, on their existing sites as there is not adequate external space for building expansion. In order to increase the provision of special school places in Lincoln City and surrounding areas, these school places can only be developed on an additional site if they are to be in the correct geographical location to meet demand.</p> <p>Expanding another special school located outside of Lincoln City and the surrounding area to meet the needs of children and young people who live near St Christopher's would fail to address the significant challenge of excessive travel undertaken by many special school pupils.</p> <p>Other options around Lincolnshire have been explored and of the special schools not already identified for planned expansion, only two could be considered for potential expansion instead of Lincoln St Christopher's</p>

	<p>School to meet locality need. However, they have not been found to be suitable due to reasons such as geographical location in relation to demographic pressures, undersized sites, distance that pupils would have to travel, parental preference, impact on standards, potential planning challenges, costs and leadership and management capacity. This is the most appropriate school in this area of Lincolnshire for expansion to increase special educational needs provision of this type. Not only would it increase the number of places available, but it would also provide the opportunity to improve the quality of accommodation currently on the site of St Christopher's.</p>
3.	<p>Formation of two separate schools with St Christopher's staying on their existing site and a new school being built on the former Usher site.</p> <p>The option to build a new all needs, all through special school on the former Usher School site was originally cited as part of the Building Communities of Specialist Provision Strategy, approved by Executive Council in November 2018. The presumption for this proposal was a successful free school application which unfortunately did not come to fruition. The option to continue with this proposal was considered and disregarded for the reasons outlined below.</p> <p>A new all needs all through free school built under LA Presumption would require a competitive process for Academy sponsorship which would be complex and lengthy, potentially delaying the project beyond the committed implementation period.</p> <p>A significant amount more capital would also be required for two separate schools which would also require two separate funding streams and potentially more pressure on the high needs block, an additional senior management team etc. Specialist teaching spaces and therapeutic provision would need to be replicated in both schools placing an additional pressure on the capital funding allocation. However, in the case of an expansion, teaching resources and facilities will be available within the school as a whole.</p> <p>Whilst this option to build an all needs all through special school would provide the number of places required, it may have caused challenges regarding pupil place allocation and parental preference, and have a potentially detrimental impact on St Christopher's in the short-term. New families would have been provided with the choice between a modern purpose built special school and a "currently" overcrowded special school undergoing extensive construction work. If there was a separate new school on the former Usher School site then the existing St Christopher's site would need to continue to be primary and secondary with a reduced capacity and it is likely that most parents would opt for the purpose built school, negatively impacting Lincoln St Christopher's School. By expanding the current school across two sites, Lincoln St Christopher's can support seamless transition both during and after the building period, ensuring pupil's continue to have access to quality resources and facilities.</p>

There would also be less scope to provide the ideal solution on the current St Christopher's site. Working as one provider across two sites allows for a much more co-ordinated project to have the least impact on pupils and staff. A new school would have to be a Free School (LA Presumption) and the operator of that school would be unknown (selected by the RSC). Therefore the level of engagement with St Christopher's to ensure a successful implementation would also be unknown.

Reasons for Recommendation:

To enable the LA to meet its statutory obligation to ensure that there are sufficient school places in Lincolnshire for all children of statutory school age including provision for children with special educational needs and disabilities.

To ensure that the provision of school places is planned so as to promote high educational standards, enable fair access to educational opportunity for every child and promote the fulfilment of each child's potential. This proposal will enhance the quality of provision, sustain local provision and relieve the pressure the school is under from being over capacity. It is also an opportunity to extend and enhance further the already excellent provision in place at St Christopher's School to benefit current and additional pupils and staff.

The proposal will assist in meeting parental preference. The Government has made it clear that the wishes of parents should be taken into account in planning and managing school estates. DfE guidance states that places should be allocated where parents want them and that successful and popular schools be allowed to grow. The Lincoln St Christopher's School was rated overall by Ofsted as a 'Good' school with 'Outstanding' characteristics at its last inspection in June 2019 and is popular with parents.

The LA considers the proposal to be the most appropriate available solution to the expected shortage of special educational needs school places in Lincolnshire. This proposal has the support of the Headteacher and the Governing Body, and also the School Improvement Service being confident that the school has the leadership, management and governance required.

To enable the process to continue to the next stage and allow a further opportunity for people and organisations to express their views about the proposal and ensure that they will be taken into account by the Executive prior to the final decision being taken.

1. Background

An increase in the number of school aged children in recent years has put significant pressure on the mainstream primary sector. There are now increasing pressures on the secondary and special school sectors as well as continued pressure on the primary sector in some urban areas. In September 2019 St Christopher's was 35 over its official capacity with 235 children on roll.

The proposal being consulted on is to permanently expand the capacity of the all-through school by the formation of a split school site. A new dedicated primary aged site with a capacity of 130 pupils would be built on the former Usher Junior School site, which is in close proximity of the current St Christopher's School (1.5 miles by road). The current St Christopher's site would then be extensively redeveloped and remodelled to provide specialist secondary age education for 203 pupils. This would increase the school's overall capacity from 200 to a new capacity of 333. The proposed expansion would provide additional teaching and resource space for the children already on roll and enable the school to provide more specialist places for SEND pupils.

St Christopher's School, Hykeham Road, Lincoln is currently located on a constrained site in buildings which are not fit for purpose for the modern school system. This makes it challenging to deliver an effective curriculum to the existing capacity and extremely unlikely to be able to expand primary and secondary provision here both now and in the future. The proposal would allow for the overall capacity of both primary and secondary ages to increase and for the buildings on the current site to be significantly improved. It would also provide some scope for potential future expansion. The new site combined with the existing site provides the necessary overall site size to enable a large capital project to take place across both sites, with the new site being predominantly the primary age site in new buildings, and the existing site to become predominantly secondary age with extensive demolition, remodelling of existing buildings and new build. There would be a 'middle school over-lap' on both the primary and secondary school sites to ensure the primary aged pupils experience a smooth transition into their secondary education. The school would operate over the two sites under one leadership and management team and the same governing body. The sites are located 1.5 miles away by road which is only a few minutes away, so the staff can work across both sites. The proposed model isn't too dissimilar from how St Christopher's operates now, but rather than being on the same site the primary and secondary elements will be slightly further apart, but with more space and vastly improved facilities.

Following statutory consultation, if approved, it is proposed that building work would begin in early 2020 on the new primary aged facility and in early 2022 on the current site (subject to any planning permission being granted), with a completion date for St Christopher's School as a whole by 1 September 2024. Staggering the build of the new primary site and the redevelopment of the existing site would cause minimal disruption to the school. Pupils would continue to be educated on the current site whilst the new primary premises are built. Once the primary site is complete it will provide the necessary capacity to relocate and educate all primary aged pupils, freeing up capacity at the existing site whilst the current St Christopher's School undergoes extensive redeveloping and remodelling. Once both building projects are complete the pupils will be split between the primary and secondary sites for the start of the September 2024 academic year. The new facilities will present excellent opportunities to improve the school overall that would benefit the children already on roll as well as provide additional accommodation for increasing pupil numbers. It will also reduce the potential need for temporary classrooms and provide flexibility in the way the accommodation is used to deliver the curriculum.

Having additional teaching spaces, associated resources and more children on roll will also have financial benefits for the school. This may potentially provide the opportunity to enhance teaching provision and career opportunities for staff which in turn will benefit the learning experience of the children. This proposal also offers the opportunity to support the school in maintaining the already high standards and provide a platform for further improvements.

This proposal is part of the Building Communities of Specialist Provision Strategy. The Lincolnshire SEND project is a strategy supported through significant investment where the LA aim to enhance the good and outstanding specialist education provision currently provided. The objectives of the project is to ensure a sufficient supply of specialist school places to meet the needs of pupils within their local community, thus reducing travel time; develop a flexible education with greater collaboration between mainstream and special schools; provide opportunities for pupils with SEND to transition to mainstream school; clarify and enhance existing health offer to special schools; provide opportunities for mainstream and special school staff to enhance their knowledge of SEND.

2. Legal Issues:

Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

- * Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- * Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- * Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- * Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
- * Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
- * Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding

Compliance with the duties in section 149 may involve treating some persons more favourably than others

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process.

An Impact Equality Assessment (Appendix B to this report) has been carried out. The following positive impacts were identified:

With regards to Age, there will be more places available for primary and secondary aged children (4-16) requiring the type of specialist provision that St Christopher's School provides.

With regards to disability, St Christopher's is a purpose built, Local Education Authority special school that caters for primary and secondary aged children whose SEND requirements have prevented their educational needs being met in a mainstream school. By creating 133 additional school places more children will be able to benefit from this invaluable resource.

Joint Strategic Needs Analysis (JSNA and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health & Well Being Strategy (JHWS) in coming to a decision

Not applicable.

Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area

The proposal will have no impact on Crime and Disorder.

3. Conclusion

The LA believes this proposal to be the best available option to address the current and projected need for special needs places and enable primary and secondary aged children to attend a suitable school with the specialist provision that they need, whilst reducing the need to place children in schools a considerable distance away from where they live. It also enables the LA to fulfil its statutory duty of

ensuring that there are sufficient places to accommodate all pupils of statutory school age in Lincolnshire including provision for children with special educational needs.

It is recommended that the proposal is implemented to ensure the best educational opportunities for the children with special needs in Lincolnshire. The advantages of implementing this proposal are detailed earlier in this report in the “Reasons for Recommendations” section.

A decision is required at this stage from the Executive Councillor as to whether to proceed to the publication of a Statutory Notice. The factors to consider in making this decision are within this report and all valid written responses received during consultation (see section 6) must be considered.

4. Legal Comments:

The Council has the power to propose the expansion set out in the Report subject to following the statutory consultation process. This Report seeks approval to proceed to statutory consultation. In arriving at the recommendation a non-statutory consultation process has been undertaken which has taken into account statutory guidance. The Executive Councillor must take the consultation responses conscientiously into account in reaching a decision. It would be lawful for the Executive Councillor to make a decision in accordance with the recommendation.

Equality and diversity issues are required to be taken into account prior to a final decision being taken and will be addressed in any final decision report if the Executive Councillor approves a statutory consultation as recommended in this Report. The Joint Strategic Needs Assessment, Joint Health and Wellbeing Strategy and Child Poverty Strategy will need to be taken into account at that stage as well.

The proposal is consistent with the Policy Framework and within the remit of the Executive Councillor.

5. Resource Comments:

There are no immediate financial implications arising from the recommendation in this report, i.e. to publish a statutory notice to expand the capacity at Lincoln St Christopher's school.

Should a decision be made, it will enable the Local Authority to meet its statutory obligation of sufficient school places for children with special educational needs. It is seen as the best available option to relieve the pressure of the school being at overcapacity and to address the projected need for places in the local area. The option will offer value for money from a capital perspective by making best use of existing resources, and from a revenue perspective it will avoid placements being

made out of the local area, and also reduce the requirement to make placements out of county that are high cost in nature.

Should a decision be made at the end of this process, the build costs would be met from Children's Services Capital Programme through Basic Need and other earmarked funding. The schools place revenue funding will be made through the Local Authority's special schools funding formula within the High Needs block of the Dedicated Schools Grant.

6. Consultation

In order for the school to expand the Local Authority must follow the necessary statutory processes in accordance with the Education and Inspections Act 2006, the Education Act 2011 and the guidance "Making Significant changes ('prescribed alterations') to maintained schools. Statutory guidance for proposers and decision-makers" (October 2018) issued by the DfE.

Under these guidelines the LA must ensure that sufficient time and information are provided for people to understand, form a view on the proposal and make a response. Under the DfE guidelines which came into effect in October 2018 there is no longer a prescribed statutory "pre-publication" consultation period for significant changes to schools. However there is a "*strong expectation on schools and LAs to consult interested parties in developing their proposal prior to publication*". To comply with this the Local Authority has conducted a four week period of pre-consultation. Any documentation issued must set out the problem that is being addressed and invite comment on one or more solutions. The Local Authority must explain the decision making process and take all reasonable steps to draw the proposal to the attention of all those who might be interested and take into account their views.

The Education and Inspections Act 2006 specifically includes as interested parties the registered parents of registered pupils at the school and also the appropriate District and Parish Councils for the area. The guidance issued by the DfE in October does not prescribe a definitive list of consultees. The list of interested parties was therefore compiled comprising as wide a range of consultees as practicable to ensure that all interested parties were included and incorporated parents of current St Christopher's pupils on roll and those joining in September 2019, the District Council, as well as individual County, District and Parish Councillors as appropriate.

A letter incorporating relevant information and reasons for the proposal was sent out to interested parties on 5 September 2019 to commence a four week period of consultation. There was the opportunity to provide a response to the consultation online, by letter, email or by returning the response form attached to the consultation document by 3 October 2019. Information events were also held at the school on 16 September 2019 for parents and staff. Copies of the letter commencing consultation and the response form were also published on the

County Council website under the webpage "Current Consultations" on www.lincolnshire.gov.uk/schoolorganisation

All written responses received during consultation have been made available to the Executive Councillor for consideration and further details are confirmed in this report in Appendix A. To briefly summarise, there were 13 valid responses in total with 0 against the proposal, 12 for the proposal and 1 neither for nor against.

An information event was also held at the school to discuss the proposed expansion. Notes taken from the meetings held at the event are provided in Appendix C.

The Department for Education (DfE) were notified of the proposed expansion as part of the consultation (as required by the statutory guidance on making prescribed changes 'Expansion onto an Additional Site'). As part of the consultation the DfE were provided further clarification of the reasons for the proposal, which are included in this report. The DfE had no concerns about the proposal.

All comments made will be taken into consideration by the Executive Councillor in the decision making process.

If the Executive Councillor decides to proceed to Statutory Notice, this would initiate a 4 week Representation Period. This gives a further formal opportunity for people and organisations to express their views and ensure that they are taken into account when the final decision is taken by the Executive in early 2020.

Under current legislation the Local Authority is the decision maker for the proposal and is co-ordinating the statutory process before making a final decision next year. The LA, as decision maker, must be able to show that all relevant issues raised are taken into consideration in the decision making process. Points raised can be considered unpersuasive but must not be ignored altogether.

a) Has Local Member Been Consulted?

Yes.

b) Has Executive Councillor Been Consulted?

Yes.

c) Scrutiny Comments

The decision of whether to proceed to the publication of a Statutory Notice has not been discussed by a scrutiny committee.

d) Have Risks and Impact Analysis been carried out?

Yes

e) Risks and Impact Analysis

An Impact Assessment has been completed and in summary the analysis indicates that there will be no significant impact, positive or negative, arising out of the Executive Councillor's decision. This report deals only with the question of whether to publish a Statutory Notice and no decision is being made at this time with regard to the proposed expansion at the school. The publication of the Statutory Notice enables the statutory process to continue and gives a further opportunity for people and organisations to express their views and ensure that they are taken into account when the final decision is taken by the Executive Councillor.

7. Appendices

These are listed below and attached at the back of the report	
Appendix A	Summary of written responses from interested parties during consultation
Appendix B	Equality Impact Analysis
Appendix C	Information Event Notes

8. Background Papers

Document title	Where the document can be viewed
The DfE guide "Making Significant changes ('prescribed alterations') to maintained schools. Statutory guidance for proposers and decision-makers" (October 2018)	Available on request from the School Organisation Planning Team, Children's Services.
Equality Impact Analysis	Appendix B to this report.
Individual consultation responses	Individual responses available to be viewed by the decision maker. Content of responses anonymised and summarised to this report in Appendix A.

This report was written by Matthew Clayton, who can be contacted on 01522 555353 or matthew.clayton@lincolnshire.gov.uk .