

**Open Report on behalf of Heather Sandy, Interim Director - Education**

Report to:	<b>Executive</b>
Date:	<b>04 February 2020</b>
Subject:	<b>Proposal to expand the capacity at The Lincoln St Christopher's School from 200 to 333 (Final Decision)</b>
Decision Reference:	<b>I019057</b>
Key decision?	<b>Yes</b>

**Summary:**

Lincolnshire County Council has a statutory duty to ensure that there are sufficient school places to accommodate all pupils of statutory school age who live in Lincolnshire, including provision for children with special educational needs and disabilities (SEND). The Local Authority (LA) believes that this proposal is the best available option to fulfil this duty.

The proposal under consideration is to permanently expand the capacity at The Lincoln St Christopher's School from 200 to 333 across two sites to ensure there is sufficient SEND provision for primary and secondary age children. This will supersede the original proposal as part of the Building Communities of Specialist Provision Strategy which was to reduce the capacity of St Christopher's from 200 to 155, expand St Francis from 128 to 173 and to build a new Free School for 155 pupils on the former Usher site subject to a successful capital bid.

With the Free School bid being unsuccessful it has been necessary to reconsider the available options for Lincoln, with the proposal to expand St Christopher's over two sites being taken forward, with a modification to the expansion at St Francis from 128 to 155 instead of 173.

The Local Authority is co-ordinating the process following 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. A summary of written responses received is also attached in Appendix A.

Following the consultation period the decision was taken on 22 October 2019 to publish a Statutory Notice on 7 November 2019. This initiated a four week Representation Period up to 5 December 2019 when further written objections and comments may be submitted. The process is now entering the final stage when the LA, as decision maker, must take the final decision regarding the proposal within 2 months from the end of the Representation Period (by 5 February 2020).

This report seeks to advise the Executive on making the final decision regarding the proposed expansion of The Lincoln St Christopher's School.

#### **Recommendation(s):**

That the Executive approves the expansion of The Lincoln St Christopher's School from 200 to 333 places with full effect from September 2024. Such approval is conditional on any necessary planning permission being granted by 31 December 2020 in respect of proposed development works at both St Christopher's school site and the former Usher Junior site.

That the Executive approves the modification of the determination for the expansion of St Francis special school from 128 to 155 instead of to 173.

#### **Alternatives Considered:**

1. The Council retains the school as it is at present with no expansion of the capacity at St Christopher's School.

However, 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, at mainstream schools that cannot meet need, 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 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.

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

	<p>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 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 add enough capacity to 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 extending the buildings. 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 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 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 (approx. £3m) would also be required for two separate schools (in comparison to the current proposal) 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. Two separate schools would require specialist secondary facilities on both sites compared to the proposed model of having primary provision on the new expanded site and secondary provision on the existing St Christopher's site.</p> <p>Whilst the option to build a new 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 pupils continue to have access to quality resources and facilities.</p> <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 Regional School Commissioner (RSC)). Therefore the level of engagement with St</p>
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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. Department for Education (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 with the most efficient use of resources. This proposal has the support of the School Leadership Team and the Governing Body, and also the School Improvement Service being confident that the school has the leadership, management and governance required.

### **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.

As part of the consultation on the Building Communities of Specialist Provision Strategy which was adopted in November 2018, the original proposals had been to successfully bid for a new school on the former Usher Junior site and to reduce the capacity at St Christopher's to 155 from 200, and a change of type of need catered for. The strategy also consulted on expanding the capacity of St Francis from 128 to 173, as well as a change of type of need catered for there also. Under this new proposal the change to all need will still go ahead for both schools, but St Francis

will now expand from 128 to 155 instead of 173, which will take some of the pressure off the St Francis site and reduce the cost of that project by approximately £1m. The savings made from this change will be used to support the expansion of St Christopher's onto the new site.

By a decision dated 6 November 2018 the Executive approved the expansion of St Francis special school from 128 to 173, with an implementation date of September 2021.

Therefore, in accordance with The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, it is not only necessary to make a decision on the proposal to expand St Christopher's, but also for the decision maker to agree a modification to the original determination for St Francis to expand from 128 to 155 instead of 173. The proposed expansion of St Christopher's supersedes the original proposal to reduce the capacity had the new Free School gone ahead.

This proposal is to permanently expand the capacity of the all-through school by the formation of a split site school. 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 two sites are shown in Appendix E. 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 is not too dissimilar from how St Christopher's operates now, but rather than being on the same site the primary and secondary elements will be further apart, but with more space and vastly improved facilities.

Following statutory consultation, if approved, it is proposed that building work would begin in spring 2021 on the new primary aged facility and in summer 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 ages 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 aims 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; and provide opportunities for mainstream and special school staff to enhance their knowledge of SEND.

### **Reaching the decision – Preliminary Considerations**

The requirements for decision making relating to school organisation in LA Maintained schools are set out in the guide "Making significant changes ('prescribed alterations') to maintained schools. Statutory guidance for proposers and decision-makers" (October 2018) published by the DfE.

The DfE does not prescribe the exact process which a decision maker should follow but the decision maker must have regard to this guidance. The decision maker should consider the views of those affected by the proposal and should not simply take account of the numbers of people expressing a view but give greatest weight to those stakeholders most likely to be affected and especially the parents of children at the school concerned.

## **Factors to be considered by Decision Makers**

### *The Consultation and Representation Period*

The Executive must be satisfied that the appropriate consultation and representation periods have been carried out and that all of the responses received have been given due consideration.

Although there is no longer a prescribed consultation period prior to the publication of the Statutory Notice and Complete Proposal the DfE's guidance states "*a strong expectation on schools and LAs to consult interested parties in developing their proposal prior to publication*". The LA conducted a four week period of pre-consultation to fulfil this expectation and also to operate a fair and open process and ensure all views were considered. A Statutory Notice (Appendix C) and Complete Proposal (Appendix D), initiating a four week Representation Period, were published in accordance with current statutory requirements.

Responses submitted during both the Consultation and Representation Period have been made available to the Executive for consideration when taking the final decision and further details of these responses are provided in section 6 of this report (**Consultation**).

### *Education standards and diversity of provision*

The Executive should consider the quality and diversity of schools in the area and be satisfied that the proposal will meet the aspirations of parents, contribute to raising local standards of provision and lead to a closing of attainment gaps. The Government's aim is to create a more diverse school system offering excellence and choice so that every child receives an excellent education whatever their background and wherever they live.

The LA believes that this proposal provides the best option to maintain and improve standards of attainment with an enhanced quality of education for current and future children in the area whilst maintaining diversity.

### *Demand*

The LA believes that this proposal is the best available option to address the current and projected needs of pupils with SEND. St Christopher's School will be designated as an all needs school and this will cover a wide range of special educational needs including, but not limited to; physical and medical needs, Autistic Spectrum Disorders, social communication difficulties, severe and profound learning difficulties etc. Although the school's current capacity is 200 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.

The proposed expansion will enable 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. The LA believes that the proposal is an opportunity to extend and enhance further the good provision in place at St Christopher's School to benefit and support more children with additional needs and provide them with the opportunity to reach their full potential. This proposal will enable the school to offer up to 133 additional places above their current capacity of 200, to a new capacity of 333.

#### *Equal Opportunity*

The LA must have 'due regard' to the need to eliminate discrimination, advance equality of opportunity and foster good relations and should consider whether there are any sex, race or disability discrimination issues that arise out of the proposed expansion. There should be a commitment to provide access to a range of opportunities which reflect the ethnic and cultural mix of the area while ensuring that such opportunities are open to all.

The LA will continue to be committed to provide access to a range of opportunities which reflect the ethnic and cultural mix of the area while ensuring that such opportunities are open to all.

#### *Community cohesion*

The impact on the community must be considered and schools have a key part to play in providing opportunities for young people from different backgrounds to learn from and respect each other and gain an understanding of other cultures, faiths and communities. The decision-maker must take account of the community served by the school and the views of different sections of the community.

#### *Travel and accessibility*

The Executive should be satisfied that accessibility planning has been properly taken into account and that proposed changes do not adversely impact on disadvantaged groups. Proposals should not unreasonably extend journey times or increase transport costs or result in too many children being prevented from travelling sustainably due to unsuitable walking or cycling routes. The proposal should be considered on the basis of how it will support and contribute to the Council's duty to promote the use of sustainable travel and transport to school.

This proposal will address the projected need for this type of SEND provision and enable children to attend a suitable school with the specialist support they require whilst reducing the need to place children in schools a considerable distance away from where they live, in some cases out of county.

#### *Capital*

The Executive should be satisfied that any land, premises or capital required to implement the proposals will be available and that all relevant parties have given their agreement. A proposal cannot be approved conditionally upon funding being

made available. The proposal being consulted on is to permanently expand the capacity of the school by incorporating the former Usher Junior School site (owned by Lincolnshire County Council) as an extension of the current St Christopher's School site.

Should a decision be made at the end of this process to proceed, the majority of the build costs would be met from the Children's Services Capital Programme through Basic Need, along with a contribution from savings resulting from St Francis reduced expansion, and the Dedicated Schools Grant underspend, with the latter subject to formal approval from the Secretary of State. 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.

### *School premises and playing fields*

All schools are required to provide suitable outdoor space to both enable physical education for pupils in accordance with the curriculum and also for pupils to play outside safely. DfE guidelines suggest areas for pitches and games courts but these are non-statutory.

This proposal will create more internal and external space for the pupils at St Christopher's School.

### *Special Educational Needs and Disabilities (SEND) Provision and SEND Improvement Test*

The expansion of the school will have a positive impact on SEND provision. The additional teaching and resource space created will benefit the children already on roll as well as to enable the school to increase the capacity. The increased capacity will enable staff to pupil ratios to be maintained without the need to increase the number of pupils in a class, as there will be more classrooms and more staff.

## **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 Equality Impact Assessment has been carried out and is available on request. No negative impacts were identified.

#### 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

The provision of additional places at the school arising out of the expansion would support both the JSNA and the Joint Health & Well Being Strategy as follows:-

- Ensuring young children do not have to travel long distances to get to school to avoid negative impact on their health and safety and general wellbeing.
- Ensuring that young children do not have extended school days caused by travel to schools other than their local school which might lead to over tiredness. Fatigue and lack of concentration might otherwise lead to accidents, impaired learning ability and children not reaching their full potential.
- Enabling children to attend a school in their local community and socialise with their friends will contribute to their enjoyment of their time in education with the consequent benefits to the learning process.

- Enabling children to attend a school in their local community will increase the number of children able to walk, cycle or scoot to school which will be beneficial to their health and physical wellbeing.

### 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.

Not Applicable

### **3. Conclusion**

The final decision is required from the Executive to determine whether to approve the proposal to expand the capacity at The Lincoln St Christopher's School as detailed in this report, and to modify the decision to expand St Francis from 128 to 155 instead of 173. The factors to consider in making this decision are within this report and all valid written responses received during consultation and the Representation Period (see section 6 Consultation) in relation to the expansion of St Christopher's School must be considered.

The LA believes this proposal to be in the best interests of local children and local parents as well as educational provision in the area and it supports the Council's aim of ensuring that as many children as possible can reach their full potential. 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.

It is recommended that the proposal is implemented to ensure the best educational opportunities for the children of Lincoln and the wider area. The advantages of implementing this proposal are detailed earlier in this report in the "Reasons for Recommendations" section.

### **4. Legal Comments:**

The Council is the decision-maker for school alteration proposals of this type under the School Organisation (Prescribed alterations to maintained schools) Statutory guidance for proposers and decision-makers (October 2018). The decision-maker may reject the proposal, approve the proposal without modification or approve the proposal with such modifications as the Council considers desirable but only after consultation on those modifications with the governing body.

The Council as decision-maker may make the approval of the proposal conditional but only on specified matters contained in the Regulations.

The Council as decision-maker may, before the approved implementation date, approve modification of proposals post determination.

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

## **5. Resource Comments:**

The recommendation in the report to approve the expansion of St Christopher's School from 200 places to 333 places 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. By primary and secondary provision being on separate sites this option will offer value for money from a revenue and capital perspective by making best use of existing resources. 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.

A competitive tendering exercise would take place determined by the Local Authority agreed specifications of the build. These build costs would be met from the Children's Services Capital Programme through Basic Need and other earmarked funding, namely prior year Dedicated School Grant underspends to be capitalised following the support of Schools Forum and a redistribution of some of the budget from the reduced St Francis scheme.

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 '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 consultation period for significant changes to schools (including physical expansions). 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' pupils, 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 a wide range of 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 a response form by 3 October 2019. A copy of the letter commencing consultation was published on the County Council website at [www.lincolnshire.gov.uk/schoolorganisation](http://www.lincolnshire.gov.uk/schoolorganisation).

All written responses received during consultation have been made available to the Executive for consideration and further details are confirmed in this report in Appendix A. To briefly summarise, however, there were 13 valid responses in total with 0 against the proposal, 12 for the proposal and 1 neither for nor against. All comments made will be taken into consideration by the Executive in the decision making process.

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

Following the completion of the consultation period all feedback was considered with a full report (which is referred to in the Background Papers section below and will also be re-considered along with this report) by the Executive Councillor for Adult Care, Health and Children's Services and a decision was taken on 22 October 2019 to proceed to Statutory Notice. A statutory 4 week Representation Period was entered into on 7 November 2019 commencing with the publication of the Statutory Notice (Appendix C) in the local press, on the Lincolnshire County Council's website and at the school gates. The Complete Proposal, available in paper and electronic format (Appendix D) to which the Statutory Notice refers, was sent to interested parties as detailed in the statutory guidance and was also published on the website at [www.lincolnshire.gov.uk/schoolorganisation](http://www.lincolnshire.gov.uk/schoolorganisation). The Representation Period provided 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. One response was received during the Representation Period which supported the proposal.

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 in February 2020. 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**

This report will be considered by the Children and Young People Scrutiny Committee at its meeting on 17 January 2020. Comments from the Committee will be passed onto the Executive.

**d) Have Risks and Impact Analysis been carried out?**

Yes

**e) Risks and Impact Analysis**

An Equality Impact Assessment has been completed and in summary the analysis indicates that there will be several positive impacts and no negative impacts arising out of the Executive's decision.

## 7. Appendices

These are listed below and attached at the back of the report	
Appendix A	Summary of written consultation responses
Appendix B	Notes from information event at the school
Appendix C	Statutory Notice
Appendix D	Complete Proposal
Appendix E	Draft indicative sites

## 8. Background Papers

Document title	Where the document can be viewed
Proposal to expand the capacity at The Lincoln St Christopher's School (decision to go to Statutory Notice)	Lincolnshire County Council Committee Records Reference I018735 <a href="https://lincolnshire.moderngov.co.uk/ieDecisionDetails.aspx?ID=550">https://lincolnshire.moderngov.co.uk/ieDecisionDetails.aspx?ID=550</a>
The DfE guide "Making '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	Available on request from the School Organisation Planning Team, Children's Services.
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.
Building Communities of Specialist Provision Strategy	Lincolnshire County Council Committee Records Reference I015623 <a href="https://lincolnshire.moderngov.co.uk/ieDecisionDetails.aspx?ID=461">https://lincolnshire.moderngov.co.uk/ieDecisionDetails.aspx?ID=461</a>

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