

WIRRAL COUNCIL

CABINET

7 NOVEMBER 2013

SUBJECT:	<i>OUTCOME OF STATUTORY NOTICE CONSULTATION ON THE PROPOSED RELOCATION OF FOXFIELD SCHOOL</i>
WARD/S AFFECTED:	<i>ALL</i>
REPORT OF:	<i>DIRECTOR OF CHILDREN'S SERVICES</i>
RESPONSIBLE PORTFOLIO HOLDER:	<i>COUNCILLOR TONY SMITH</i>
KEY DECISION?	YES

1.0 EXECUTIVE SUMMARY

At its meeting of 11th July 2013, Cabinet decided that following consultation with governing bodies, staff, parents and other stakeholders, statutory notices should be published regarding the proposed relocation of Foxfield Special School from its current site in Moreton to Woodchurch. Notices were published on 17th July 2013. This report describes the outcome of the subsequent representation period and recommends that the proposal be approved.

2.0 BACKGROUND AND KEY ISSUES

- 2.1 Foxfield School is located on Douglas Drive, Moreton, and is a local authority maintained special school for boys and girls aged 11 to 19, who have statements of special educational needs because of complex learning difficulties. The national Priority School Building Programme has given the Local Authority the opportunity to rebuild Foxfield School at a cost in the region of £7.5m. The current school is not purpose built, and increasingly not fit for purpose and the site is too small for a large construction project to be undertaken whilst the school and its pupils remain in its current building.
- 2.2 The Council's Special School Review in June 2010 concluded that any proposals to build new Special Schools for secondary aged pupils would consider the co-location on or adjacent to a Secondary School site. As a result of this recommendation and considering other sites in Wirral, a suitable piece of land owned by the Council has been identified which is adjacent to Woodchurch High School, Birkenhead.
- 2.3 The distance between the two sites is 2.5 miles therefore because it is greater than 2 miles in a straight line; this means that a "prescribed alteration" notice must be issued. Following delegated approval a formal consultation was carried out with the various stakeholders.

2.4 Delegated authority was obtained in May 2013 to undertake formal consultation with various stakeholders. This consultation ended on 20th June 2013 and was reported to Cabinet on 11th July 2013. Cabinet approved the publication of statutory prescribed notices, which were published on 17th July 2013.

3.0 PROPOSAL PUBLICATION

3.1 On 17th July 2013, prescribed alteration notices for the relocation of Foxfield School were published in the local press (Wirral Globe) and also published on-line at the Council's consultation website – <https://www.wirral.gov.uk/my-services/council-and-democracy/have-your-say/consultations/current-consultations/foxfield-school-relocation-proposal>

3.2 Under the Education and Inspections Act 2006, in addition to the statutory proposal notice, a more detailed "complete proposal" must be produced. Copies of the notice and complete proposal were provided to the school, the Secretary of State, the Anglican and Catholic Diocesan bodies and all relevant persons and groups named in the guidance. The documentation was also made available on the Council's website (see above). The notice and complete proposal are attached as Appendix A.

3.3 Following the publication of notices, there is a statutory six week representation period during which objections or comments on any proposal can be sent to the Director of Children's Services. This was clearly stated on the notices. Any person can request a copy of the full proposal, however no requests were received.

4.0 OUTCOME OF THE REPRESENTATION PERIOD

4.1 The statutory representation period ended on 25th August 2013. During this time, the Director of Children's Services received one written comment in relation to the proposal.

"To whom it may concern may I first say how upset I am to find out yet another school is being built on our estate, why do we need 2 senior special schools with complex learning difficulties and as for people having time to review their concerns residents didn't even get a paper the week it was in so how are they supposed to know what is going on their doorstep I am an employer of WBC so that is the only way I knew also I have 2 children in Woodchurch who this affects as they are taking GCSE's. It just brings total disruptions to our estate again with Woodchurch being built, flats being demolished houses being built now a proposal to bring another school which would bring the total to 8 within one small area".

Whilst the respondent indicates that some residents did not get a local paper, as part of the consultation process copies of the proposal were delivered to the Woodchurch one stop shop, library, post office and a number of local shops, this was in addition to the Council's website. There has also been a recent "letter drop" to residents who could be immediately affected as part of the planning process when they were invited to an open evening to discuss the proposals. Comments have been taken seriously about disruption, traffic, noise etc and are being discussed with the contractor who is operating the "Considerate Constructors Scheme"

4.2 As a prescribed alteration published in accordance with paragraph 9 of Part 1, Schedule 2 of the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 (as amended 2009) (SI: 2007 No. 1289), under paragraph 30 of Part

2, Schedule 5 of SI: 2007 No.1289, the decision on the proposal for the transfer of site of Foxfield School rests with the Council's decision making body, which is Council's Cabinet.

5.0 DECISION MAKERS GUIDANCE

5.1 Statutory guidance for decision makers on prescribed alterations is attached as Appendix B. This guidance is currently under review by the DFE, but indicates that decision makers should consider the following factors:

- Has the statutory process been carried out properly?
- Effects on standards and school improvement?
- School Characteristics?
- Need for Places?
- Funding and Land?
- Special Educational Needs Provision?

These will be considered in turn.

5.2 Statutory process

The published notice is valid, and complies with the statutory requirements and adequate statutory consultation has been carried out prior to publication of the notice. The proposal is not related to any other published proposal and can be considered on its own.

5.3 Effects on Standards and School Improvement

The most recent Ofsted report ranks Foxfield School as "Outstanding". The Governing body of Foxfield School indicated that the proposed move would bring benefits to pupils education, including specialist classrooms and purpose-built accommodation for the needs of the pupils at Foxfield. The relocation also offers access to facilities to the co-located Woodchurch High School and with Meadowside School, which is located nearby.

5.4 School Characteristics

The proposal is solely for the relocation of Foxfield School, characteristics of the school will not change.

5.5 Need for Places

Indications show the numbers of pupils with CLD will rise therefore, the places available in Foxfield and Meadowside schools will meet the needs of the CLD population. The admission number for Foxfield has not been changed however, flexibility within the design to accommodate more pupils should the pupil population increase in the future.

Almost all pupils are transported from home by minibus from across the Borough, relocating Foxfield brings the travel to a more central location with good links to roads and the motorway.

5.6 Funding and Land

Funding for the relocation is being met by the Department for Education as part of the Priority School Building Programme. An additional amount has been identified

by the Council to re-provide hydrotherapy and swimming facilities which match the current provision and to ensure the capacity of the school will meet future needs.

Land for the new school building is owned by Wirral Council. As part of the Planning requirements consultation is being undertaken with statutory bodies such as Sport England.

Land and buildings currently occupied by Foxfield will be subject of further discussions.

5.7 Special Educational Needs Provision

The proposed rebuild of Foxfield meets the SEN requirements of the Borough and supports the benefits of co-location with a mainstream Secondary School.

6.0 RELEVANT RISKS

- 6.1 Risks associated with obtaining planning permission on the proposed site have been identified. However, initial discussions with the planning authority have been positive given the specialist facilities the new school building would provide adjacent to the high school and improvements planned to the remainder of the site.
- 6.2 The failure to secure the site for the relocation could result in funding being withdrawn from this scheme.
- 6.3 The consultation process has raised a number of perceived risks these will be addressed by the two schools concerned and officers in the Local Authority to ensure that the proposals add to the overall quality of special education provision on Wirral.

7.0 OTHER OPTIONS CONSIDERED

- 7.1 The current Foxfield site was considered for the new building, however this would have meant that pupils would be required to use temporary accommodation and this is not advisable for pupils with complex needs. The site would also have restricted build option for the new school.
- 7.2 Other sites were explored for co-location but various factors such as transport routes, available land, complex PFI contracts and schools' expressions of interest to co-locate with a special school favoured the identified site.

8.0 CONSULTATION

- 8.1 See sections 3.0 and 4.0 above.

9.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

- 9.1 The new building will provide more opportunities for specialist facilities to be made available to the most vulnerable groups at a location which is central to the Borough.

10.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

- 10.1 The cost of the new building will be met by the Department for Education with an additional amount being made available from Council Capital for additional

hydrotherapy facilities, demolition and additional pupil places. The school will also contribute to the new facility from its delegated budget. It is not planned to automatically increase numbers at the school, the modest proposed increase is to “future proof” the building, given its lifespan.

10.2 IT would be provided within the contract to a specification suitable for a special school.

10.3 As this is a relocation project, it is expected that all current staff will transfer to the new building.

10.4 The new building is being funded via grant and procured by the Education Funding Agency as part of a regional contract and will become a Council asset upon completion. The current site of Foxfield School will be considered for disposal or the possible use by another education establishment. This will be subject to a further report.

11.0 LEGAL IMPLICATIONS

11.1 The Council is required to publish statutory proposals for the relocation of school more than 2 miles from its current site.

12.0 EQUALITIES IMPLICATIONS

12.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

(a) Yes as part of the earlier reports. Not relevant to the decision of this report.

13.0 CARBON REDUCTION IMPLICATIONS

13.1 Increase in Carbon usage will be minimal due to the low energy building components being specified and the transfer from a less efficient building. No other environmental issues have been identified at this stage with the project.

14.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

14.1 Planning approval will be necessary for the proposed construction.

14.2 Replacement of schools allow the most vulnerable accommodation to be removed and other security improvements carried out to ensure the site is safe and secure.

15.0 RECOMMENDATION/S

15.1 That the statutory prescribed alteration to transfer the site of Foxfield School from its current site in Moreton to the proposed site at Carr Bridge Road, Woodchurch, be approved. This recommendation is conditional to the grant of Planning Permission under Part 3 of The Town & Country Planning Act 1990 by November 2014.

15.2 That the Director of Children’s Services be authorised to take all necessary steps to ensure the prescribed procedures are followed, including requesting permissions from the Secretary of State in furtherance of the proposal.

16.0 REASON/S FOR RECOMMENDATION/S

16.1 The proposed site is the most suitable in terms of location for Foxfield School and will enjoy benefits from co-location with a main stream Secondary school.

REPORT AUTHOR: **Jeannette Royle**
Senior Manager, Asset Management
telephone: (0151) 666 5604
email: jeannetteroyle@wirral.gov.uk

APPENDICES

- (1) Statutory Notice and Proposal
- (2) Statutory guidance for prescribed alterations

REFERENCE MATERIAL

- Consultation responses
- DfE guidance

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Delegated Approval	May 2013
Cabinet	11 July 2013