

# CHESHIRE EAST COUNCIL

## Cabinet

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<b>Date of Meeting:</b>	27 <sup>th</sup> May 2014
<b>Report of:</b>	Barbara Dale, School Admissions and Organisation Manager
<b>Subject/Title:</b>	School Organisation Sub-Committee - Decision-Making Procedure
<b>Portfolio Holder:</b>	Councillor Rachel Bailey, Safeguarding Children and Adults

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### 1.0 Report Summary

1.1 The Education and Inspections Act 2006 and related legislation require that Councils determine their own procedures for deciding school organisation proposals.

1.2 On 21 April 2009, Cabinet approved the current arrangement, which provides that,

- Decisions to consult and publish notices on reorganisation proposals will be taken by the Individual Portfolio Holder for Children and Family Services; and
- The procedure for considering statutory school reorganisation proposals and decisions on non-statutory education reorganisation proposals which attract objections be taken by a Cabinet Sub Committee, for which a formal procedure was agreed at the time and is attached as **Appendix 1**.

1.3 Changes are now proposed to the formal procedure to comply with the most recent DfE guidance (2013) and to provide proposers and objectors equal rights to ask questions and seek clarity during Part 1 of the decision meeting. The proposed procedure is attached as **Appendix 2**.

### 2.0 Recommendation

2.1 Cabinet is recommended to approve the proposed procedure for considering statutory school reorganisation proposals and decisions on non-statutory education reorganisation proposals which attract objections, as set out in **Appendix 2** to this report.

### 3.0 Reasons for Recommendation

3.1 The Local Authority is required by statute to make certain decisions in relation to proposals published by the local authority e.g. closing schools, school expansions and other specified changes as listed below:

- Change of age range (except for adding or removing a sixth-form);
- Adding/removing a sixth-form;
- Adding or removing boarding provision.
- Single sex school becoming co-educational or vice versa;
- Transferring to a new site;
- Closure of one site in a split site school;
- Removing selective admission arrangements at a grammar school;
- Changes of category (excluding changes of category to foundation);
- Establishing/removing/altering SEN provision at a mainstream school;
- Alteration of upper or lower age limit at a special school;
- Increasing/decreasing pupil numbers at a special school; and
- Changing the types of needs catered for by a special school.

3.2 In relation to the establishment of new schools, the Local Authority must decide non-academy proposals made by other proposers. This relates to a new school proposal made where no academy bid has been deemed suitable.

3.3 In respect of school reorganisation proposals, statutory guidance states that

*The department does not prescribe the exact process by which a decision-maker carries out their decision-making function. However, the body or individual that takes the decision must have regard to the statutory 'Decision-makers Guidance' (paragraph 21, DfE School Organisation Guidance 2013)*

3.4 The proposed change to the current arrangement is to provide an equal opportunity for proposers and objectors to question each other's case or to provide oral responses, as appropriate, in the interests of transparency. This was a recommendation of the School Organisation Sub Committee at its meeting held on 19 September 2013. This recommendation will not undermine the current requirement for the Sub Committee to have regard to statutory guidance when discharging its decision-making function.

3.5 The current procedure, which was agreed by Cabinet on 21 April 2009 as aforementioned, is included in the Council's constitution. Any change to existing process necessitates Cabinet approval and an amendment to the Constitution.

#### **4.0 Wards Affected**

4.1 All Wards

#### **5.0 Local Ward Members**

5.1 All Ward Members

#### **6.0 Financial Implications**

6.1 There are no significant capital or revenue implications as a result of making a change to an existing decision making process.

## **7.0 Legal Implications**

- 7.1 There are statutory processes and guidance in relation to the different types of school and education reorganisation proposals. The decision requested will ensure that the statutory requirements in relation to decision making are met and will limit opportunities for legal challenge.

## **8.0 Risk Management**

- 8.1 The risk of legal challenge is significantly reduced if the decision-making process complies with legislation, statutory guidance and the principles of public law.

## **9.0 Access to Information**

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