

Cheshire East Council

Procedure for considering statutory school reorganisation proposals and other non statutory education reorganisation proposals

1. Decisions to publish statutory proposals¹

Decisions to be taken by the Individual Portfolio Holder for Children and Families

2. Procedure for considering statutory school reorganisation proposals and decisions on non statutory education reorganisation proposals which do not attract objections

Decisions to be taken by Cabinet

3. Procedure for considering statutory school reorganisation proposals and decisions on non statutory education reorganisation proposals which attract objections

Decisions to be taken by a Cabinet School Organisation Sub Committee under the procedures set out below

School Organisation Sub Committee Procedure

The Cabinet has adopted the following procedure when exercising its function as the relevant decision maker under Schedule 2 Education and Inspections Act 2006 to consider school reorganisation proposals which attract statutory objections. The Cabinet has also adopted this procedure for the determination of other non statutory education organisation proposals which have attracted objections.

Decisions will be taken by a Committee comprising of 3 or 5 Cabinet members sitting as a Cabinet Sub Committee who will elect one member as Chair.

Representatives from the Chester(CE) Diocesan Board of Education , the Diocese of Shrewsbury Catholic Education and any other body or person the proposer considers appropriate will be invited to attend and offer advice to the Sub Committee where the proposals impact on their sector of educational provision. These are referred to within these arrangements as 'invited parties',

¹ Feedback from consultation will be presented to the Portfolio Holder at this stage. Although there is no longer a prescribed 'pre-publication' consultation period for prescribed alterations, there is a strong expectation on schools and LAs to consult interested parties in developing their proposal prior to publication as part of their duty under public law to act rationally and take into account all relevant considerations.

Part 1 - Meeting of the Sub Committee to be held in public.

Introduction

1. There will be a brief introduction by the Legal Adviser to the Sub Committee to explain the business which is being brought before the Sub Committee and how it will be considered.

Presentation of the Proposal

2. The Chair of the Sub Committee will ask the Proposer's Representative/s to present the proposal and responses to it.²

Objections to the Proposal

3. The Chair of the Sub Committee will invite the Objector's Representative/s to make an oral presentation of their objection/s.³

Questions/Responses to the Proposer

4. The Chair of the Sub Committee will invite the Objector to ask questions of/respond to the Proposer.

Questions/Responses to the Objector

5. The Chair of the Sub Committee will invite the Proposer to ask questions of/respond to the Objector.

Questions/Responses by Invited Parties to Proposer and Objector.

6. The Chair of the Sub Committee will invite any invited parties to ask questions of/respond to the Proposer and Objector.

Information Seeking by the Sub Committee

7. Sub Committee Members may ask the Proposer any questions about:
 - The case for the proposals.
 - The objections received.
8. Sub Committee Members may ask the Objector any questions about their objections.
9. Sub Committee Members may invite views or comments from relevant parties⁴ as they consider appropriate.
10. Sub Committee Members may invite views or comments from Elected Members.

² No more than 3 presentations and a maximum 15 minutes in total.

³ No more than 3 presentations and a maximum 15 minutes in total. Objectors are therefore invited to work together to co-ordinate their representations and to nominate no more than 3 representatives to speak on their behalf. Objectors are asked to notify the Democratic Services Officer to the Sub Committee of the name(s) of their representative/s in advance of the meeting.

⁴ 'Relevant parties' refers to those persons or bodies that the Sub Committee considers are most likely to be directly affected by the proposal.

Part 2 - Meeting of the Sub Committee to be held in private.

The Sub Committee will then meet in private and everyone else will be asked to leave the meeting at this point, save that elected members of the Council may remain present, in accordance with the Council's Standing Orders relating to Council proceedings.

Review of Information

11. The Sub Committee, advised by the Legal Adviser, will consider whether it has sufficient information to come to a decision⁵, or whether more information, not available at the meeting, is needed.
 12. When the Sub Committee considers that it has sufficient information to come to a decision, it will consider the issues having regard to each element of the relevant statutory Decision Makers guidance, which it is required to consider before reaching its decision.
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Part 3 - Announcement of the Decision in public session

13. The Sub Committee's decision will be made in public following the private review of information session. The decision⁶ and the reasons for it will then be published on the Council's website within one week.

⁵ In exceptional circumstances where **significant additional information** is required which cannot immediately be provided, it may be necessary for the Sub Committee to adjourn whilst the necessary information is obtained.

⁶ Decisions by the Sub Committee remain subject to the Council's call- in procedures under the relevant Standing Order of the Council's Constitution.