

# CHESHIRE EAST COUNCIL

## Cabinet

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**Date of meeting:** 17<sup>th</sup> July 2008  
**Report of:** Joan Feenan – Director of Children’s Services  
**Title:** **TRANSFORMING LEARNING COMMUNITIES (TLC) –  
IMMEDIATE ISSUES**

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### **1.0 Purpose of Report**

1.1 The purpose of this report is to draw Members’ attention to a number of high profile important issues relating to TLC which the County Council either has in train, or propose to start or resume, following the recent elections and the establishment of the Shadow Authority.

### **2.0 Decision Required**

2.1 **Members are asked to receive and note this report and offer advice on the proposed actions by the County Council in respect of:**

i) **The Macclesfield TLC Review, specifically:**

**to initiate Formal Consultation on**

**the possible closure of Bollington St John’s CE Primary,  
the possible closure of Ash Grove Primary School, and  
the possible closure of St Edward’s Catholic and St Barnabas CE  
Primary Schools with the subsequent establishment of a joint  
church school.**

ii) **The Alsager, Congleton, Sandbach & Holmes Chapel TLC Review.**

iii) **The Submission of the Primary Strategy for Change (PSfC) to the  
Department for Children, Schools and Families (DCSF),  
specifically:**

**to endorse the approach taken by the County Council and the  
Cheshire East submission to the DCSF.**

### **3.0 Financial Implications for Transition Costs**

3.1 None.

### **4.0 Financial Implications 2009/10 and beyond**

4.1 Emerging from the informal consultation stage of the Macclesfield Review are options relating to the possible closure of Bollington St John's CE Primary, the possible closure of Ash Grove Primary School and the possible closure of St Edward's Catholic and St Barnabas' CE Primary Schools with the establishment of a joint church school in their place. Whilst these are developing options and detailed estimates of cost are not yet available, there would be a need for capital investment to support these proposals. An initial estimate of the cost of the joint church school project has been included in the Primary Strategy for Change – Primary Capital Programme, to secure a capital allocation from the DCSF.

#### **4.2 Implementation Issues Stemming From Completed Reviews**

These largely cover capital projects that have arisen from the TLC reviews. This represents a considerable workload as certain of the projects, Sir William Stanier, for example are very large and complex. The capital programme implications of TLC will extend well into the life of the new Cheshire East Authority;

**Sir William Stanier High** (Previously Victoria and Coppenhall High Schools, Crewe) amalgamation (£20M capital project – estimated completion – September 2009);

**Dean Oaks** (previously Oaklands Infant and Dean Row Junior) amalgamation (capital project required to upgrade and to bring both schools into one – estimated completion September 2009 - subsequently a possible capital receipt);

**Vernon Infant and Junior** amalgamation (capital project required to upgrade and to bring both schools into one – estimated completion September 2010 - subsequently a possible capital receipt – awaiting finalisation of Business Case and appropriate member approval).

4.3 The successful submission of a Primary Strategy for Change – Primary Capital Programme is the first step towards securing annual capital allocations to support investment in primary schools over a 14 year period commencing in 2009/10.

### **5.0 Risk Assessment**

5.1 There are risks associated with further delay in proceeding with the TLC reviews to do with a failure on the part of the Local Authority to have in place mechanisms to manage the supply of school places. There are also implications to do with effective deployment of resources and Best Value if school place provision and pupil demand are not well matched.

5.2 There is a possibility that the PSfC submitted will not be accepted by DCSF or require future modification. The requirement for any modification could delay the draw down of capital funding and therefore become a possible constraint on future capital development priorities identified.

## **6.0 Background**

### **6.1 The Macclesfield Review**

The TLC review of Macclesfield has been subject to significant delay. This has arisen from the call-in for scrutiny of the decision of the CS Executive on 18 December 2007 and submission of Notices of Motion relating to those decisions which have required detailed examination by Members. These issues centred on the future direction of reviews in the light of local government reorganisation, the future of particular schools and how school provision should best be linked with children's care provision as part of the wider "Every Child Matters (ECM) Agenda. (The ECM Agenda is framed around five anticipated outcomes for children – stay healthy, stay safe, enjoy and achieve, make a positive contribution, enjoy economic well-being).

This detailed consideration inevitably took time and delayed the process until close to the local election period for the new Cheshire East Council. Given the proximity to the election and the desire to consult the new shadow authority on the proposals, further consideration of the review has been suspended until this time.

Some consultees have already objected to delays. Several complaints have been received about uncertainty and delay, particularly from parents and residents of Bollington. This is also increasing uncertainty for staff and parents about future school provision in the locality. It would be helpful therefore to start formal public consultation on all of the proposals as soon as possible.

National guidance from the Department of Children, Schools and Families (DCSF) indicates that it is good practice to offer a reasonable period of time for consultation (typically 5 to 6 weeks) and to conduct the consultation largely during term time. This means that the earliest opportunity to proceed with consultation would be in September at the beginning of the new academic year. The decision on how and when to proceed needs to be taken very soon if the consultation is to be undertaken without further delay. The County Council's Children's Services Executive is scheduled to meet on the 23<sup>rd</sup> July and the advice of the Cabinet will be reported to that meeting.

The detailed analysis of the Macclesfield locality and subsequent reports to the County Council's School Planning Select Panel and Children's Services Executive are available for reference by Cabinet

Members. Some of these are County Council internal discussion papers and therefore are not for publication.

The proposed actions pending implementation are as follows:

**Proposal 1 - Church of England Primary School Provision in Bollington (Bollington Cross & Bollington St John's CE Primary Schools)** Bollington is currently served by four schools comprising two Church of England primary schools, a Catholic primary school, and a community primary school. In January 2007 the overall level of surplus capacity in the Town was 17.9% which is forecast to rise to 26.1% by 2012. The two Church of England primary schools each had approximately 35% surplus school places in January 2007 and the initial proposal was to close one of the two schools so that surplus capacity could be reduced but the current choice of three different schools types would remain.

During informal consultation representations were made about the possible amalgamation of the two schools. The proposal of the Bollington Parochial Church Council (PCC) was to amalgamate the two schools initially at Bollington Cross while a new school was built on the St John's site. The SPSP considered the options of either closing St John's or amalgamating the schools. It recommended that consultation should be undertaken on the amalgamation option and asked the Chester Diocesan Board of Education to express a view on the preferred site. This was particularly important as St John's is a voluntary aided school. The Diocese therefore is not only a key partner but also carries financial responsibility for the buildings and any rebuilding would have had a significant financial implication for it.

Subsequent to the SPSP meeting the PCC wrote to the Authority again explaining that the implications of amalgamation had not been fully understood, particularly the requirements to close both schools and either enter a competition to open the new school or obtain the Secretary of State's approval to waive the requirement. In the light of this the PCC indicated its support for consulting on the closure of St John's. At the meeting of the Children's Services Executive the Chester Diocesan Board of Education representative indicated that the Diocese also supported the proposed closure of St John's and the decision was taken to consult on this proposal.

Considerable concern has been expressed about this proposal by some groups within the local community. The Authority's data, particularly its forecasts, have been questioned, as have issues about the school sites, road traffic, air pollution etc. A considerable amount of work has been undertaken and is in train to address these issues with the intention of setting them out in the consultation paper to be published when the formal public consultation is undertaken. This work has served to support the Authority's planning and demonstrate the robustness of the process used to forecast the level of surplus places.

The issue of a possible federation between the two schools has also been raised. Federation can occur in various forms from a loose agreement to work together to joint management and governance through a single Headteacher and Governing Body. While there are potential benefits arising from federation, on its own it would not have any impact on the crucial issue of the level of surplus places and it is for this reason that Officers of the County Council recommend that closure is necessary. However, it is possible to consider a federation with a single Headteacher and Governing Body as being an initial step in a longer term process to bring the schools together.

This would enable a more evolutionary and potentially less controversial approach to change but there are significant difficulties that need to be recognised. In particular, time is not on the Authority's side and the pressure from Government to reduce surplus places should not be underestimated. Should no action be taken to deal with the current level of surplus places, it is possible that the Authority may be considered not to have satisfied the conditions of the Primary Strategy for Change – Primary Capital Programme (as detailed later in this report) to have “decisive plans for early action to: ensure that no school has more than 25% surplus places; reduce overall surplus places to less than 10% across the local authority area”. This could jeopardise the Authority's capital allocation through this initiative which includes the funding for the proposed joint church school (proposal 2 below). In addition, the County Council would need to be able to prevent arguments around the decision not to close one of these schools when it has taken the alternative position in other parts of the County.

The decision on whether to enter into a federation is for Governing Bodies to take and not one that a local authority can enforce. Prior to the TLC review being launched the two Church of England schools did discuss federation but the matter progressed no further than this initial discussion. In the circumstances of Bollington brokering a federation of schools may not be a straightforward matter.

### **Proposal 2 - St. Barnabas Catholic & St. Edward's CE Primary Schools**

The initial proposal was to close both schools to remove the high level of surplus school places in the area. The two schools had the highest level of surplus capacity of Macclesfield schools (46.2% and 37.1% respectively at January 2007). After informal consultation it was decided to amend the proposal to close both schools and establish a new joint church school on the St Edward's site.

With the cooperation of the Dioceses of Chester and Shrewsbury a Bishops' Working Group was established to look into the details of creating a shared faith school. After considerable work a proposal has been prepared to create a joint church school that has the support of

both Dioceses and school Governing Bodies. Funding to enable the creation of the new 210 place school with provision for extended services through the refurbishment and extension of the current St Edward's premises has been identified within the Primary Strategy for Change Capital Programme.

While it is only through public consultation that the views of the community will be obtained, with the leadership of both Governing Bodies and the Dioceses, it is hoped that the proposal will capture widespread support.

### **Proposal 3 - Ash Grove Primary School**

The situation at Ash Grove was considered in detail by the SPSP at an early stage in the review. The school is not popular with local parents and in January 2007 only 22% of those resident in the school's catchment area opted to send their children to Ash Grove. Nevertheless, given the potential importance of a school in this area and its co-location with a Children's Centre, it was not initially identified for possible closure. However, during the informal consultations parents responding to other possible school closures or reductions in capacity expressed strong reservations about the school. In many cases parents indicated that no matter what difficulties they would have to face, they would not send their children to Ash Grove Primary School.

A combination of the continuing concern about the school's popularity and performance, together with the pressing need to remove surplus school capacity (particularly in light of the decision to open a new joint church school) resulted in the recommendation to enter formal consultation on the possible closure of Ash Grove Primary school.

It is not expected that all children resident in the Ash Grove catchment area will attend the new school and the consultation will make it clear that the proposal is not part of an overall south Macclesfield proposal along with St Edward's and St Barnabas but a separate, if related, proposal. While concern has been expressed about the overall school capacity in the area if all the proposals are implemented, it should be noted that currently there are 11 schools within a two mile radius of Ash Grove which have sufficient spare places to accommodate "displaced" Ash Grove children in the event that the school closes. The proposed joint church school will be approximately a quarter of a mile away and Ivy Bank Primary School is approximately three quarters of a mile distant.

### **Proposed Timetable for the Macclesfield Review**

The earliest date to commence formal public consultation is 3<sup>rd</sup> September 2008, the first day of the new school year. A six week consultation period would enable the County Council and the SPSP to make comments for consideration in November by the Children's Services Executive, who has the responsibility for the decision to

publish statutory notices. The publication of statutory notices would occur in the latter half of the November and the six week representation period would end around the New Year. A decision on the proposals for the school closures would then have to be made by the end of February for implementation at the end of the school year.

This timetable assumes that the Council's deliberations are not subject to delay as happened in the earlier part of the review. Should that happen final decision may rest with the new Cheshire East Council which will therefore need to have the structures in place to deal with the eventuality.

### **The Alsager, Congleton, Sandbach and Holmes Chapel (ACS&HC) Review**

This locality review was launched in November 2007 through a Stakeholder Conference. The review is now at the informal stage of consideration of possible options. There a need to ensure that the Shadow Authority has the opportunity to consider these options and offer its advice. The options are detailed in Appendix 1.

### **The Primary Strategy for Change (PSfC) – Primary Capital Programme**

The Government announced plans for a new long-term strategic capital investment programme for primary schools. £1,150 million extra resources have been identified for this programme nationally from 2008 to 2011, with a further commitment to continue that level of investment for 15 years in total. In this respect Cheshire County Council has been provisionally allocated £14.4 million additional capital resources for the period 2009 to 2011. This has not, as yet, been disaggregated for the two successor authorities.

The Government's key objectives for the Primary Capital Programme are:

- securing primary schools equipped for 21<sup>st</sup> century learning, at the heart of the community, with a full range of children's services in reach of every family;
- delivering a strategic approach to capital investment, securing value for money, supporting national policy aims and addressing local needs and priorities;
- rebuilding, remodelling or refurbishing at least half of all primary schools, including rebuilding or taking out of use at least 5 per cent of school buildings in the worst physical condition, and 20 per cent of the worst condition buildings serving the most deprived communities;
- focusing resources on deprivation nationally and in every authority and responding to population changes;

- reconfiguring the primary school estate in response to demographic change.

The deadline for submissions to DCSF required the existing council (Cheshire County Council) to draft two submissions on behalf of the successor authorities. Priorities within the PSfC were expected to be both top-down, as set out in the Government's Children and Young People's Development Plan and bottom-up, emerging from schools' premises development plans and local consultation.

The DCSF expects opportunities to have been taken to think long-term and strategically about the transformation of teaching and learning in the primary sector. Using nationally available data the DCSF will advise where there are specific issues or concerns that they would expect to be addressed. The DCSF has also made it clear in its guidance notes that "Strategies that fail to commit to addressing surplus capacity at local authority or individual school level will not be approved. In particular, we would expect to see decisive plans for early action to:

- ensure that no school has more than 25% surplus places;
- reduce overall surplus places to less than 10% across the local authority area."

The PSfC is also expected to include the following elements:

***The local perspective*** setting out the Local Authority's broad aims and objectives for primary education and describing the area, its population and its primary schools.

***A baseline analysis*** of the current picture of provision within the Authority which should include the latest school level data on places, building condition, educational performance, deprivation and extended services and co-location of primary schools, children's centres and wider children's services.

***The Local Authority's long-term strategic aims*** for primary education along with investment priorities for the next 14 years to transform education through better buildings and the pattern and type of school. The PSfC should show how investment will underpin the priorities set out in the Children and Young Peoples' Plan and other strategic plans.

***The approach to change*** including local issues that may influence future investment decisions such as local challenges and priorities, governance, staffing and resources, criteria for choosing projects, consultation and capacity building, design, sustainability, ICT, and procurement. It will include an explanation of how value for money will be achieved and measured and a risk assessment of delivery plans.

***The initial investment priorities*** that the Local Authority has identified for the first 2 - 4 years of the Programme, showing how these



contribute to the long-term aims. The PSfC should also specify the school projects to be delivered in 2009-10 and 2010-11, which will feed into national monitoring. The total funding that the Local Authority will be committing or leveraging in from other sources should be set out. The Local Authority should show that it has considered joining up funding streams to achieve greatest impact and value for money.

### **Investment Assumptions**

When developing the long-term aims and initial investment priorities for the programme, the Local Authority is expected to have regard to the following national output targets:

- 5% of the worst condition schools to be rebuilt or taken out of commission;
- 20% of the worst condition schools in the most disadvantaged areas improved or taken out of use;
- at least 50% of primary schools overall to be rebuilt, refurbished or remodelled to bring them up to 21<sup>st</sup> century standards;
- targeting to deprivation on locally decided criteria;
- all remaining primary schools to continue to invest Devolved Formula Capital.

### **Timescales and key actions**

**Mid June 2008:** this was the deadline for submission of the Cheshire East PSfC to the DCSF .

**September 2008:** DCSF will notify the Authority of the outcome of the assessment of its submission and, if approved, the indicative funding will be confirmed.

**From April 2009:** additional investment available in all local authorities with an approved PSfC in place.

### **Consultation**

As indicated previously, the Local Authority was expected to consult on, and gain wide agreement to, the PSfC. This is an important criterion for DCSF approval. The consultation was expected to be with all schools, potential promoters of new primary schools such as the Dioceses, providers of Children's Services including those from the Private, Voluntary and Independent Sector, other relevant public authorities, including the successor unitary authorities. In the event the Authority fulfilled these requirements through reports to Governing Bodies, inviting public comment on the underpinning priorities, detailed consultation with the two Dioceses and through the major schools consultative body, the Cheshire Schools Forum.

## **Summary of the Primary Strategy for Change (PSfC)**

As indicated above the DCSF require that the PSfC is produced in a particular way with specified elements. As this stage in the development of Cheshire East Council it is clearly not possible to articulate a primary strategy for the Authority to cover the next 14 years. The document produced therefore sets out an interim strategy intended to draw down the available funding for the next two years. During that period the Authority will be able to consider setting out its long terms aims and priorities and produce a revised Primary Strategy for Change to cover the remaining 12 years of the national initiative.

The Strategy document provides an overview of the impact of local government reorganisation and the key characteristics and context of Cheshire East. It also describes the national policy and targets framework that the Strategy must cover and the current local position. This addresses the issues of school standards, delivering the wider Every Child Matters agenda, SEN, choice and diversity, including the level of surplus school places and primary school buildings issues. This local perspective draws out some initial key issues that need attention and informs the priorities for deciding on the allocation of capital funding.

The Authority's long term strategic aims at this stage have not been determined, but initially those of the County Council have been incorporated as they have been widely consulted upon across the County. Likewise at this stage the County Council's approach to change, procurement and monitoring projects have been included as a starting point for future development.

The initial investment priorities have been set out as required, based on existing needs and current or projected outcomes from TLC reviews. This approach is in line with the PSfC requirements to: address the need for action to reduce surplus capacity; refurbish or replace existing school accommodation where there are concerns about its condition and/or suitability; develop school provision to deliver the transformation necessary to meet 21<sup>st</sup> century learning requirements; and the need to develop wider access to services for children and families centred around schools based at the heart of local communities. The projects identified are in some cases not yet agreed as they are still subject to ongoing consultation e.g. the proposed Macclesfield joint church school. These will need to be considered further by Cabinet and agreed upon at a later date.

The initial period covered is the two financial years 2009 - 2011. Agreement to this initial capital programme gives the opportunity to draw down from DCSF the funding for projects being worked up by the County Council in the Cheshire East area. In the months ahead detailed project briefs will be determined and final decisions taken. This will give Cabinet the opportunity to consider individual projects in

greater detail and provide further flexibility over the initial two year programme. This approach provides for immediate continuity and will enable longer term developments to be identified for the remaining 12 year period of the national funding initiative as Cheshire East Council determines its local priorities and longer term aims for primary education.

The major schemes identified in the Strategy are:

- Vernon Infant and Junior Schools – amalgamation and major refurbishments, adaptations and extension;
- Proposed new Joint Church Primary School, Macclesfield - major refurbishments, adaptations and extension to existing premises;
- Cledford Infant and Junior School amalgamation, Middlewich - amalgamation and major refurbishments, adaptations and extension.

Smaller schemes are also included in the initial two year phase of funding. While the precise funding allocation for Cheshire East has yet to be notified and is contingent upon acceptance of the Strategy, the County wide indicative allocation for the two year period is £14.4m.

The draft PSfC for Cheshire East is included as Appendix 2 to this report.

## **7.0 Options**

- 7.1 The options and proposed timetables for action are set out above with further detail in Appendix 1.

## **8.0 Reasons for Recommendation**

- 8.1 To allow the County Council to continue to make progress with the following issues in particular which are urgent and important;

- the Macclesfield TLC Review and the need to move to formal statutory consultation;
- the Alsager, Congleton, Sandbach and Holmes Chapel (ACS&HC) TLC Review pre-statutory (informal) consultation; and
- the Primary Capital Strategy – formal endorsement of the submission to DCSF of the Cheshire East Primary Strategy for Change to secure a capital allocation for the new Authority.

## **9. Call-in and urgency**

The Shadow Council's Scrutiny Procedure Rules provide for decisions made by Cabinet to be called-in upon the receipt of a request from 8 Members, within 5 working days of the decision having been made.

Where the call-in procedure is triggered, the decision must be referred to the Scrutiny Committee, so that it may decide whether Cabinet's decision should be referred back to the Cabinet with advice from the Committee.

However, where Cabinet decisions are urgent, the call-in procedure does not apply.

Decisions are classified as urgent where the Chairman of the Scrutiny Committee or, in his/her absence, the Chairman of the Shadow Council agrees that any delay caused by the call-in process would be likely to seriously prejudice the Shadow Council's or the public's interests.

In respect of the proposed decision of Cabinet arising from this report, the Chairman of the Scrutiny Committee has agreed that the proposed decision is urgent as any delay caused by the call-in process would be likely to seriously prejudice both the Shadow Council's interest and the public's interests by delaying public consultation on the school proposals set out above, and securing agreement to the Primary Strategy for Change which could delay release of capital funding to support building projects.

The call-in process does not, therefore, apply to the proposed decision of Cabinet arising from this report.

***For further information:***

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***Background Documents:*** *relevant reports to the Cheshire County Council Children's Service's Executive were used in compiling this report.*

*Documents are available for inspection at: [www.cheshire.gov.uk](http://www.cheshire.gov.uk)*