

# CHESHIRE EAST COUNCIL

## School Organisation Sub Committee

---

<b>Date of Meeting:</b>	26 April 2013
<b>Report of:</b>	Tony Crane, Director, Children Services
<b>Subject/Title:</b>	Proposed Expansion of Wheelock Primary, Sandbach.
<b>Portfolio Holder:</b>	Councillor Rachel Bailey

---

### 1.0 Report Summary

- 1.1 This decision paper reports on the outcome of the statutory public notice (**Annex 1**) of the Council's proposed expansion of Wheelock Primary School from 210 to 315 pupil places for September 2014 and details the responses received during the subsequent 4-weeks representation period, which commenced on 22 February 2013 and concluded on 22 March 2013. A copy of the full proposal and its appendices is attached as **Annex 2**. The School Organisation Sub Committee is advised that it must take into account any representations received when deciding whether to approve the proposal.
- 1.2 As the Strategic Commissioner of School Places, Cheshire East Council has a statutory duty to commission sufficient school places for children resident in its area. (The Education and Inspections Act, 2006 and The School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2007 (as amended by The School Organisation and Governance (Amendment)(England) Regulations 2007 which came into force on 21 January 2008 and The School Organisation and Governance Amendment)(England) Regulations 2009 which came into force on 1 September 2009).
- 1.3 In response to pupil forecasts, which indicate that there will be a shortfall in the number of primary school places in the Sandbach area due to population changes, a review of provision has been undertaken resulting in the proposed increase in capacity at Wheelock Primary School from 210 to 315 pupil places for implementation in September 2014.
- 1.4 Statutory consultation on this proposal was first approved by the Portfolio Holder for Children and Families Services on 15 October 2012.
- 1.5 The table below lists the documents included with this report.

Annex	Document
1	Statutory Public Notice
2	Full Proposal
	Appendix 1 – Consultee List
	Appendix 2 – Consultation Document

	Appendix 3 – Consultation Feedback Form
	Appendix 4 – Consultation Feedback
	Appendix 5 – “Drop in “ Session Feedback
	Appendix 6 – Extract - Cabinet Minutes, 23 February 2012
	Appendix 7 – Extract - Council Minutes, 19 July 2012
<b>3</b>	Extract of Governing Body Minutes – Wheelock Primary School
<b>4</b>	Representation Feedback Summary
<b>5</b>	Guidance for Members
<b>6</b>	17 December 2012 - Portfolio Holder Report
<b>7</b>	4 February 2013 – Portfolio Holder Report
<b>8</b>	Guidance issued by the Department for Education – Extract for Decision Makers
<b>9</b>	Equality Impact Assessment
<b>10</b>	Map showing Wheelock Primary School.

## 2.0 Decision Requested

- 2.1 That the School Organisation Sub Committee approves the proposed expansion **Wheelock Primary School** from the 210 to 315 school places providing an additional 105 school places with implementation from September 2014.

## 3.0 Reasons for Recommendation

- 3.1 This proposal will enable the Local Authority to meet its statutory duty as Strategic Commissioner of School Places by commissioning sufficient school places for children resident in its area.
- 3.2 The Headteacher and Governors of Wheelock Primary have been consulted and fully support the proposed expansion of the school to accommodate the growing population and increasing demand for school places in their area. (Extract of Governing Body minutes attached as **Annex 3**)
- 3.3 In making this recommendation, full consideration has been given to the responses received from consultees during the formal consultation period. (Details included within **Annex 2**).
- 3.4 During the statutory 4-weeks representation period, 15 objections were received as follows:

Connection to Sandbach	Number
Offley Primary School Parent	4
Other Parent	1
Local Councillor	1
Local Resident	6
Not Stated	3
<b>Total</b>	<b>15</b>

- 3.5 The objections received have been collated in **Annex 4** to this report and include comments and views about,

- The negative impact on traffic congestion, car parking and road safety in the area of the school;
- A preference for the expansion of Offley Primary School;
- The potential effect of establishing a 1.5 form of entry primary school;
- The Council's longer term strategy including housing developments in the future;
- Transport from Ettiley Heath and costs incurred;
- Catchment areas and potential changes to these;
- Potential impact on Ofsted outcomes in the future.

3.6 The School Organisation Sub Committee must take these views into account when deciding whether to approve the proposal.

3.7 Information relating to these issues is included within **Annex 5** to this report to assist the School Organisation Sub Committee when considering the proposal, however, this should not discourage Members from considering any other information that they consider relevant.

## 4.0 Background

4.1 The rationale for this proposal is set out in the consultation document attached as Appendix 2 to the full proposal.

4.2 To summarise, January 2012 pupil forecasts indicated a shortfall in the number of primary school places due to changing populations and increasing demand in some areas of the Borough. These forecasts predicted that there would be only 8 spaces across all year groups and all primary schools by 2017. For the Sandbach area, these forecasts indicated a shortfall of 144 places for the same period across the 6 Sandbach primary schools and 151 shortfall including the 2 Haslington primary schools. This data is set out in the table below.

Area	Unused (Surplus) Places (January 2012 School Census Forecasts)									
	13/14		14/15		15/16		16/17		17/18	
Sandbach (8 Schools inc Haslington)	31	2%	-28	-1%	-68	-4%	-119	-6%	-151	-8%
Sandbach (6 schools)	4	0%	-52	-4%	-79	-6%	-119	-9%	-144	-11%
All CE Primary Schools	1121	4%	752	3%	452	2%	208	1%	8	0%

4.3 In response to these pupil forecasts a review of provision was undertaken, resulting in a proposal to increase the capacity at Wheelock Primary from 210 to 315 pupil places. This increase is intended to meet the increasing demand in this area. The proposal, if agreed, would deliver an additional 15 pupil places per year group, which could then be phased in at the normal point of entry to school. The effect of this on the shortfall in capacity across

the 6 Sandbach primary schools of 144 pupil places is demonstrated in the table below:

Academic Year	Surplus Places/ Shortfall in places (January 2012 Forecasts)	Wheelock Proposal from 210 to 315 (105 additional places)	Additional Places Needed
<b>12/13</b>	<b>51</b>		51
<b>13/14</b>	<b>4</b>	15	<b>-11</b>
<b>14/15</b>	<b>52</b>	30	22
<b>15/16</b>	<b>79</b>	45	34
<b>16/17</b>	<b>119</b>	60	59
<b>17/18</b>	<b>144</b>	75	69
<b>18/19</b>	<b>144*</b>	90	54
<b>19/20</b>	<b>144*</b>	105	39

\*Forecasts using January 2012 data do not go beyond 2017, therefore 2017 figure is maintained as an indication.

- 4.4 The table above illustrates the need for additional capacity in the area beyond the 105 places proposed at Wheelock Primary School, with a remaining shortfall of 39 pupil places by 2019. This shows the projected shortfall once the school has reached full capacity, and on the basis that the forecast number of pupils for 2017 will remain at least constant for subsequent years.
- 4.5 Updated forecasts have since been produced using the October 2012 School Census Data. These forecasts have been calculated using a revised methodology to take into account increasing birth rates and increasing demand for places in Key Stage 1 (infants). The revised forecasts for the Sandbach area also include additional pupils from new housing developments on the basis that Section 106 Agreements between the developers and the Local Authority have been signed. The table below shows that the January 2012 forecast of 151 shortfall (across the 8 schools) and 144 for the 6 schools has increased to a shortfall of 210 and 186 pupil places by 2017.

October 2012 Forecasts	Unused Places						
	12/13	13/14	14/15	15/16	16/17	17/18	18/19
Sandbach 8 Schools inc. Haslington	50	4	-65	-116	-166	-210	-258
	3%	0%	-3%	-6%	-9%	-11%	-13%
Sandbach 6 schools	11	-23	-83	-118	-153	-186	-228
	1%	-2%	-6%	-9%	-12%	-14%	-18%
Cheshire East	1376	1156	708	330	-36	-325	-539
	5%	4%	2%	1%	0%	-1%	-2%

- 4.6 When formulating options, one of the considerations has been to the Government presumption in favour of the expansion of popular and successful schools. Wheelock Primary School achieved Outstanding Ofsted status in 2011 and demand at the normal point of entry to the school has exceeded the number of available places since at least 2010 with more recent demand at 44 first preferences for 2012 and 50 for 2013. The growing number of first choices for this school, compared with the high number of pupils resident in the school's catchment area, are shown in the table below.

School Name	PAN* (Places) 2013	1st Preferences		Catchment Area	
		2012	2013	2012	2013
Elworth CE	40	60	51	39	29
Elworth Hall	30	15	12	25	21
Offley	45	47	52	52	50
Sandbach Community	15	18	8	36	42
St John's C of E	25	21	23	8	15
<b>Wheelock</b>	<b>30</b>	<b>44</b>	<b>50</b>	<b>61</b>	<b>51</b>
<b>Total</b>	<b>185</b>	<b>212</b>	<b>192</b>	<b>221</b>	<b>208</b>

\*Published Admission Number, which applies to the normal point of entry to the school (reception class)

- 4.7 This request for approval to expand the school has taken into account feedback received during an extended consultation period. Whilst there has been strength of objection to the proposal on the grounds that the expansion of Offley Primary School is preferable, the recommendation remains that Wheelock Primary should be allowed to expand to provide more places at this successful school for local families and to redress the discrepancy in the number of available places and the consistent demand beyond the school's existing capacity. Officers have shared plans within the Sandbach School Partnership about the long term strategy for the area and if deliverable, this could see an increase in the number of places at Offley Primary to meet forecast basic need and at Elworth CE Primary due to increasing demand arising from new housing developments in its area.
- 4.8 The extended consultation period referred to in paragraph 4.7 is explained below.
- 4.9 15 October 2012 – Portfolio Holder Meeting:
- Permission to consult on the proposal to expand Wheelock Primary School was granted at the Portfolio Holder meeting of 15 October 2012. How statutory consultation is carried out is not prescribed in regulations and it is therefore for the Local Authority as the proposer in this instance to determine the nature of the consultation. The consultation period spanned 5 weeks in the first instance and subsequent decisions extended the consultation period to facilitate further discussion with schools in the area on alternative solutions.

- In order to invite feedback from consultees (**Appendix 1**), a formal consultation document was produced detailing the background and rationale for the proposed expansion and explaining the statutory consultation process (**Appendix 2**). Information on how feedback could be provided was included, together with a feedback form (**Appendix 3**). Letters were issued to a wide range of stakeholders to inform them of the proposal and invite comments. Stakeholders included Ward Members, the Diocese and Parish Councils. Information was sent to all schools in Sandbach and Haslington. Neighbouring primary schools were issued with letters for distribution to all their parents and carers inviting feedback. The formal consultation document was published on the Council's website and was available in hard copy on request.

#### 4.10 3 December 2012 - Portfolio Holder Meeting:

- All feedback received during statutory consultation was collated for consideration on 3 December (**Appendix 4**). At this meeting it was resolved that the decision on the publication of statutory notices be deferred until 17 December. The minutes of the meeting state *'that the Cabinet Member for Children and Family Services defers a decision on Wheelock Primary School for up to two weeks to enable further consideration to be given to additional information and comments received during the consultation period'*.

#### 4.11 17 December 2012 – Portfolio Holder Meeting:

- Having fully considered all feedback received during consultation, the Council's Cabinet Member requested that further consideration be given to the alternative solutions proposed by representatives of the Sandbach and Haslington primary schools. The minutes of this meeting state *'that the Cabinet Member for Children and Family Services defers a decision on the request to publish a statutory notice detailing the proposed expansion of Wheelock Primary School in order to allow a further two weeks' consultation on possible alternative solutions to the increasing demand for places in the Sandbach area'*. (A copy of the report of 17 December is attached as **Annex 6**)

#### 4.12 14 January 2013 – Sandbach Primary Headteachers and Governors Meeting

- On **14 January** a meeting arranged by officers to discuss alternative solutions to the forecast shortfall in capacity was attended by headteachers and governors from the 8 primary schools. Details of this meeting were presented in the report to the Portfolio Holder at the meeting held on 4 February 2013. (**Annex 7**)

#### 4.13 15 January 2013 – 'Drop in' Session to Invite Local Views

- A 'drop in' session was held in Sandbach to facilitate local feedback on the proposal.

- The comments received were presented in the report to the Portfolio Holder at the meeting held on 4 February 2013. (**Annex 7**)

#### 4.14 4 February 2013 – Portfolio Holder Meeting

- The outcomes of extended consultation were presented in a report seeking authorisation to issue a public notice and commence the 4-weeks representation period, which was approved. (**Annex 7**).
- Members are advised that following publication of a statutory notice, any person can submit representations, which can be objections as well as expressions of support for the proposals. The representation period is usually the final opportunity for people and organisations to express their views about the proposals. The School Organisation Sub Committee must take these views into account when deciding whether to approve the proposal.
- The statutory notice was published in the local paper and a copy of the complete proposal and statutory notice were forwarded to the Secretary of State, in accordance with the guidance issued by the Department for Education. Comments were invited from key stakeholders including Ward Members, the Diocese and the Parish Council. Information was emailed to all schools in the Sandbach. Schools were issued with letters for distribution to all their parents and carers. Copies of the statutory public notices were displayed by officers on the school gates at Wheelock Primary School and in other prominent places in the local area, including nearby Ettiley Heath.
- The representation period ran for 4 weeks, in accordance with statutory requirements, commencing on 22 February and ending on 22 March 2013.

## 5.0 Wards Affected

- 5.1 **Wheelock Primary School** is situated in Sandbach Ettiley Heath and Wheelock Ward. However consultation was undertaken with neighbouring wards:-

Brereton Rural  
 Sandbach Elworth  
 Sandbach Town  
 Sandbach Ettiley Heath and Wheelock  
 Sandbach Heath and East  
 Haslington

## 6.0 Local Ward Members

John Wray – Brereton Rural  
 Gill Merry – Sandbach Elworth  
 Barry Moran – Sandbach Town

Gail Wait – Sandbach Ettley Heath & East  
Sam Corcoran – Sandbach Heath & East  
David Marren – Haslington  
John Hammond – Haslington.

## **7.0 Financial Implications (Authorised by the Director of Finance and Business Services)**

- 7.1 The proposed expansion is part of an approved block budget (grant) set aside for Basic Need. The block budget was formally approved at Council on 23 February 2012. **(Appendix 6)**
- 7.2 The building work would be funded from the Council's 2012/2013 Capital Programme for Basic Needs. The capital investments required are estimated at £1,608,758.

## **8.0 Legal Implications (Authorised by the Borough Solicitor)**

- 8.1 As the additional accommodation proposed for Wheelock Primary would increase the capacity of the school by more than 30 pupils and by more than 25% the proposed enlargement is subject to statutory proposals.
- 8.2 Section 21 of the Education and Inspections Act 2006 states that regulations will set out who determines any proposals for prescribed alterations, including expansions made under Section 19. Whilst the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007, as amended, describe the procedures that must be followed when considering of prescribed alteration proposals and states that local authorities should generally make decisions about such matters.
- 8.3 If a local authority fails to make a decision about a proposal within 2 months of the end of the Representation Period the local authority must forward the proposal, and any representations received, excluding those withdrawn in writing, to the Schools Adjudicator for a decision.
- 8.4 The Act adds, at sub-section 21 - 6 that when a decision maker is exercising their functions under these regulations, they should have regard to the statutory guidance given from time to time by the Secretary of State. The Department for Education's guidance entitled '*Extract of Decision Makers' Guidance*' is attached for Members as **Annex 8**
- 8.5 Paragraph 4.7 of that statutory guidance states that, upon receipt of the proposal, there are 4 key issues that decision makers should consider before judging the respective factors and merits of the proposal.
- Is any information missing? If so, the decision maker should request this immediately specifying a date by which the information should be provided;
  - Does the published notice comply with statutory requirements?
  - Has the statutory consultation been carried out prior to the publication of the notice? and

- Are the proposals “related” to other published proposals?

- 8.6 The School Organisation Sub Committee is advised that they must have regard to paragraphs 4.17 to 4.73 of the statutory Guidance when making their decision, in accordance with Regulation 8 of The Regulations. As stated in paragraph 3.7 above, information considered to be of relevance to this section of the Guidance is set out in **Annex 5**, but this should not discourage members from considering any other issues that they consider relevant. The Department for Education’s guidance makes it clear that the list provided in the Guidance should not be treated as exhaustive because the importance of each factor will vary depending on the proposal and as such all proposals should be considered on their individual merits.
- 8.7 Where capital funding is required for a proposal, guidance states that the decision maker must be satisfied that funding is available before any proposals are published (**Appendix 6**)
- 8.8 An Equality Impact Assessment (**Annex 9**) has been completed in relation to this proposal and concluded that the proposal would have an overall positive impact on several of the areas, specifically parents and carers, young people and socio-economic disadvantaged groups and a neutral impact on the remaining factors.

## **9.0 Risk Management**

- 9.1 Disruption to pupils, staff and the community must be kept a minimum during the reorganisation period and any subsequent building programme. This is to ensure that standards continue to improve.
- 9.2 The proposed expansion was identified to address a basic need in Sandbach. This is in order to ensure that the Authority meets its statutory duty to provide sufficient school places in this area.
- 9.3 The extended consultation period has impacted on the intended implementation date of September 2013 and therefore further interim measures will be necessary for admission in 2013 to ensure that there is no child without a school place within a reasonable distance from the home address.
- 9.4 Implementation of this proposal will be subject to the necessary planning permissions.

## **10.0 Access to Information**

- 10.1 The background papers relating to this report can be inspected by contacting the report writer:

Name: Barbara Dale  
 Designation: School Admissions and Organisation Manager  
 Tel No: 01270 686392  
 Email: Barbara.Dale@cheshireeast.gov.uk