

Cabinet

Date of Meeting: 05 February 2019

Report Title: Proposed Expansion of Elworth Church of England Primary School

Portfolio Holder: Councillor Jos Saunders, Portfolio Holder Children and Families

Senior Officer: Mark Palethorpe, Acting Executive Director People

1. Report Summary

- 1.1 As the Strategic Commissioner of School Places, Cheshire East Council has a statutory duty to ensure a sufficiency of school places for children resident in its area. An analysis of the latest pupil forecasts identified the need to provide additional primary school places in Sandbach in response to increasing pupil numbers. The data analysis indicates the need for an extra 105 school places (Reception to Year 6) which, if agreed, would provide 15 more class places in this area per year group.
- 1.2 This paper reports on the outcome of the statutory public notice, which ran for four weeks between 22 November 2018 and 20 December 2018.
- 1.3 The Headteacher and Governing Body of the school are fully supportive of the proposed increase of Elworth Church of England Primary School and have confirmed their continued commitment to support their growing local community.

2. Recommendation

- 2.1 That Cabinet approve the proposed expansion of Elworth Church of England Primary School from 1.5 form entry (315 pupil places) to 2 form entry (420 pupil places) for implementation in September 2020, having given due consideration to the response to the statutory public notice.

- 2.2 That Cabinet delegate authority to the Executive Director People to enter into a construction contract for additional places at Elworth Church of England Primary School.

3. Reasons for Recommendation

- 3.1 This recommendation is made on the basis of the publication of a public notice and the outcomes of the subsequent statutory 4 week representation period.

4. Other Options Considered

- 4.1. Prior to publication of the proposal several meetings have taken place with the headteachers of the Sandbach and Haslington schools. Updated information on forecasts and housing implications has been shared at every meeting and the headteachers have been part of the decision making process to expand Elworth Church of England Primary School.
- 4.2. In addition, to the Elworth Church of England Primary School expansion, a small expansion will take place at St Johns Church of England Primary School, this does not require formal consultation or cabinet decision as it is not a significant expansion and expected to cost less than £500K.

5. Background

- 5.1 Sandbach Planning Area consists of 8 primary schools, 6 located in and around Sandbach and 2 serving the Haslington area.
- 5.2 The current forecasts, based on the October 2017 School Census data, indicated a surplus across the 8 schools of 33 places for 2020 reducing to 23 places by 2022. However, these forecasts don't include the desired 2% level of operational surplus, which is a level of spare capacity intended to accommodate reasonable journey times to school, some degree of parental choice and flexibility to allow for mid-year entrants. When the 2% operational surplus is included the surplus places become a small shortfall of 11 places by 2020 increasing to 21 places by 2022.
- 5.3 Although Sandbach Planning Area covers both Sandbach and Haslington, due to the distances between the 2 villages, and the potential impact on transport should parents be unable to secure a local school, the situation for each area is also considered separately.
- 5.4 The forecasts for the 6 schools across Sandbach indicate a shortfall of 29 places from 2020 increasing year on year whilst Haslington indicates an overall surplus. These figures exclude the desired 2% operational surplus,

which for the Sandbach area equates to a further 31 places, thus making the overall shortfall of places across Sandbach 60 places by 2020.

- 5.5 Elworth Church of England Primary School is a Cheshire East voluntary controlled school rated “Good” by Ofsted at the last inspection in September 2018.
- 5.6 Elworth Church of England Primary School underwent a small expansion in 2013 increasing it from 280 places to 315. At that time it was anticipated that further expansions may be required, dependent on housing, and consequently some of the infrastructure for a 420 place school was included in the expansion. The proposed project for this expansion will include an additional 4 classrooms and internal reconfiguration.

6. Implications of the Recommendations

6.1 Legal Implications

6.1.1. The DfE statutory guidance accompanies the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 and (Establishment and Discontinuance of Schools) Regulations 2013 that came into force on 28 January 2014. It provides information on the processes involved in making significant changes to maintained schools (e.g. expansion), establishing new provision and school closure.

6.1.2. Local authorities are under a statutory duty to ensure the sufficiency of school places in their area. They can propose an enlargement of the premises of community, foundation and voluntary schools. When doing so they must follow the statutory process as set out in the Prescribed Alterations Regulations (2013) if:

The proposed enlargement of the premises of the school is permanent (longer than three years) and would increase the capacity of the school by:

- *more than 30 pupils; and*
- *25% or 200 pupils (whichever is the lesser).*

6.1.3. The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 that came into force on 28 January 2014 describe the procedures that must be followed when making prescribed alteration proposals and state that local authorities must make decisions about any expansions that they propose.

6.1.4. The 2014 statutory process for making significant changes to schools now has four stages, as set out below:

Stage 1	Publication	Statutory proposal published – 1 day.
Stage 2	Representation (formal consultation)	Must be 4 weeks, as prescribed in regulations.
Stage 3	Decision	The decision-maker (usually the LA) must decide proposals within 2 months of the end of the representation period or decision defaults to Schools Adjudicator (OSA). Any appeal to the adjudicator must be made within 4 weeks of the decision.
Stage 4	Implementation	No prescribed timescale, but must be as specified in the published statutory notice, subject to any modifications agreed by the decision-maker.

6.1.5. 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.

6.1.6. The regulations further provide that the local authority must have regard to the statutory guidance given from time to time by the Secretary of State when they take a decision on proposals. Guidance is issued by the Department for Education entitled School Organisation Maintained Schools Annex B: Guidance for Decision Makers.

6.1.7. Cabinet members are advised that they must have regard to the Guidance when making their decision, in accordance with Regulation 7 of The Regulations. The Department for Education’s guidance makes it clear that 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 must be considered on their individual merits.

6.2. Finance Implications

6.2.1. The proposed expansion will be funded through Section 106 contributions and Basic Need Grant. Section 106 education funding contributions are those agreed with new housing developers specifically to fund the additional pupil places needed due to the new housing development.

6.2.2. An initial feasibility has been undertaken to identify a provisional budget for the proposal, in the region of £1.8 million. A detailed feasibility study

will be commissioned to identify more accurately the costs of implementation once a decision has been reached on the proposal.

6.2.3. Currently the project is funded as follows:-

- £1.15m Section 106 contributions received
- £650,000 Basic Need (potential to be changed to Section 106 funding once further contributions have been received).

6.2.4. An increase in pupils during the year may mean the school qualifies for a growth fund payment to assist with additional running costs. This will be determined later in 2019. Pupils on role in October 2019 will determine funding levels from April 2020.

6.2.5. The School is currently forecasting a deficit budget in 2020/21. However, it is estimated that the proposed increase in pupil numbers will support the school in achieving a balanced budget.

6.2.6. All schools with deficit budget are expected to have in place robust plans to ensure overall costs are manageable within the funding available.

6.3. Policy Implications

6.3.1. The Local Authority will determine an increase in the PAN from 45 to 60 pupils per year group, in line with the statutory timescales set out in the School Admissions Code (2014)

6.4. Equality Implications

6.4.1. An Equality Impact Assessment has been completed for this proposal and this concluded that the proposal would have an overall positive impact on several of the areas - specifically parents and carers, young people and a neutral impact on the remaining factors.

6.5. Human Resources Implications

6.5.1. There are no additional human resource implications for the Council but the school are aware that increased numbers on roll could require additional staffing costs which would be funded through their formula funded budget.

6.6. Risk Management Implications

- 6.6.1. The proposed expansion is identified to address a Basic Need for school places within Sandbach. This is in order to ensure that the Council meets its statutory duty to provide sufficient school places within 2 miles and with safe routes to schools.
- 6.6.2. If additional places are not provided in Sandbach, parents of Cheshire East children who are resident in the Sandbach area may be unable to secure places at their local school and may be required to travel over 2 miles to other Cheshire East schools requiring transport assistance.
- 6.6.3. Should the proposal be approved the required building works will be subject to the necessary planning permissions. In addition, the proposed expansion will require approval under Section 77 of School Standards and Framework Act as the building solution will encroach onto areas deemed as “playing field” under the DFE definition.
- 6.6.4. All the building works will be planned carefully and contractors will work with the school to ensure that’s works are scheduled to keep disruption to a minimum and ensure the health and safety of the children, staff, parents and visitors to the school
- 6.6.5. Elworth Church of England Primary School will be required to develop or update a school travel plan.

6.7. Rural Communities Implications

- 6.7.1. There are no direct implications for rural communities.

6.8. Implications for Children & Young People / Cared For Children

- 6.8.1. Sandbach is an area that is currently experiencing an increased number of “in year” applications from families moving into Cheshire East. Based upon current numbers on roll a number of the year groups across the Sandbach schools are already full or over subscribed. The schools have accommodated additional numbers where possible and admitted over their Published Admission Number but some families have being offered places at the next nearest schools with places available which can be more than 2 miles away thus resulting in the authority incurring transport costs.

6.8.2. Providing additional places at this school will help ensure that local children, including cared for children, can be offered a place at a local school.

6.9. Public Health Implications

6.9.1. There are no direct implications for public health.

7. Ward Members Affected

7.1. Local ward members were informed of the proposal during the statutory representation period.

8. Consultation & Engagement

8.1 In accordance with the guidance issued by the Department for Education, the statutory publication notice was published in the Chronicle on 22 November 2018 and the statutory four-week representation period ran from 22 November 2018 to 20 December 2018. Information was made available on the County website and the representation period was notified to key stakeholders including Ward Members, MP, Diocese and neighbouring parish and town Councils. Information was emailed to local schools and schools were issued with letters for distribution to their staff, governors and parents.

8.2 In addition a public drop in session was held at the school on 4 December 2.30 to 4.30 p.m. and representatives from the school and local authority were available to discuss the proposal and seek views.

8.3 Cabinet members are advised that this statutory process provides the opportunity for any person with an interest to submit representations, which can be objections as well as expressions of support for the proposals. Cabinet members must take any views received into account when deciding whether to approve the proposal.

8.4 During the representation period only 1 response was received from Fiona Bruce MP which commented. "I write in support of the above planned expansion of Elworth CE Primary School. There is a clear need for more primary places in Sandbach with the current increase in building and I am aware that Elworth has needed more places from Year one for a while now. Of course, I would support any funding increases that can be allocated to assist in the growth of the school.

9 Access to Information

9.1 Copies of the Public Notice, Statutory Proposal and Equality Impact Assessment are available by contacting the report writer.

9.2 [DfE Guidance - Making significant changes \(prescribed alterations's\) to maintained schools.](#)

[DfE Guidance - Guidance for Decision Makers.](#)

[DfE Guidance – Schools Admissions Code](#)

10 Contact Information

10.1 Any questions relating to this report should be directed to the following officer:

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