

CHESHIRE EAST COUNCIL

Cabinet Member for Children and Family Services

Date of Meeting: 24th June 2010
Report of: Lorraine Butcher
Subject/Title: Formal Consultation Proposal for Macclesfield High School and Tytherington High School

1.0 Report Summary

There are four secondary schools in Macclesfield, each providing education aged 11 to 18. These are:

- Macclesfield High (formed in 2007 from the relocation and merger of Henbury High and Ryles Park Schools onto the Macclesfield Learning Zone);
- Fallibroome High
- All Hallows Catholic College
- Tytherington High

- 1.2 The establishment of Macclesfield High on the Learning Zone was a joint venture with Macclesfield College and Park Lane Special schools and was established with £15,948,507 investment. The Sixth Form provision is a shared provision with Macclesfield College.
- 1.3 Macclesfield High was established with a Planned Admission Number (Pan) of 180. The projected Year 7 numbers show a steady decline from 108 in 2010 with an anticipated further reduction to 62 by 2016.
- 1.4 The number of pupils attending high schools in Macclesfield town continues to fall, 5,000 pupils in 2002 dropping to 4,100 pupils in 2014. Based on these projections Macclesfield High school will have 35% surplus places by 2016.
- 1.5 Macclesfield High School's year 7 intake for September 2010 is 108; projections see this dropping to 62 in 2016. This is an intake of less than five forms which makes it extremely difficult for the school to financially provide a broad balanced curriculum, let alone one which provides a creative and personalised learning experience. This issue is compounded by the Raising of the Participation Age (RPA) which adds significant restraints on Post 16 options and the viability of curriculum options based on class size.
- 1.6 The three year trend in the academic standards at Macclesfield High School, following its creation as a new secondary school in September 2007, has been downward with current 5+ A*- C including English and Maths just above the 30% national baseline.

- 1.7 Against this background, the numbers in the remaining 3 High Schools in Macclesfield have continued to be sustained. It is evident that for the foreseeable future there are insufficient pupil numbers to sustain 4 high schools in the town.
- 1.8 This report seeks to provide a summary of the detailed informal consultation undertaken on the initial options appraisals for the re-organisation of secondary provision in Macclesfield.

2.0 Recommendation

2.1 That the Cabinet Member for Children and Family Services

- (1) give approval to commence formal consultation on 5th July 2010 on the closure of Macclesfield High School in August 2011 and the expansion of Tytherington High Schools on a split site basis on the existing Tytherington High site and the Macclesfield High site;
- (2) approve in principle, subject to the completion and approval of a full capital appraisal, the investment in the Tytherington High school site; and
- (3) seek the advice of the Cheshire East Admissions Forum on admission arrangements in Macclesfield.

3.0 Reasons for Recommendation

- 3.1 Based upon the evidence available in terms of declining standards and surplus places, the position of the Local Authority is that there is a need to reduce the number of maintained secondary schools in Macclesfield from 4 to 3. This proposal provides the opportunity for a systematic review of the needs of local learners, revised structures and governance of schools and the longer term investment in successful schools which will address the requirements of the recent White Paper relating to 21st Century Schools.
- 3.2 Both the governing bodies of Macclesfield High and Tytherington High unanimously support the proposal to be considered by the Cabinet Member for Children and Family Services.

4.0 Wards Affected

4.1 All Macclesfield Wards:

Bollington & Disley Ward
Broken Cross Ward
Macclesfield Forest Ward
Macclesfield Town Ward
Macclesfield West Ward
Prestbury & Tytherington Ward

5.0 Local Ward Members

5.1 All Members for the above-mentioned Wards.

6.0 Policy Implications including - Climate change - Health

6.1 This proposal plays a crucial part in further improving the educational outcomes and well being for the children and young people of this part of Macclesfield town. The proposal aims to further improve the quality of learning by providing a wide range of relevant learning opportunities, new skills and raising aspirations.

7.0 Financial Implications for Transition Costs (Authorised by the Borough Treasurer)

7.1 None

8.0 Financial Implications 2009/10 and beyond (Authorised by the Borough Treasurer)

8.1 The authority is currently undertaking a review of the Local Management of Schools (LMS) funding formula; the impact of this review on the expanded schools is, as yet, unclear.

8.2 Capital investment will be required over a 3 year period to improve the Tytherington site. A full capital appraisal will need to be completed to allow the full costs of this project to be both established and approved, the funding will be achieved in part through the Department for Education Local Authority Capital Allowance for the Council and through additional external applications for capital investment to the Department of Education.

8.3 Additional resources are currently being provided to both schools to provide management capacity and leadership while the school is subject to National Challenge and to support it out of the formal OFSTED category of 'notice to improve'. If the proposal to expand Tytherington High is approved, then additional resources will be required to fund project management to oversee the combining of the schools and also transition to the new arrangements over a 2 year period, funded from the Council's element of the Dedicated Schools Grant.

8.4 The rural nature of Macclesfield and travel patterns means that the proposed changes will not significantly impact on transport; learners will continue to be supported according to current mainstream transport policy.

9.0 Legal Implications (Authorised by the Borough Solicitor)

- 9.1 Local Authorities are under a statutory duty to ensure that there are sufficient school places in their area, promote high educational standards, ensure fair access to educational opportunity and promote the fulfilment of every child's educational potential. They must also ensure that there are sufficient schools in their area, promote diversity and increase parental choice.
- 9.2 If a Local Authority needs to close a maintained mainstream school as a result of it being surplus to requirements statutory proposals will be required (S15 of the Education and Inspections Act 2006).
- 9.3 Under section 16 of the Education and Inspections Act 2006 a local authority considering bringing forward statutory proposals to close a school must consult interested parties, and in doing so it must have regard to the Secretary Of State's guidance.
- 9.4 Under The School Organisation (Prescribed Alternations to Maintained Schools) (England) Regulations 2007 (as amended) , statutory proposals are required for the proposed enlargement of the premises of a school which would increase the capacity of the school by both:
- a. more than 30 pupils; and
 - b. by 25% or 200 pupils (whichever is the lesser).
- 9.5 On the information available it is almost certain that the proposals in respect of Tytherington High School fall within the criteria above.
- 9.6 The guidance requires those bringing forward proposals to consult all interested parties (a list of interested parties is given). In doing so they should:
- Allow adequate time
 - Provide sufficient information for those being consulted to form a considered view on the matters on which they are being consulted:
 - Make clear how their views can be made known; and
 - Be able to demonstrate how they have taken in to account the views expressed during consultation in reaching any subsequent decision as to the publication of proposals
- 9.7 The guidance as set out above, encompasses the Sedley requirements which are the standards of proper consultation expected by the Courts (*R v Barnet LBC, ex p B* [1994] ELR 357, 372G, referring to *R v Brent LBC, ex p Gunning* (1985) 84 LGR 168). It is imperative that this part of the guidance is followed to avoid challenge at a later date.
- 9.8 How statutory consultation is carried out is not prescribed in regulation and it is for the Local Authority to decide the appropriate method. The duration of the consultation is also not prescribed, however, guidance

suggests that it should be for at least 6 weeks in respect of a school closure and 4 weeks in respect of an enlargement to school premises. The Local Authority should avoid consulting during school holidays.

- 9.9 Where proposals are linked, as in this case, guidance is that all proposals should be consulted on at the same time. Notices for related proposals should be published at the same time and specified as “related” so that they are decided together.
- 9.10 If Macclesfield High School were to close, there will be employment issues. Formal notices of closure will have to be issued having formally consulted. There are Human Resource implications for all staff at the closing school as they may be subject to the Transfer of Undertakings Protection of Employment Rights Regulations 2006 (TUPE) or may be at risk of redundancy depending upon which option is adopted. If it is a Redundancy situation then the Employer has a duty to seek to find suitable alternative employment for those staff affected. Given that the authority has no legal right to redeploy staff to schools, this is achieved by working collaboratively with schools and through the use of a staffing protocol which schools would be asked to agree. Schools would agree to consider staff for any vacancies in advance of advertising more widely. Until new staffing structures are fully developed it is difficult to predict severance and redundancy and TUPE implications accurately at this stage.

10.0 Risk Management

- 10.1 Disruption to pupils, staff and the communities must be kept a minimum during the consultation period and standards must not only be maintained but continue to improve in both schools.

11.0 Background and Options

- 11.1 Based on projected secondary pupil numbers there will be a significant increase in surplus school places in the Macclesfield area, with most being at Macclesfield High School. As result of the increase in surplus places, it is recognised that there is a need to consider the reduction in the number of maintained secondary schools in Macclesfield Town from 4 to 3.
- 11.2 The three year trend in the academic standards at Macclesfield High School, following its creation as a new secondary school in September 2007, has been downward with current 5+ A*- C including English and Maths just above the 30% national baseline. The Local Authority, with governor support, decided to include the school within the National Challenge programme in September 2009 in response to the deterioration in standards and a clear need to establish robust monitoring arrangements. The inclusion of any school within the National Challenge programme requires the LA to seriously consider ‘structural solutions’ where there is the possibility of standards not

improving. Macclesfield High was inspected in February 2010, which resulted in a Notice to Improve because the school was judged to need significant improvement in attainment, the progress made by students, the quality of learning and attendance.

11.3 It is clear that previous decisions regarding school organisation have not fully addressed the full range of issues facing secondary education in Macclesfield. School leaders, the LA and members now have a further opportunity to carry out a robust and transparent evaluation of a range of options and in order to agree a positive way forward.

11.4 Options considered

The following summary presents the list of options which have been considered during informal consultation with Macclesfield High Governors and Tytherington Governors and Macclesfield High and Bollington EIP Heads.

11.5 Option A :

No Change: Macclesfield High School continues in its present format.

Macclesfield High School was built as 6 Form of Entry (FE), age range 11-18 with capacity for 900 and currently has 190 surplus places. The number of surplus places is set to increase rapidly to nearly 650 across the town by 2015. Macclesfield HS will have the largest number due to parental preference being for the other schools in the town. The projected secondary pupil numbers at 2015 of 3900 can be accommodated within the other 3 schools in the town.

Underachievement at Macclesfield HS and lack of confidence in the school by the local community is a deep rooted problem and would require many years of sustained improvements to attract sufficient numbers to the school.

This option was considered to be unsustainable as the numbers drop below 5 forms of entry the ability to run the school as viable concern are significantly reduced. The declining budget would not be able to sustain a high quality curriculum and sixth form offer would become significantly reduced.

11.6 Option B :

To establish a Macclesfield Academy involving Macclesfield HS combining with another local high school.

This option would address the overall need to reduce from 4 to 3 schools. This option has the potential to provide a new approach to education utilising the academy ethos to learning. This would maintain secondary provision on the Learning Zone site and has the potential to attract Academy capital investment

This option would require a local school to close and the existing Macclesfield HS to generate a new single Academy. The option would also require the

agreement from the Office of the Schools Commissioner (OSC) and the Academies Trust.

11.7 Option C:

Establishment of a single Trust working across the schools in Macclesfield (with closure of Macclesfield HS)

This option would require all schools to agree to be part of a single trust which provides collective responsibility for all secondary provision in Macclesfield town but retains independence for each of the three schools. This proposal would mean that the Governance arrangements of the trust would be better placed to take a “whole town view” of the provision and pattern of secondary education. The proposal would need new admissions arrangements to cater for the closure of Macclesfield High School. The existing site would provide educational opportunities for the benefit of all schools in Macclesfield

Significant concerns were expressed about the loss of individual schools autonomy. Real concerns were expressed about whether each school retained its Governing Body, or formed one new trust wide Governing Body- i.e. a “hard federation”.

Whilst there was interest in the concept of a town wide approach, those schools in Macclesfield who had evaluated the potential of achieving Trust status did not see the long term benefits of this organisational structure.

11.8 Option D :

Creation of a 3-19 school which integrates a local primary school on the Macclesfield HS site.

This option would address surplus places issue with the integration of a primary school within a new single institution. This option has the potential to add value to the concept of the Learning Zone.

However, this option does not address the issue of reducing the number of secondary schools in the town. This option would also require an identified primary school within a new site and lose its identity as a single school. The option does not resolve the immediate standards issue within Macclesfield High School

Whilst there were some merits in considering an alternative cross phase education approach, this option did not realistically resolve the problem of underperformance of the existing Macclesfield HS and its status within the local community.

11.9 Option E :

Re-launch of Macclesfield HS as a specialist Vocational / 'Technical' School

This would see the establishment of Specialist excellence for the benefit of Macclesfield town. It would involve the establishment of new leadership team and renewed image for Macclesfield High School to take the school forward promote it within the local community. The option has the potential to offer additional vocational options and attract additional sponsors to the Learning Zone.

Such specialist provision could potentially restrict options for some learners. There is little evidence that there are sufficient learners who want this type of provision. There is also the potential of 'labelling' the school as non-academic

Consultation with heads and governors felt that this option needed integrating into a wider 14-19 option for the whole town which included vocational provision on the Learning Zone site.

11.10 Option F :

Closure of Macclesfield HS and redistribution of pupils across the remaining secondary schools.

This initially solves the issue of surplus places in the town. There would need to be revised admissions process across the town leading to a more equitable distribution of pupils across the remaining high schools. This option allows for detailed consideration of alternative uses of the Macclesfield High School site for a variety of educational uses.

The lack of clear ownership of revised provision on Macclesfield High School site has the potential to impact on quality provision across Learning Zone. The redistribution of pupils across the remaining high schools creates accommodation issue which would demand significant capital investment to rectify. This option was considered less viable and would have a negative impact on the partnership between Park Lane School and the Macclesfield College.

11.11 Option G :

Use of Macclesfield HS site for Post 16 provision for the whole town.

This option would see the creation of a Key Stage 4 and Post 16 collaboration or federation across all town schools which would provide a real opportunity to consider new qualifications for all learners. It would require the development and location of specialist Key Stage 4 and Post 16 resources on a single site.

Such a development would require greater collaboration between Macclesfield schools at Key Stage 4 and Post 16 it would however address the relating to Raising the Participation Age.

This option would result in all Macclesfield schools losing their independence for post 16 provision. The budgetary implications of sustain such a provision would have an impact on all the schools. There would need clarity needed around management and governance arrangements.

Initial discussions felt that this option was unsustainable due to the impact on individual schools 6th Forms and budgets.

11.12 Option H :

Current Macclesfield Schools each lose one form entry to Macclesfield HS.

This option would require the establishment of new admissions arrangements established across the town. Arrangements would have to be referred Cheshire East admissions forum however there is no guarantee that increasing numbers at Macclesfield High School addresses the fundamental issue of underperformance and the impressions of the local community have of the school. Furthermore Macclesfield will still retain four secondary schools and the issue of surplus places will not be addressed. Changing the admissions arrangements would give rise to parental concerns around school preference.

- 11.13** All the options have been discussed with head teachers and chairs of governors of Macclesfield town High schools. The consensus has been that the most viable option is to close Macclesfield High school and expanded Tytherington High school to accommodate the pupils from Macclesfield High. This would result in the Tytherington High School becoming the lower school site and Macclesfield site becoming the upper school (14-19) site.
- 11.14** The concept of a split site offers the ability to create increased flexibility at KS3. Providing an effective transition from Primary education is crucial as is the development of personal learning & thinking skills as a stepping stone to lifelong learning.
- 11.15** 14-19 provision at Macclesfield Site provides a unique and new high quality resource for the expanded Tytherington HS. It offers genuine opportunities to really push the boundaries in terms of KS4 and Post 16 curriculum entitlement.
- 11.16** Further detailed discussions have been held between officers of the LA and Tytherington Senior Staff and the Governing body and there are number of outstanding issue that need resolution.
- 11.17** Admissions; the closure of Macclesfield HS will require the establishment by the admissions authority of new arrangements for Tytherington for September 2012 The governors are seeking a

commitment from the LA to put forward a case for change as maintaining the status quo will not produce improved outcomes for learners across the town. The analysis of the most deprived areas highlights that the expanded Tytherington will have the highest numbers of learners from these areas. The Local Authority will commit to reviewing the admission arrangements across the Macclesfield locality take advice from the Cheshire East Admission Forum and if appropriate will refer an objection to the Schools Adjudicator.

11.18 Capital Investment; The Governors are seeking a real commitment from the LA to ensure that there is appropriate capital investment into this proposal to ensure that there are resources to deliver a 21st Century learning experience, particularly on the Tytherington site. The potential sources of funding will only become evident as the national picture becomes clearer in the coming months – potential sources over time include: existing LA capital funds, Building Schools for the Future, Academy status.

11.19 The Learning Zone; The governors of Tytherington High School would wish to form a new partnership between Tytherintgon, Macclesfield College and Park Lane Special School to maximise the benefits of the Learning Zone Campus for KS4/5 learners.

11.20 The proposed consultation timescales:

Consultation begins	Thursday 1 July 2010
Consultation ends	Wednesday 13 October 2010
Report to Portfolio Holder to consider consultation outcomes and decide whether to proceed to the next stage and publish a public notice	October 2010
If approved public notices published for the closure of Macclesfield High School and the expansion of Tytherington High School	November 2010
End of Notice period	Mid December 2010
Report to Cheshire East Cabinet School Organisation Sub committee to decide whether to close Macclesfield High School and agree the expansion of Tytherington High School	January 2010

12.0 Access to Information

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

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