

CHESHIRE EAST COUNCIL

Cabinet Member for Children and Family Services

Date of Meeting: 8th November 2010
Report of: Lorraine Butcher. Director of Children and Families
Subject/Title: Macclesfield High School Review
Portfolio Holder: Councillor Hilda Gaddum

1.0 Report Summary

- 1.1 This report outlines the proposal to close Macclesfield High School and to replace it with an Academy. The report seeks permission to start the formal consultation which is the first part of the statutory school organisation process for closing a maintained school.

2.0 Decision Requested

- 2.1 That the Portfolio Holder for Children and Family Services approve the commencement of statutory formal consultation on the proposal to close Macclesfield High School upon the establishment of an 11-16 Academy on the Macclesfield High School site with a pupil admission number of 120;
- 2.2 That Cheshire East Council continue to liaise with the Department for Education on the confirmation of Macclesfield College of Further Education as its preferred Academy sponsor; and
- 2.3 For the Local Authority with the Department for Education and Macclesfield College to take appropriate steps to prepare for the implementation of the new arrangements with effect from 1st September 2011 so that should the proposal to close Macclesfield High School be accepted after consultation, the successful delivery of statutory education (11 to 16) and the existing post 16 offer, including A levels and vocational qualifications, will continue to be delivered on the existing site without any interruption.

3.0 Reasons for the Recommendation

- 3.1 The recommendation will enable the Local Authority to comply with its statutory duty to formally consult with statutory consultees on a proposal involving a school closure.

4.0 Wards Affected and Local Ward Members

4.1

<u>COUNCILLOR</u>	<u>REPRESENTING WARD</u>
Cllr Harold Davenport	Bollington & Disley
Cllr Matthew Davies	Bollington & Disley
Cllr Diana Thompson	Bollington & Disley
Cllr Ainsley Arnold	Broken Cross
Cllr John Goddard	Broken Cross
Cllr John Narraway	Broken Cross
Cllr Marc Asquith	Macclesfield Forest
Cllr Hilda Gaddum	Macclesfield Forest
Cllr Lesley Smetham	Macclesfield Forest
Cllr Stephen Broadhurst	Macclesfield Town
Cllr David Neilson	Macclesfield Town
Cllr Christine Tomlinson	Macclesfield Town
Cllr Sandy Bentley	Macclesfield West
Cllr Martin Hardy	Macclesfield West
Cllr Darryl Beckford	Macclesfield West
Cllr Paul Findlow	Prestbury and Tytherington
Cllr Thelma Jackson	Prestbury and Tytherington
Cllr Bill Livesley	Prestbury and Tytherington

5.0 Policy Implications

- 5.1 This proposal accords with government policy and current DfE guidance on the formation of Academies under the Academies Act 2010.

6.0 Financial Implications (Authorised by the Borough Treasurer)

- 6.1 The main cost associated with the school closure for the Local Authority will be the inheritance of any potential budget deficit and any residual deficit would be an educational cost chargeable to the Dedicated Schools Grant (DSG) centrally held budget
- 6.2 Any further costs to the Local Authority will be in relation to the establishment of the proposed Academy and Members will be advised of this accordingly as part of the process.

7.0 Legal Implications (Authorised by the Borough Solicitor)

- 7.1 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, promote the fulfilment of every child's educational potential and promote diversity and increase parental choice.
- 7.2 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. The guidance requires those bringing forward proposals to consult all interested parties (a list of interested parties is given in the guidance). 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 into account the views expressed during consultation in reaching any subsequent decision as to the publication of proposals

7.3 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.

7.4 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. The Local Authority should avoid consulting during school holidays.

7.5 It is understood that if Macclesfield High School was simply closed, Cheshire East Council would not have sufficient school places available in the Macclesfield area to meet its statutory obligations without significant capital investment. The establishment of the proposed Academy is therefore crucial to any proposal to close Macclesfield High School.

7.6 If this proposal should proceed there would clearly be employment issues and officers should take advice at the appropriate time in respect of these.

8.0 Risk Management

8.1 There is a low level of risk in undertaking the consultation as we will be actively seeking the community's views on the proposal.

9.0 Background and Options

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

1. Macclesfield High (formed in 2007 from the relocation of Henbury High School onto the Macclesfield Learning Zone site);
2. The Fallibroome Academy (formerly Fallibroome High School)
3. All Hallows Catholic College
4. Tytherington High

The establishment of Macclesfield High on the Learning Zone was a joint venture with Macclesfield College and Park Lane Special school and was

established with £15,948,507 investment. The Sixth Form (LZ6) provision on the Macclesfield High School site is a shared provision with Macclesfield College.

- 9.2 The current number of places available in the four high schools, including all sixth form provision, is 4,722. The number of pupils attending these high schools has fallen over the past years from 4981 pupils in 2002 to 4,570 in May 2010 (i.e. using the latest data from the summer 2010 School Census return) with a forecast pupil number for September 2017 of 4,558. Based on the pupil forecasting formula and the pattern of transfer to high schools in the area the distribution of pupils in Macclesfield is expected to deliver a fall in the number of pupils attending Macclesfield High School, which in 2010 is 809, to 531 pupils by 2017. The consequence of this is that if no changes are made the surplus places for Macclesfield High School by 2017 could be around 47.5% compared with the school's current surplus (for May 2010) of 20.1%. As this forecast is taking into account the current pattern of parental preference in the area, this forecast is based on the assumption that the current intakes at year 7 to the other three high schools will be maintained. The removal of surplus places is a government requirement since it leads to a significant financial drain on school budgets. The proposed Academy of 600 places would reduce the number of pupil places at the Macclesfield High School site from 1012 (including the sixth form) reducing the projected surplus capacity at the school from 47.5% to 22.5% by 2017.
- 9.3 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. This trend culminated in the school only just achieving above the 30% national baseline in terms of 5+ A*- C including English and Maths (actual result 31%) in Summer 2009. The resulting decision by the Local Authority to include the school within the National Challenge programme was a vital and necessary step to significantly accelerate improvements in pupil attainment. The invitation to Tytherington High School from the Council to provide Leadership and Management support to the school resulted in the school not being placed in special measures following an OfSTED Inspection in February 2010. The school achieved National Challenge Target in summer 2010 examinations and a recent OfSTED monitoring visit judged the school to be making good progress.
- 9.4 The level and range of interventions have been significant and all have contributed to the improvements in attainment as seen in the Summer 2010. There has been a positive rise in the 5+A*-C including English & Maths rate up to 42% (11% rise) which has brought improved confidence in the school and the local community to deliver high quality learning. Whilst these improvements need to be celebrated, there is still a considerable amount of further work to be undertaken throughout the school to fully embed the progress seen and create a consistent and sustainable rate of school improvement in terms of the costs of external interventions into the school during 2009-10 and 2010-11. This currently stands at £445,000, which includes National Challenge funding of £161,000, Local Authority Intervention funding of £77,000, Schools Causing Concern funding of £166,000 and 1:1 Tuition funding of £41,000. In addition to this, the school has benefited from over 20 days of direct support and

monitoring from the National Challenge Adviser, external monitoring visits from Ofsted Inspectors as well as direct curriculum and behavioural support from LA Officers. Again these costs have been absorbed by the Authority to ensure improvement in standards of attainment. The view of the Local Authority, and the Evaluation Panel convened to evaluate all options against a set of agreed fundamental criteria, is that further sustainable improvement would be best delivered with external support and an appropriate sponsor.

9.5 In order to address the aforementioned issues, at the Cabinet Member (Portfolio Holder) meeting of 24 June 2010 permission was requested to proceed with formal consultation on a proposal to close Macclesfield High School with effect from 31 August 2011 and the related proposal of the expansion of Tytherington High School to deliver 11-18 provision across the two sites from September 2011. The resolutions of the meeting are set out below:

- 1 The decision on the request for formal consultation be deferred to allow for further informal consultation up until Friday, 8th October 2010;
- 2 all other options be explored in greater depth;
- 3 the advice of the Cheshire East Admissions Forum be sought on the admission arrangements in Macclesfield;
- 4 further discussions take place with the MP, Mr David Rutley, in the light of new information from the Government;
- 5 any other suggestions from the public be examined; and
- 6 these proposals lead to a statutory period of consultation on revised options for consideration at the beginning of November 2010.

9.6 Further informal consultation was therefore undertaken and feedback received by the agreed date of 8 October has been summarised in Appendix 1. Copies of all the submissions are available for the Cabinet Member to view from the School Organisation Team on the ground floor at Emperor Court and will be available at the meeting on the day. During this process the Council received additional options for change (submitted under Option J) resulting in a total of 38 options for consideration, including the Council's own options (A to I).

9.7 Two further options emerged through discussion with other stakeholders which continued beyond the informal consultation period of the 8 October 2010 resulting in 40 options. Both those options were evaluated against the Evaluation Criteria. The final list of options is attached (Appendix 2).

9.8 The first of these was a variation of an original proposal made by Fallibroome Academy (option 29). The original proposal was around Federation but the revised proposal was to create a 'Two-Academy' model with Fallibroome as an outstanding school having overall governance control and developing a number of specialist centres for pastoral support, staff development and ICT on the existing Macclesfield High School site. This proposal was discounted for a number of reasons which were centred on several preconditions from the school which included; ownership and governance issues of LZ6 and transition funding from the Local Authority. This option therefore failed the affordability and deliverability criteria.

- 9.9 The second option was from the Macclesfield College of Further Education. This was to create a new 11-16 Academy with the College as sponsor and deliverer of post 16 provision, with Manchester Metropolitan University Institute of Education as a provider of expertise to ensure high academic standards. This satisfied each of the Fundamental Criteria and in the opinion of the Evaluation Panel, was the most logical and had the greatest potential to deliver further improvement in Achievement and Attainment for children and young people. A fuller evaluation is included as Appendix 3.
- 9.10 The analysis and evaluation of these options concluded that the single preferred model, which most closely satisfied the agreed set of fundamental criteria (those of achieving better outcomes for children and young people, reducing surplus places due to falling roles, which are affordable, deliverable and sustainable) is the closure of Macclesfield High School and the opening of an Academy on the same site for September 2011 (Attached as Appendix 3).
- 9.11 To progress the development of an Academy it has been necessary to liaise with the Department for Education (DfE) to agree an appropriate sponsor. The identified sponsor (Macclesfield College) will be required to undertake a consultation with stakeholders as to the ethos, character and operation of the potential new academy. If timescales allow, this consultation will coincide with the LA consultation on school closure. The sponsor would then take these views into account in developing proposals further and gaining the required approvals from the DfE for progression.
- 9.12 When approved the LA will work with the sponsors and DfE to ensure smooth transition between the predecessor school and the new academy to ensure continuity of provision for pupils, for the TUPE transfer of staff, and to ensure the transfer of assets.
- 9.13 A number of key stakeholders have raised concern about the potential impact on schools in the future due to population increases and the relevance of this for any proposed reorganisation. Forecasts show that in the Macclesfield Local Area Partnership, which includes the wards of Alderley, Bollington and Disley, Broken Cross, Macclesfield Forest, Macclesfield Town and Macclesfield West, the total population is set to increase by 2017 by around 3%. However, the number of children (aged 0-15) is forecast to decrease by around 5% between 2009 and 2027 and the largest decrease of 8% will be in the number of 0-4 year olds by 2027. Throughout the forecast years the numbers of children in each age group fluctuate, reflecting past patterns of numbers of births. The forecasts also indicate that the number of 5-10 year olds will increase by 5% by 2017. However, after 2017 the numbers will start to decrease again. Numbers of children aged 11-15 are forecast to decrease by 7% by 2027. Therefore in summary these projections are not expected to have a significant impact on pupil numbers.
- 9.14 Further information about the housing analysis illustrates that there are a small number (80) of potential development sites within the Macclesfield High School

catchment area and only 15% of these being assessed as being deliverable¹. The proposed sites would provide an additional 309 net capacity of dwellings within 15 years. It is anticipated that 76.05% would be delivered within 5 years with the remaining 23.9% being delivered within 15 years. This small increase is not anticipated to have a significant impact on pupil numbers. Using agreed child yield housing formula², is anticipated that there could potentially be an additional 78 primary school pupils and 56 secondary pupils a result of the current housing developments with full permission for development within Macclesfield, by 2026.

- 9.15 In the event that a decision is taken to close Macclesfield High School and to establish an Academy on the same site with effect from September 2011, pupils for whom places have been offered and accepted at Macclesfield High School, together with pupils on the roll of the school at the time of closure, will automatically be entitled to a place at the new Academy.

10.0 Access to Information

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

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¹ **Definition:** The site is available now, offers a suitable location for housing development now and there is a reasonable prospect that housing will be delivered on the site within five years from the date of adoption of the plan

² **Child Yield Housing Formula:** Source Department for Education. <http://www.edubase.gov.uk>