

## Portfolio Holder

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**Date of Meeting:** 06 April 2020

**Report Title:** Proposed Expansion of Wilmslow High School

**Portfolio Holder:** Councillor Kathryn Flavell, Portfolio Holder Children and Families

**Senior Officer:** Mark Palethorpe, Executive Director - People

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### 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 secondary school places in Wilmslow in response to increasing pupil numbers. The data analysis indicates the need for an extra 300 school places (Years 7 to 11) which, if agreed, would provide 60 additional class places in this area per year group.
- 1.2 This paper reports on the outcome of the statutory public notice and 4 week Representation Period, which ran for four weeks between 16 January 2020 and 14 February 2020.
- 1.3 The Head teacher and Governing Body of the school are fully supportive of the proposed increase of Wilmslow High School and have confirmed their continued commitment to support their growing local community.

### 2. Recommendation

- 2.1 That the Portfolio Holder approves the proposed expansion of Wilmslow High School from 300 pupil places per year group 7 to 11 to 360 pupil places per year group for implementation in September 2023, having given due consideration to the response to the statutory public notice and representation period.

### **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 this expansion proposal a number of high level alternative options have been considered. Analysis of data and discussions with lead members, school management and governors and a number of community members has been ongoing for a number of years and in 2017 a report was presented to the Portfolio Holder and Wilmslow ward Members that outlined the various options being considered for this area alongside the expansion of Wilmslow High School. The options considered included:-
- The Resource Provision, currently located on the Wilmslow High School site is relocated on to the Handforth Garden Village development
  - Satellite provision at the Handforth Garden Village for a year 7- 8 school which is also replicated at the existing site.
  - Sixth Form provision is relocated to the Handforth Garden Village development, freeing up space in the existing high school for the secondary aged pupils.
  - A new smaller secondary schools opens on the Handforth Garden Village (new provision)
  - Moving all Handforth Garden Village pupils to Poynton High School or neighbouring Stockport Schools.
- 4.2 These options all have significant disadvantages in terms of maintaining the overall functioning of the school as an integrated 7-13 school that continues to build upon the strength of the school as being 'inclusive and integrated'. There is the real threat of fragmentation of the school, division between communities as to which is the preferred/better site, isolation of vulnerable groups and the potential for increased congestion and transport costs to move pupils up to Handforth.
- 4.3 Further analysis resulted in 3 outline options being presented for member's consideration:-
- Secondary aged pupils moving to the Handforth Garden Village especially consider new secondary provision commissioned jointly by

Cheshire East and Stockport Borough Council. This could result in new secondary provision supporting the needs to both authorities.

- All provision is accommodated on the existing Wilmslow High School site,
  - To create a new build sixth form block to the north end of the existing school site close to the Leisure Centre or an alternative site.
- 4.4 The advantages and disadvantages of each of these options was considered and the school conducted some informal low level consultation with the governing body and certain stakeholders as to the perception of the school, future size and scale.
- 4.5 Discussions with Stockport Borough Council regarding cross border working have been ongoing. However, as Stockport are still in the process of developing their local plan and long term strategy in terms of housing any future provision for Education this could be a number of years away.
- 4.6 Cheshire East Council has also been contacted by the Department for Education (DfE) regarding a bid submitted for a new 750 secondary place free school under the Wave 14 Free School Programme. The outcome of this bid may not be known for some time and again whilst this may be a longer term solution and the authority will work with the DfE to further discuss this as a possible option to address the wider needs for the area including the pupils from Handforth Garden Village development. A copy of the response sent to the DfE is attached to this report, see appendix 1.

## **5. Background Information**

- 5.1 Current forecasts, for years 7 to 11 and covering the period 2019 to 2025 indicate an immediate shortage of 111 secondary school places in 2019 increasing year on year to 257 by 2025. These figures do not include the desired 2% level of operational surplus, which is intended to facilitate admissions mid year, some degree of parental choice and reasonable journey times to school.
- 5.2 Wilmslow High School is a popular and successful school rated “Good” by Ofsted at the last inspection in May 2019. For a number of years the Local Authority has received applications in excess of the 300 year 7 places available. In addition the number of pupils resident in the schools catchment area remains consistently high although it is acknowledged that not all of these pupils require a place at a local authority maintained school as some will choose to attend local independent schools.

- 5.3 In response to this immediate shortfall, and to satisfy as many parental preferences for local children as possible the Local Authority, in agreement with the school, have for the last 3 years admitted above the school's published admission number (PAN) of 300 for entry into year 7. Although this has enabled more local children to be offered a place it has still resulted in a number of children resident within the school's catchment area without an offer of a place at the school, and for whom places at alternative schools had to be offered which can incur transport costs for the local authority and cause disruption and inconvenience for the families.
- 5.4 Interim arrangements for the admissions over PAN have been undertaken and various remodelling of the internal spaces have allowed the school to accommodate the additional pupils. However, given the growing pupil population and the level of new housing developments in the area the demand for places from local pupils is expected to continue in future years. It is therefore recommended that an increase in the capacity of Wilmslow High School is necessary to meet the growing demand.

## **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:

<b>Stage 1</b>	<b>Publication</b>	Statutory proposal published – 1 day.
<b>Stage 2</b>	<b>Representation (formal consultation)</b>	Must be 4 weeks, as prescribed in regulations.
<b>Stage 3</b>	<b>Decision</b>	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.
<b>Stage 4</b>	<b>Implementation</b>	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 The Portfolio Holder is 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 Currently, included in the Education and 14-19 Skills Capital Programme is a named scheme ‘Wilmslow High School BN’, with a total approved budget of £9m. The proposed expansion is currently funded via Section 106 contributions, Basic Need Grant and Capital Maintenance Grant. Section 106 education funding contributions are

those agreed with new housing developers specifically to fund the additional pupil places needed due to new housing development.

6.2.2 Currently the funding profile is as follows:-

- £0.862m Section 106 contributions received
- £7.589m Basic Need (potential to be changed to Section 106 funding once further contributions have been received).
- School Condition Allocation grant £0.549  
=Current funding available £9m

6.2.3 A feasibility study has been undertaken to identify a provisional budget for the proposal, which is in the region of £12m inclusive of all professional and statutory fees, this indicates a shortfall of £3m. Further detailed design development will be commissioned to identify more accurately the costs of implementation once a decision has been reached on the proposal.

6.2.4 In order to meet this shortfall additional funding of £3m is being sought via an addendum item on the Council's Medium Term Financial Strategy 2020-2024. The MTFS report was approved at Council on the 20<sup>th</sup> February 2020. However, the addendum items remain subject to consideration by the Cabinet member for finance and Section 151 officer. An additional detailed business case will need to be submitted to them for approval. Until then the £3m is not approved.

6.2.5 Therefore the proposed revised funding profile:

- £0.862m Section 106 contributions received.
- £7.589m Basic Need (potential to be changed to Section 106 funding once further contributions have been received).
- School Condition Allocation Grant £0.549m  
=Current funding available £9m

Additional £3m is proposed to be funded via:-

- Section106 expected to be received £2.655m.As this is expected contributions from developers, this will need to be forward funded in advance of receiving this funding.
- Requirement from Cheshire East Council £345,000 (this is subject to future Basic Need allocations, if these are forthcoming then Council resources will not be required)  
=Total revised budget £12m

6.2.6 An increase in pupils during the year should mean the school qualifies for a Growth Fund payment to assist with additional running costs. The Growth Fund payments for 2020/21 will be determined later in 2020.

6.2.7 Pupils on role in October 2020 will determine revenue funding levels from April 2021.

6.2.8 Based on June 2019 information the school was forecasting a deficit budget in 2020/21. That position will be updated in June 2020. The proposed increase in pupil numbers will support the school achieving a balanced budget in future years.

6.2.9 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 300 to 360 pupils for year groups 7 to 11, 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 secondary school places within Wilmslow. This is in order to ensure that the Council meets its statutory duty to provide sufficient school places within 3 miles and with safe routes to schools.

6.6.2 The additional funding of £3m is being sought via an addendum item on the Council's Medium Term Financial Strategy 2020-2024. The MTFs report was approved at Council on the 20th February 2020.

However, the addendum items remain subject to consideration by the Cabinet member for finance and Section 151 officer. An additional detailed business case will need to be submitted to them for approval. Until then the £3m is not approved.

6.6.3 If additional places are not provided in Wilmslow parents of Cheshire East children, who are resident in the Wilmslow area, may be unable to secure places at their local school and may be required to travel over 3 miles to alternative Cheshire East schools requiring transport assistance.

6.6.4 Should the proposal be approved the required building works will be subject to the necessary planning permissions. As the required building work would be on land that falls within the DfE's definition of playing fields land, this would be a change of use that requiring consent from the Secretary of State for Education under section 77 of the School Standards and Framework Act and approval from the school. The statutory provisions for the protection of school playing fields land would need to be adhered to. Sport England is a statutory consultee. Pupil numbers at the school and areas of the available playing fields land will be a relevant consideration in the consideration of such a proposal.

6.6.5 Legal has advised that the former Engine of the North team, now part of Assets, has sought a title report in respect of part of the school's playing field land, see appendix 2 for plan. We have been advised that they have proposed that this land be disposed of for the purpose of it becoming part of the business park. Similarly, such a proposal to dispose would also require section 77 consent as 6.6.4 above.

6.6.6 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

6.6.7 Wilmslow High 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 Wilmslow is an area that has consistently experienced a number of "in year" applications from families moving into Cheshire East. Based upon



current numbers on roll all year groups across the school are already full or over subscribed. The school has 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 3 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.

## **6.10 Climate Change Implications**

6.10.1 Providing additional places at this local school will enable Cheshire East children, resident in the Wilmslow area, to secure at place at their local school thus reducing the need to travel outside of the area which will reduce energy consumption and enabling pupils to walk to school promoting a healthy lifestyle.

6.10.2 CEC and WHS are very aware of their environmental education and stewardship role and are very interested in promoting sustainability in general.

6.10.3 It is noted that the funding is for a capital project and not for the ongoing running costs. Therefore, as part of the detailed design process, the design team are exploring how the building could be designed to minimize future running costs.

6.10.4 The 2018 window replacement targeted a 15% improvement over and above the minimum standards in the Building Regulations for insulation and airtightness; this principle will be extended to the improvement of carbon emissions both for the new development and for any part of the external building fabric or services being renewed.

6.10.5 Systems that save on energy consumption will be considered, particularly for electricity, with absence detection being the preferred lighting strategy.

6.10.6 The building should be zoned for heating so when individual buildings or sections of buildings are opened for community use for example, the school can heat just that area.

6.10.7 Savings on water consumption will also be considered with WRAS (Water Regulations Advisory Scheme) certified.

## **7 Ward Members Affected**

7.2 Local ward members were informed of the proposal prior to and 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 Wilmslow and Knutsford Guardian and the Wilmslow edition of the Manchester Weekly News on 16 January 2020 and the subsequent statutory four-week representation period ran from 16 January 2020 to 14 February 2020. Information was made available on the County website and the representation period was notified to key stakeholders including Ward Members, MP, Diocese, Local Parish and Town Councils and the neighbouring authorities of Manchester City Council, Stockport Metropolitan Borough Council and Trafford Council. Information was also emailed to all local schools together with a letter for distribution to their staff, governors and parents.

8.2 In addition, a public drop in session was held at Wilmslow Library on 21 January and representatives from the school and local authority were in attendance to discuss the proposal and seek views.

8.3 The Portfolio Holder is 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 statutory 4 week representation period the Council received 70 responses, 14 supported the proposal and 51 do not support the expansion proposal, plus 5 no view including 2 responses commenting on the opening times of the public event.

8.5 Attached is a summary of the key issues raised during the Representation period and proposed mitigation measures, see appendix 3

8.6 During the representation period the school has been actively engaging with the pupils about the proposal and will continue to do this during the design process.

## **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 \(prescribed alterations'\) to maintained schools.](#)

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

[DfE Guidance – Schools Admissions Code](#)

[DfE Guidance – Disposal or change of use of playing field and school land](#)

## **10 Contact Information**

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

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