

# CHESHIRE EAST COUNCIL

## REPORT TO: Children and Families Scrutiny Committee

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<b>Date of Meeting:</b>	9 October 2012
<b>Report of:</b>	Lorraine Butcher, Strategic Director – Children, Families and Adults
<b>Subject/Title</b>	Consultation on the Proposed School Organisation Framework 2012

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### 1.0 Report Summary

- 1.1 The attached draft School Organisation Framework sets out the Local Authority's process for ensuring the provision of sufficient school places for children and young people resident in its area.
- 1.2 The overarching Plan provides contextual data about Cheshire East and the policy within which decisions on school organisation matters will be made.
- 1.3 Using January School Census data and forecasting methodology, the Annex provides an analysis of the supply of and demand for school places to inform school place planning across the seven Local Area Partnerships. The Annex will be produced each year using School Census Data and reviewed biannually each year to measure its reliability.

### 2.0 Recommendation

- 2.1 The draft Framework within which School Organisation will operate was approved for consultation by Councillor Gaddum, Portfolio Holder on 23 July 2012. Consultation commenced on 21 September and will end after a four week period on 19 October. The Children and Families Scrutiny committee are therefore invited to feedback their views on the Framework during this consultation window before a final decision is taken on its determination on 10 December. Full details are published on the home page of the Council's website.

### 3.0 Reason for recommendations

- 3.1 The Local Authority has a statutory duty, as strategic commissioner of schools places, to work within the legal requirements in relation to school organisation. It is therefore essential that the key policy that underpins this role is agreed in order that the priorities of this Local Authority inform its school organisation process. Feedback on process and proposed policy from the Children and Families Scrutiny Committee is a valued part of the consultation and determination process.

#### **4.0 Wards Affected**

4.1 All.

#### **5.0 Local Ward Members**

5.1 N/A.

#### **6.0 Policy Implications**

6.1 This School Organisation Framework will set the context and policy on school organisation matters and this will drive the capital programme in relation to the funding of school places.

6.2 An Equality Impact Assessment is attached.

#### **7.0 Financial Implications**

7.1 The Local Authority's Capital Programme provides the framework within which Capital spending decisions within the Department will be made.

7.2 The Framework will inform and incorporate the strategic capital investment priorities of the Department. These priorities are reviewed each year. The Framework will also inform and incorporate elements of the Section 106 Department Policy. The aim is to maximise all legitimate developer contributions. Therefore, the School Organisation Plan will need to accurately reflect the current surplus school places and illustrate the need for places both across the Borough and by identifying areas requiring particular focus.

7.3 In developing the Capital Programme the Council will seek to maintain where possible the principle that the school requirements are funded by grants provided specifically for schools, which has traditionally been funded by a Basic Need Grant from the Department for Education.

#### **8.0 Legal Implications**

8.1 The Education Act 1996 obliges the Local Authority to ensure that there are sufficient school places in its area by:

- (a) monitoring the number of children that are likely to require a school place, now and in the future; and
- (b) commissioning sufficient school places for those children.

8.2 In order to meet this statutory duty, the Local Authority must increase and decrease the number of school places available by complying with the relevant school organisation legislation, such as the Education and Inspections Act 2006, as amended, and the School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2007, as amended, and having regard to the guidance published by the Department for Education.

- 8.3 Local authorities that fail to comply with the law are in breach of their statutory duty and risk interested parties bringing legal proceedings against them in the High Courts. This can result in a local authority's decision being placed on hold or overturned, which could harm its ability to ensure the availability of sufficient places, its reputation and, if it is obliged to pay excessive legal and other costs, its finances.
- 8.4 It is therefore essential that the Local Authority has procedures that demonstrate why it has come to a particular decision and that facilitate compliance with the law. However, it is also important that any such policy is sound, as once the policy is in place, the Local Authority is expected to comply with the policy and its decisions can be challenged if the policy has not been followed.

## **9.0 Risk Management**

- 9.1 The risk of not having an agreed Framework for the planning and provision of school places is that the Local Authority will fail to meet its statutory duty to commission sufficient school places for children and young people resident in its area.
- 9.2 There are a number of other risks as set out below:
- The Framework has been written at a time when Central Government policy has changed in relation to school organisation. The Framework will therefore need to be reviewed regularly and this is a time consuming activity;
  - Political endorsement of the Local Authority's priorities is necessary due to the potential challenges in relation to school organisation proposals and capital expenditure;
  - The Framework will be underpinned by the latest data and its interpretation and accuracy are crucial. The resources to undertake this are stretched and there are risks about ensuring we have sufficient interpretative analysis of the data;
  - Some schools will perceive the SOP as a threat in that it may highlight the need to effect challenge and change in some settings. To mitigate this, the Framework should be consulted upon for endorsement by Primary and Secondary Heads groups;
  - The Framework is not a statutory requirement and this will be the first of its kind for Cheshire East Council.
  - The Department for Education are currently consulting on changes to local funding formulas for implementation from 1<sup>st</sup> April 2013. There are strong indications that a National Funding Formula may be introduced from 2015/16. There are likely to be significant implications for funding on a school by school basis, which may impact on schools ability to provide surplus places. There are also likely to be reductions to levels of funding which may be held centrally by the Local Authority to provide additional support to schools to fund costs of additional places.

## **10.0 Background and Options**

- 10.1 The Framework is written at a time of rapidly changing legislative framework and educational landscape which has seen growth in the number of Academies and Free Schools. Central Government changes in relation to schools and education capital funding, schools admissions and Schools Funding Formula mean that the role of the Local Authority is changing. However, local authorities do still have a responsibility for commissioning sufficient school places for children and young people in its area.
- 10.2 The Framework is informed by a data set relating to the population of Cheshire East, which will inform proposals. This data will be the subject of a biannual review and audit.

## **11.0 Access to Information**

- 11.1 The consultation document published on the home page of the Council's website, which summarises the key policy proposals, is enclosed.
- 11.2 The School Organisation Framework includes:
- School Organisation Plan 2012 (Enclosed)
  - School Organisation Plan Appendices 1-16\*
  - Annex – Review of School Places (Enclosed)
  - Annex Appendices 1-5\*
  - Equality Impact Assessment (Enclosed)
- 11.3 \*Appendices are available by contacting the report author.

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