

CHESHIRE EAST COUNCIL

Cabinet Member for Children and Family Services

Date of Meeting: 4th February 2013
Report of: Lorraine Butcher, Strategic Director Children, Families and Adults
Subject/Title: Proposed Expansion of Wheelock Primary
Portfolio Holder: Councillor Rachel Bailey

1.0 Report Summary

- 1.1 As the Strategic Commissioner of School Places, Cheshire East Council has a statutory duty to commission sufficient school places for children resident in its area.
- 1.2 This decision paper reports on the outcome of statutory consultation and seeks permission to publish a statutory notice detailing the proposed expansion of Wheelock Primary School, Sandbach increasing the school from 210 to 315 pupil places with a revised implementation date of September 2014.
- 1.3 Pupil forecasts indicate a shortfall in the number of primary school places due to changing populations and increasing demand in some areas of the Borough resulting in a forecast of only 8 spaces across all year groups and all primary schools by 2017. For the Sandbach area, forecasts indicate a shortfall of 144 places for the same period across the six Sandbach primary schools and 151 shortfall including the 2 primary schools in nearby Haslington.

| | Unused (Surplus) Places (January 2012 School Census Forecasts) | | | | | | | | | |
|-----------------------------------------------|----------------------------------------------------------------|----|-------|-----|-------|-----|-------|-----|-------|-----|
| | 13/14 | | 14/15 | | 15/16 | | 16/17 | | 17/18 | |
| Sandbach (8 Schools inc Haslington) | 31 | 2% | -28 | -1% | -68 | -4% | -119 | -6% | -151 | -8% |
| Sandbach (6 schools) | 4 | 0% | -52 | -4% | -79 | -6% | -119 | -9% | -144 | - |
| All CE Primary Schools | 1121 | 4% | 752 | 3% | 452 | 2% | 208 | 1% | 8 | 0% |

- 1.4 In response to these pupil forecasts a review of provision has been undertaken. This has resulted in a proposal to increase the capacity at Wheelock Primary from 210 to 315 pupil places to meet the increasing demand in this area and to ensure a 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.

2.0 Recommendation

- 2.1 That the Cabinet Member for Children and Families Services authorises the publication of statutory notices detailing the Local Authority's proposed expansion of:

Wheelock Primary School from the 210 to 315 school places providing an additional 105 school places with implementation from September 2014.

3.0 Background

- 3.1 Permission to consult on the proposal to expand Wheelock Primary School was granted at the Portfolio Holder meeting of **15 October 2012** and all feedback received was collated for consideration by the Cabinet Member for Children and Families Services on 3 December.
- 3.2 On **3 December**, it was resolved that the decision on the publication of statutory notices be deferred until 17 December to allow more time for consideration of the large number of responses that were received at the end of the consultation period and to allow more time to consider the rationale for the proposal and the objections received from nearby schools. The minutes of the meeting state *'that the Cabinet Member for Children and Family Services defers a decision on **Wheelock Primary School** for up to two weeks to enable further consideration to be given to additional information and comments received during the consultation period'*.
- 3.3 On **17 December**, having considered the outcome of consultation, the Council's Cabinet Member requested that further consideration be given to the alternative solutions proposed by representatives of the Sandbach and Haslington primary schools. The minutes of this meeting state *'that the Cabinet Member for Children and Family Services defers a decision on the request to publish a statutory notice detailing the proposed expansion of Wheelock Primary School in order to allow a further two weeks' consultation on possible alternative solutions to the increasing demand for places in the Sandbach area'*. A copy of the report of 17 December and its appendices, including the outcome of the statutory consultation exercise is available on the Council's website at www.cheshireeast.gov.uk
- 3.4 On **14 January** a meeting arranged by officers to discuss alternative solutions to the forecast shortfall in capacity was attended by headteachers and governors from the 8 primary schools. (Attendees are listed as **Appendix 1**) The meeting began with a presentation setting out the rationale for the proposed expansion of Wheelock Primary School, together with information about future plans which, if approved, would address the shortfall in capacity in the area on a phased basis. It was stressed at the meeting that the longer term strategy was conditional on a number of factors, namely sufficient capital funding, housing developments and delivery of these, annually revised pupil forecasts and the outcomes of statutory and locally agreed procedures for delivering change. It was therefore explained that whilst these changes had

been shared at the meeting as possible solutions to the increasing demand for primary school places in the area, they could not be guaranteed.

- 3.5 Questions were raised about the delay in sharing this information, which included the potential enlargement in the future of other schools in the area. Attendees commented that seeing a longer term view was reassuring and more helpful. It was explained that at the time the draft strategy had been drawn up, pupil forecasts were being reviewed and therefore the full extent of future demand was uncertain. In addition, uncertainty about future budgets for capital projects was unclear and potential housing developments were not in the public domain. It was, however, clarified that at earlier meetings the need for further changes was necessary to address the significant shortfall of 144 pupil places by 2017. Following this meeting, written feedback from the Headteacher of Sandbach Community Primary Headteacher was received and this is attached as **Appendix 2**). Any further information received will be presented orally on 4 February.
- 3.6 At the meeting it was acknowledged by attendees that there is a need to provide additional accommodation due to increasing demand in the area. It was also acknowledged that there were 2 potential solutions to address the immediate shortfall. These include the current proposal to expand Wheelock Primary and an alternative option of expanding Offley Primary from 315 to 420 places. Both of these solutions are subject to the necessary internal approvals and implementation of statutory procedures.
- 3.7 Concerns raised previously about the potential detriment to nearby schools due to possible 'in year' movement to Wheelock were repeated. The phasing in of the proposed additional capacity at the normal point of entry to the school was therefore welcomed. The admission number applies to the normal point of entry to school (the reception class) and therefore the proposed increase of 15 places per year would need to be phased in as further admission into other year groups could be prejudicial due to insufficient staffing and higher pupil teacher ratios. Both of these options would therefore provide an additional 105 pupil places phased in each year up to 2018 when the school would operate at its full capacity, subject to demand for places. Both of these options nevertheless present the same risk of potentially facilitating 'in year' movement into other year groups during the interim years (**Appendix 3**) influenced by additional capacity overall and class organisation structures, together with the right of parents and carers to challenge admission decisions at appeal. For both schools, additional pupils can be accommodated for September 2013 utilising existing accommodation as an interim short term measure but both schools would require expansion to accommodate further admissions as they progress through the school.
- 3.8 In addition to the above meeting, a 'drop in' session was held in Sandbach on **15 January**. Schools were notified that anyone with an interest could attend between 14:00 and 16:30 or 17:30 and 19:30 to meet with officers to discuss the Wheelock proposal and provide feedback, which would then be presented at the Portfolio Holder meeting on 4 February. Letters were issued to the schools for distribution to parents and carers of children on roll and parents and carers of children due to start school in September 2013 were sent letters to

their homes by the Local Authority. The meeting was attended by 45 people with an interest in the proposal. A breakdown of attendees and the views expressed are shown in the table below indicating that the majority of the feedback from representatives of Wheelock Primary is in support of the proposal and the majority of the representatives of Offley Primary oppose the proposal. The number of parents/carers at the 'drop in' session who have children who will be taking up reception class places in future years and therefore potentially affected by the forecast shortfall in capacity in the Sandbach area was low with only 5 in total. Of these 4 expressed support for the proposal and 1 expressed no view. Details of the comments recorded at the session are attached as **Appendix 4**.

| Attendee | Support | Do Not Support | No View | Total |
|-----------------------------------------------------------------------------|-----------|----------------|----------|-----------|
| Wheelock Parent/Carer/School Representative/Future Applicant/local resident | 14 | 6 | 2 | 22 |
| Offley Parent/Carer/School Representative | 0 | 20 | 2 | 22 |
| St John's CE Parent | 0 | 1 | 0 | 1 |
| Total | 14 | 27 | 4 | 45 |

- 3.9 Concerns were raised at the meeting about a related transport proposal to remove the hazardous route classification of the journey from Ettiley Heath to Wheelock Primary. Comments were made that without transport assistance there could be a detrimental effect on the safety at the school due to increased traffic at the beginning and end of the school day in spite of this proposal. Challenges were made that the route is hazardous and that the transport proposal needed to be reviewed.
- 3.10 When formulating options consideration has been given to the Government presumption in favour of the expansion of popular and successful schools. This school achieved Outstanding Ofsted status in 2011 and demand has exceeded the number of available places since at least 2010. The growing number of first choices for this school, together with the high number of pupils resident in the school's catchment area, are shown in the table below.

| School Name | PAN (Places) | 1st Preferences | | Catchment Area | |
|--------------------|--------------|-----------------|------|----------------|------|
| | 2013 | 2012 | 2013 | 2012 | 2013 |
| Elworth CE | 40 | 60 | 49 | 39 | 31 |
| Elworth Hall | 30 | 22 | 10 | 25 | 21 |
| Offley | 45 | 47 | 52 | 52 | 51 |
| Sandbach Community | 15 | 18 | 8 | 36 | 41 |

| | | | | | |
|------------------|------------|------------|------------|------------|------------|
| St John's C of E | 25 | 20 | 23 | 8 | 12 |
| Wheelock | 30 | 45 | 50 | 61 | 51 |
| Total | 185 | 212 | 192 | 221 | 207 |

4.0 Reasons for Recommendations

- 4.1 This request has taken into account feedback received during the extended consultation period. In making this recommendation, full consideration has been given to the responses received from key stakeholders during the extended consultation period. Whilst there has been strength of objection to the proposal on the grounds that the expansion of Offley Primary School is preferable, the recommendation remains that Wheelock Primary should be allowed to expand to provide more places at this successful school for local families and to redress the discrepancy in the number of available places and the increasing number of children resident in the area normally served by the school. This, together with a consistent demand from parents and carers above the school's current capacity at the normal point of entry to the school, makes this the preferred option. Officers have shared plans about the long term strategy for the area and if deliverable (see paragraph 3.4 and 3.5 above), this could see an increase in the number of places at Offley in the future to address the current forecast shortfall across Sandbach of 196 places by 2017. It should be noted that the proposed implementation date is now September 2014.
- 4.2 How statutory consultation is carried out is not prescribed in regulations and it is therefore for the Local Authority as the proposer to determine the nature of the consultation. The consultation period spanned 5 weeks in the first instance and subsequent decisions have extended the consultation period to facilitate further discussion with schools in the area on alternative solutions.
- 4.3 The Headteacher and Governors of Wheelock Primary have been consulted and fully support the proposed expansion of the school to accommodate the growing population and increasing demand for school places in their area. (Extract of Governing Body minutes attached as **Appendix 5**)

5.0 Wards Affected

- 5.1 **Wheelock Primary School** is situated in Sandbach Ettiley Heath and Wheelock Ward. However consultation was undertaken with neighbouring wards:-

Brereton Rural
Sandbach Elworth
Sandbach Town
Sandbach Ettiley Heath and Wheelock
Sandbach Heath and East
Haslington

6.0 Local Ward Members

John Wray – Brereton Rural
Gill Merry – Sandbach Elworth
Barry Moran – Sandbach Town
Gail Wait – Sandbach Ettley Heath & East
Sam Corcoran – Sandbach Heath & East
David Marren – Haslington
John Hammond – Haslington.

7.0 Financial Implications (Authorised by the Director of Finance and Business Services)

- 7.1 The proposed expansion is part of an approved block budget (grant) set aside for Basic Need. The block budget was formally approved at Council on 23 February 2012.
- 7.2 The building work would be funded from the Council's 2012/2013 Capital Programme for Basic Needs. The capital investments required are estimated at £1,608,758.

8.0 Legal Implications (Authorised by the Borough Solicitor)

- 8.1 As the additional accommodation proposed for Wheelock Primary would increase the capacity of the school by more than 30 pupils and by more than 25% the proposed enlargement is subject to statutory proposals.
- 8.2 In bringing forward proposals to expand a school, the Local Authority must comply with statutory requirements as set out in The Education and Inspections Act 2006 (EIA 2006) and The School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2007 (as amended by The School Organisation and Governance (Amendment)(England) Regulations 2007 which came into force on 21 January 2008 and The School Organisation and Governance (Amendment)(England) Regulations 2009 which came into force on 1 September 2009).
- 8.3 The 5 statutory stages to a statutory proposal to expand a school are:-
1. Consultation
 2. Publication
 3. Representation
 4. Decision
 5. Implementation.

8.4 Proposed timescales for the statutory process are:

| | |
|-------------------------------------|-----------------------------------------------------------------------------|
| 15 October 2012 | Portfolio Holder's Decision to formally consult on expansion |
| 22 October 2012 | 5 day call in period |
| 22 October 2012 to 23 November 2012 | 5 weeks Consultation Period |
| 4 February 2013 | Portfolio Holder's Decision on publishing a proposal in a statutory notice. |
| 11 February 2013 | 5 day call in period |
| | |
| 22 February 2013 to 22 March 2013 | Proposed Representation Period (4 weeks statutory) |
| TBC | School Organisation Sub Committee |
| TBC | 5 day call in period |
| TBC | Implementation |
| September 2014 | Proposed Implementation Date |

- 8.5 In deciding whether or not to give permission to publish proposals it is a requirement both under guidance and case law that the decision maker should consider the views expressed during the consultation and take into account the Equality Impact Assessment (EIA). It is therefore imperative that full details of all views received during the consultation period are available at the meeting on 4 February 2013. In taking the decision the Cabinet Member should also be satisfied that the Equality Impact Assessment has adequately taken account of any further submissions or views submitted during the consultation period. (EIA is attached as **Appendix 6** to this report).
- 8.6 If the decision is taken to publish proposals, a representation period will follow which must be of 4 weeks duration and cannot be altered. This allows comments on the proposals to be made by any person, which can be objections as well as expressions of support for the proposals. This period is the final opportunity for people and organisations to express their views about the proposals and ensure that they will be taken into account when the decision is finally being made.
- 8.7 Where capital funding is required for a proposal, guidance states that the decision maker must be satisfied that that funding is available before any proposals are published.
- 8.8 Following publication of the proposals and the subsequent statutory representation period, the final decision on whether the published proposals will be implemented will normally be taken by Cabinet. In making its decision, Cabinet will have to be satisfied that all statutory requirements including statutory consultation and statutory guidance have been complied with. The legislation provides further detailed statutory advice on what factors the decision maker must take into account in reaching a final decision, which information will be contained in the final report to Cabinet.

- 8.9 Where the Council receives objections to a statutory proposal, the final decision will be determined by the School Organisation Sub Committee.

9.0 Risk Management

- 9.1 Disruption to pupils, staff and the community must be kept a minimum during the reorganisation period and any subsequent building programme. This is to ensure that standards continue to improve.
- 9.2 The proposed expansion was identified to address a basic need in Sandbach. This is in order to ensure that the Authority meets its statutory duty to provide sufficient school places in this area.
- 9.3 The extended consultation period has impacted on the intended implementation date of September 2013 and therefore further interim measures will be necessary for admission in 2013 to ensure that there is no child without a school place within a reasonable distance from the home address.
- 9.4 Implementation of this proposal will be subject to the necessary planning permissions.

10.0 Access to Information

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

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