

CHESHIRE EAST COUNCIL

Portfolio Holder for Children and Family Services

Date of Meeting: 1 July 2013
Report of: Tony Crane, Director of Children's Services
Subject/Title: Proposed School Expansions - Wilmslow
Portfolio Holder: Councillor Rachel Bailey

1.0 Report Summary

- 1.1 This Decision Paper reports on the outcome of consultation and requests approval to issue public notices of the proposed expansions of **Wilmslow Grange Community Primary and Nursery School, Handforth** - from 210 to 315 pupil places and **Dean Oaks Primary, Wilmslow** - from 315 to 420 pupil places with a planned completion date of September 2014.
- 1.2 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.
- 1.3 The latest pupil forecasts indicate that there will be a shortfall of 227 pupil places across all schools in the Wilmslow area by 2018.

Wilmslow Area	Number on Roll (NOR) Jan 13	Capacity -Number of Pupil Places	Academic Year					
			13/14	14/15	15/16	16/17	17/18	18/19
Forecast NOR	2424	2498	2511	2562	2607	2661	2692	2725
Forecast Shortfall Places without the 4% operational surplus			-13	-64	-109	-163	-194	-227
Forecast Shortfall Places including a 4% operational surplus			-113	-164	-209	-263	-294	-327

- 1.4 These forecasts exclude the Local Authority's preferred target of around 4% '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. To meet this target, current forecasts (October 2012 School Census) indicate the need for 327 pupil places by 2018.
- 1.5 In addition to the proposals set out in paragraph 1.1 above, feedback was invited during consultation on the Council's proposal to fund additional school places at **Lacey Green Primary School Academy**. Whilst the Local Authority cannot propose the expansion of an Academy, it does have a strategic duty to

ensure that it has sufficient school places for children resident in its area. When addressing any identified basic need it must take into account all publicly funded schools in its area, which includes Academies. Basic need is defined as the excess of forecast demand for pupil places over the existing schools capacity to provide them. The expansion of Lacey Green Primary Academy is subject to Secretary of State approval to amend the funding agreement. The Academy will therefore need to submit a business case to the Education Funding Agency, including outcomes of consultation with key stakeholders, to seek this approval.

2.0 Decision Requested

2.1 Permission to authorise the publication of statutory notices detailing the Local Authority's proposed expansion of:

- **Wilmslow Grange Community Primary and Nursery School, Handforth** - from 210 to 315 pupil places;
- **Dean Oaks Primary, Wilmslow** - from 315 to 420 pupil places;

2.2 To agree, in principle, the proposed expansion of Lacey Green Primary Academy. As stated at paragraph 1.5 above, the expansion of Lacey Green Primary Academy is subject to approval by the Secretary of State of the necessary amendment to the Academy's funding agreement.

3.0 Reasons for Recommendations

3.1 At the Portfolio Holder decision meeting of 22 April, data was presented setting out the rationale for change for the Wilmslow area and the positive impact of three school expansion proposals on the current shortfall in capacity in this area. The three schools include Wilmslow Grange Community Primary School (30 to 45 intake), Dean Oaks Primary School (45 to 60 intake) and Lacey Green Primary School Academy (45 to 60 intake).

3.2 The proposed expansions, if approved, would provide an additional 330 places (all year groups) for the Wilmslow area. This would provide a total of 2828 primary school places overall (2498+330) This additional capacity would mainly be phased in at the normal point of entry to school allowing the current reception admission to increase from 360 pupil places to 405 pupil places (+45) and therefore more in line with current demand.

October 2012 School Census Forecasts – all year groups	14/15	15/16	16/17	17/18	18/19
Wilmslow additional capacity phased in (45 pupil places per year)	45	90	135	180	225
Forecast Shortfall Places without the 4% operational surplus	-64	-109	-163	-194	-227
Net effect	-19	-19	-28	-14	-2

- 3.3 Admissions into other year groups will be necessary in some cases to provide some operational surplus in other year groups from 2014. The table below indicates the proposed increased capacity rising to 2828 pupil places and the number of unused places based on current forecasts falling year on year to only 3.6% by 2018.

Wilmslow Area	Number on Roll (NOR) Jan 13	Proposed Capacity -Number of Pupil Places	Academic Year					
			13/14	14/15	15/16	16/17	17/18	18/19
Forecast NOR	2424	2828	N/A	2562	2607	2661	2692	2725
Unused places			N/A	266	221	167	136	103
% unused places			N/A	9.4%	7.8%	5.9%	4.8%	3.6%

- 3.4 It is therefore recommended that the local demand for places and current forecasts justify the expansion of these three primary schools to provide the additional school places required and to provide a level of operational surplus, where necessary, to accommodate reasonable journey times to school, allow some degree of parental choice and to provide flexibility to allow for mid-year entrants.
- 3.5 These proposals have the full support of the headteachers and governing bodies of the three schools.
- 3.6 Prior to formal statutory consultation, the Local Authority held meetings with the Wilmslow Education Partnership to consult informally on options for change. These meetings were attended by headteachers or their representatives from the local primary schools. The purpose of these meetings was to provide information on the pupil place planning process, specific information about basic need requirements for the Wilmslow area, potential housing development and to provide a forum for discussion. The Local Authority notes taken at these meetings, which include comments and feedback received from attendees, are attached as **Appendix 1**.
- 3.7 Statutory consultation was authorised at the meeting of 22 April for implementation between 30 April and 4 June, the outcome of which is presented in this report. In making this recommendation, full consideration has been given to the responses received from key stakeholders during the pre statutory and statutory consultation period.
- 3.8 How statutory consultation is carried out is not prescribed in regulations and it is therefore for the Local Authority to determine the manner of the consultation. On this occasion the consultation period spanned 5 weeks from 30 April to 4 June. In order to facilitate feedback on the proposal, formal

consultation documents were produced detailing the background and rationale for the proposed expansions and explaining the statutory consultation process. Information on how feedback could be provided was included, together with a feedback form, which was published online on the Council's website and which was available in hard copy on request. **(Appendix 2)**

- 3.9 Letters were emailed to all primary schools for distribution to parents and carers of children on roll at the schools. Letters were sent direct to parent and carers of children held on file due to start school in September 2013. Emails were sent to all other consultees with links to the website where full details could be obtained. Contact details were provided to facilitate requests for more information or assistance with this process. Consultees include local parents and carers, representatives of nearby schools, Ward Members, MPs, the Diocese, Parish Councils and Trade Unions and the neighbouring local authorities of Manchester City, Trafford and Stockport councils. In accordance with its statutory duty under Section 176 of the Education Act 2002, the Local Authority has invited feedback on the proposed changes from pupils at the schools. A list of all consultees is attached as **Appendix 3**
- 3.10 During the formal consultation period 31 responses were received in total. 30 respondents submitted their views on the three primary school expansion proposals, as set out in the table below and, in addition, Nether Alderley Parish Council considered the proposals at its meeting of 16 May and has confirmed that it has no objections.

Expansion Proposal	Responses				
	Support	Do Not Support	No View	Not Stated	Total Respondents
Wilmslow Grange	15	5	4	6	30
Dean Oaks	15	9	3	3	30
Lacey Green Primary Academy	11	9	4	6	30

- 3.11 The 31 respondents (including the Nether Alderley Parish Council response) are made up of key stakeholders as follows:

Parish Council	Governors	parent and governor	parent/ carer	parent/ staff	Staff	pupil	Resident/ unknown	Total
1	7	2	10	1	5	1	4	31

- 3.12 Full details of the responses received during consultation are attached as **Appendix 4.**
- 3.13 For Wilmslow Grange, more respondents demonstrated support for the proposal than opposed it. A further 10 respondents expressed neither support nor opposition to the expansion. The comments received in support included recognition of the need for more school places linked to the growing

population and also the Town Plan and potential new housing in the area. Some concern was raised in opposition that an increase in the size of Wilmslow Grange Primary School would lead to increased traffic in the area. Officers can confirm that, in the event that a final decision is taken to expand the school, planning permission would be required and such matters are considered as part of this process.

- 3.14 As stated in paragraph 3.9 above, the Local Authority invited feedback on the proposed changes from pupils at the school. The school consulted its pupils and recorded comments, which are attached as **Appendix 5**. A number of comments were received and these included positive views about the school having more children to make friends with and new teachers and new resources. Negative comments were about the potential for noise during building works, a smaller playground and the size of the hall. The building works will be managed through close liaison with the school. This will involve the school being kept informed of potentially noisy works and mitigating any effects on pupils education. Changes to existing hard standing will be assessed to ensure that any impact is mitigated. With regard to the hall, the DFE school design guidance in Building Bulletin 99 shows that, for a 1.5 form of entry primary school, there should ideally be a school hall of 150 m². The school hall is 152 m².
- 3.15 Dean Oaks Primary School also received more responses supporting the proposal than were in opposition. Some concern was raised about the former Cheshire County Council's review of school places, which sought to address a significant surplus of school places between 2004 and 2009 through school amalgamations and closures. As part of this review Oaklands Infants & Dean Row Junior School were amalgamated to create Dean Oaks Primary School in 2007 with a reduced intake to 1.5 forms of entry. Comments also included concern about reducing playing field provision and the impact of larger schools on children's education. The proposal is to locate the extension to the southwest of the Infant's wing. This would sit on the existing parent assembly areas, which would have to be replaced. Existing playground areas would therefore be unaffected. In support, comments suggest that returning to a 2 form of entry primary school with single aged classes would be beneficial for the school and that expansions in the Wilmslow area would benefit Wilmslow and Handforth due to its growing population.
- 3.16 Consultation with 220 pupils involved discussion about the proposed expansion with the School Council and with pupils in year 2 and above. The school have reported that the response was positive with 90% of those consulted supporting the expansion. The remaining 10% had expressed concern regarding potential loss of play area and the size of the school hall and concern about how this could impact on lunch times. Details are attached as **Appendix 6**. The Local Authority can confirm that playground areas will be unaffected and that the recommended hall size for a 2 form of entry primary school is 150 m² and that the hall at this school exceeds this at 165 m²
- 3.17 In addition to the general comments received about the three proposals only 1 respondent commented specifically about the preference for expanding Lacey Green Primary stating that the proposed expansion of all three schools will

impose burdens on their localities in terms of increased traffic and parking problems and their impact on school playing fields provision, which was considered to be an ongoing issue at this primary school. Officers can confirm that increased traffic congestion concerns are matters that are considered at the planning application stage, which is a separate process to the school organisation procedures set out within this report and that; in advance of any decision on this proposal to agree in principle the expansion of the Academy to address basic need in Wilmslow, planning permission has been sought by the Academy Trust and this was approved on 23 May 2013. A section 77 application to the Department for Education is required for a change of use of land designated as playing fields before a planning application can be implemented.

- 3.18 As general comments on the Wilmslow area, 8 of the 30 respondents commented about the accommodation at St Benedict's Catholic Primary School and the potential for expansion on this site, the increasing demand for faith education and suitability issues at the school. As stated at paragraph 3.6 above, informal consultation with local schools was undertaken prior to the implementation of statutory consultation on the 3 proposals. In addition officers have since attended a meeting at St Benedict's attended by representatives of the school and the Catholic Diocese regarding their own concerns about the suitability of their accommodation and basic need in the area. It has been agreed that further analysis of these issues will be undertaken.

4.0 Wards Affected

- 4.1 Wilmslow Grange Community Primary and Nursery School is situated in Handforth Ward. Dean Oaks Primary is situated in Wilmslow East Ward and Lacey Green Primary Academy is situated in Wilmslow Lacey Green Ward. However, consultation was undertaken with all neighbouring wards:-

Alderley Edge
Handforth
Wilmslow Dean Row
Wilmslow East
Wilmslow Lacey Green
Wilmslow West & Chorley

Local Ward Members

Cllr Frank Keegan – Alderley Edge
Cllr Barry Burkhill - Handforth
Cllr Dennis Mahon – Handforth
Cllr Paul Whiteley – Wilmslow Dean Row
Cllr Ron Menlove – Wilmslow East
Cllr Don Stockton – Wilmslow Lacey Green
Cllr Gary Barton – Wilmslow West and Chorley
Cllr Wesley Fitzgerald – Wilmslow West and Chorley

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

5.1 A block budget (grant) has been approved to fund schemes identified as Basic Need. This block budget was formally approved at Council on 28 February 2013.

5.2 The building works necessary for the Wilmslow proposals would be funded from the Council's 2013/2014 Capital Programme and investments required for each school are estimated at:

- Wilmslow Grange Community Primary £887,000
- Dean Oaks Primary £929,000
- Lacey Green Primary Academy £1,237,000

5.3 The funding approved by the Council includes £887,000 for the proposed expansion of Wilmslow Grange named as a scheme in the 2013-2014 budget book and £1,237,000 set aside as a block allocation to fund one of two options - Dean Oaks Primary or Lacey Green Primary Academy.

5.4 The implementation of Dean Oaks and Lacey Green is therefore subject to Council approval to fund, if necessary, the additional investment estimated at £929K. The level of additional funding will be determined by the outcome of the bid for Targeted Basic Need funding, as set out in option 2 below. The funding streams available are therefore:

- **Option 1** - Reallocated funds from the Children, Families and Adults 2013-2014 Capital Programme. This is subject to internal approvals
- **Option 2** – Department for Education Funding - 'Targeted Basic Need'- The Local Authority has submitted a bid for Capital investment in Lacey Green Primary Academy from the Targeted Basic Need programme implemented by the Department for Education. This programme is to provide additional support to local authorities experiencing the greatest pressure on places to expand good and outstanding schools with high levels of demand. The target date for decisions on bids is June 2013.

5.5 The internal approval process for securing the necessary funding to expand Dean Oaks and Lacey Green Primary Academy is set out below:

- 30 May - Technical Enabling Group (TEG)¹
- 21 June - Executive Management Board (EMB)²
- 24 June - Cabinet Approval
- 17 October - Full Council (over £1Million)

¹ Provides specialist guidance and supports the EMB by undertaking financial analysis and assessing the technical feasibility of proposed projects.

² The role of the EMB is to endorse, by way of review and challenge, all major Projects and Programmes (Capital and Revenue) either managed solely by Cheshire East or in partnership with other organisations.

- 5.6 Where proposals require capital resources for their implementation the funding for the proposals should be in place when the proposals are decided. Where proposers require capital funding to implement their proposals, they should secure this before publishing proposals. This report will be updated for the Portfolio Holder meeting of 2 July 2013 to confirm if approval has been given on 24 June to fund the proposed expansions of Dean Oaks Primary School and Lacey Green Primary School. It should be noted that for the Lacey Green proposal, final approval will be subject to Full Council approval on 17 October.
- 5.7 The Decision of the 17 October will be confirmed to the Academy Trust after that date in order that the process for securing Secretary of State approval to change the Funding Agreement can be implemented, if appropriate, by the Academy Trust in line with guidance issued by the Education Funding Agency.

6.0 Legal Implications (Authorised by the Borough Solicitor)

- 6.1 Statutory consultation is required for all of the proposals as the changes, if approved, will fall within the category of a significant enlargement, with capacity increasing by more than 30 pupils and more than 25% of existing capacity.
- 6.2 The next stage in the statutory process involves the publication of notices and subsequent 4-weeks representation period. 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).
- 6.3 The 5 statutory stages to expanding a school are:-
1. Consultation
 2. Publication
 3. Representation
 4. Decision
 5. Implementation.

Proposed timescales for the statutory process are:

22 April 2013	Portfolio Holder's Decision on consultation
30 April 2013 to 4 June 2013	Consultation Period (if approved)
1 July 2013	Portfolio Holder's Decision on Public Notices
18 July to 15 August 2013	Representation Period (if approved) 4 weeks
16 September 2013	Cabinet Decision
24 September 2013	Implementation
September 2014	Proposed Completion date

- 6.4 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 (**Appendix 7**). It is therefore imperative that full details of all views received during the consultation period are available at the meeting on 1 July 2013. In taking the decision the Portfolio Holder should also be satisfied that the Equality Impact Assessment has adequately taken account of any further submissions or views submitted during the consultation period.
- 6.5 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.
- 6.6 Where proposals require capital resources for their implementation the funding for the proposals should be in place when the proposals are decided. Where proposers require capital funding to implement their proposals, they should secure this before publishing proposals.
- 6.7 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.
- 6.8 In the event that the Council receives objections to any of the statutory proposals, the final decision on those particular proposals will be determined by the School Organisation Sub Committee. If there are no objections to statutory proposals, those proposals will be determined by Cabinet.
- 6.9 The Local Authority cannot propose the expansion of an Academy, which is a publicly funded independent school. The expansion of Lacey Green Primary Academy is therefore subject to Secretary of State approval to amend the funding agreement. The Academy will need to submit a business case to the Education Funding Agency, including outcomes of consultation with key stakeholders, to seek this approval.

7.0 Risk Management

- 7.1 Disruption to pupils, staff and the community must be kept a minimum during whilst statutory school organisation procedures are being implemented and during any subsequent building programme.

- 7.2 The proposed expansions of Wilmslow Grange Community Primary and Nursery, Dean Oaks Primary and Lacey Green Primary Academy were identified to address a Basic Need in the Wilmslow area. This is in order to ensure that the Authority meets its statutory duty to provide sufficient school places in this area. In order to complete these scheme by September 2014 the construction phase would need to commence by September 2013. There is therefore a key risk resulting from the very tight timetable leading up to this.
- 7.3 Implementation of the Wilmslow Grange Community Primary and Nursery and Dean Oaks Primary School proposals will be subject to the necessary planning permissions.

8.0 Access to Information

Appendices (1-7)

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

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