

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 – Ash Grove Primary School, Macclesfield
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 a public notice of the proposed expansion of Ash Grove Primary and Nursery from 105 to 210 pupil places with a planned implementation date of September 2014
- 1.2 The proposal to expand Ash Grove Primary and Nursery and return it to a one form of entry (210 pupil place) primary school is to address the school's growing popularity and increasing demand for places from the school's local community.
- 1.3 This proposal has the full support of the headteacher and governing body.
- 1.4 Permission to consult on this proposal was requested and granted at the 22 April Portfolio Holder meeting and was undertaken between 30 April and 4 June. In making this recommendation full consideration has been given to the responses from key stakeholders during the pre-statutory and statutory consultation period.

2.0 Decision Requested

- 2.1 That the Portfolio Holder for Children and Families Services authorises the publication of statutory notices detailing the Local Authority's proposed expansion of:
 - **Ash Grove Primary School and Nursery, Macclesfield** – from 105 to 210 pupil places for completion by September 2014.

3.0 Reasons for Recommendations

- 3.1 The rationale for the proposed expansion of Ash Grove Primary School is set out within the consultation document attached as **Appendix 1**.
- 3.2 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**)

- 3.3 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 who are 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. A list of all consultees is attached as **Appendix 3**.
- 3.4 In addition to consultation with key stakeholders as listed at paragraph 3.3 above, the Local Authority has held meetings with the Macclesfield and Bollington Primary School Partnership prior to formal consultation. 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 Macclesfield area, potential housing development and to facilitate discussion on options for change. The option of expanding Ash Grove was supported at this meeting. The Local Authority notes taken at these meetings, which include comments and feedback received from attendees, are attached as **Appendix 4**.
- 3.5 The Headteacher and Governors have been consulted and fully support the proposed expansion of the school to a 1 form of entry primary school to accommodate the growing population and increasing demand for places at this outstanding school (Ofsted, March 2013).
- 3.6 Response to the statutory consultation period has been very low with only 1 response received by the closing date attached as **Appendix 5**. The response, which was submitted on behalf of the governing body of a neighbouring school, opposed the proposed expansion due to concern that the school would be doubling its capacity when other schools in the area had been refused an increase in their Published Admission Number. As stated at paragraph 1.2 above, this proposal is made to allow the school to return to its former capacity as a 1 form of entry primary school in response to growing demand from families resident in its local community.

4.0 Wards Affected

- 4.1 Ash Grove Primary School and Nursery is situated in Macclesfield South Ward. However, consultation was undertaken with all neighbouring wards:-

Broken Cross and Upton
Macclesfield Central
Macclesfield East

Macclesfield Hurdsfield.
Macclesfield South
Macclesfield and Tytherington
Macclesfield West and Ivy

Local Ward Members

Cllr Louise Brown - Broken Cross and Upton
Cllr Martin Hardy - Broken Cross and Upton
Cllr Ken Edwards - Macclesfield Central
Cllr Janet Jackson - Macclesfield Central
Cllr David Neilson - Macclesfield East
Cllr Damien Druce - Macclesfield South
Cllr Laura Jeuda - Macclesfield South
Cllr Brendan Murphy - Macclesfield Tytherington
Cllr Lloyd Roberts - Macclesfield Tytherington
Cllr Carolyn Andrew - Macclesfield West and Ivy
Cllr Alift Harewood - Macclesfield West and Ivy
Vacancy - Macclesfield Hurdsfield

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

- 5.1 The Ash Grove Primary School proposal is cost neutral.

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 6)** It is therefore imperative that full details of all views received during the consultation period are available at the meeting on 1 July. 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. For this proposal capital resources are not required.
- 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 the statutory proposal, the final decision will be made by the School Organisation Sub Committee. If there are no objections to statutory proposals, those proposals will be determined by Cabinet.

7.0 Risk Management

- 7.1 Disruption to pupils, staff and the community must be kept to a minimum whilst statutory school organisation procedures are being implemented.
- 7.2 The proposed expansion of Ash Grove Primary School and Nursery can be accommodated within the existing school premises and this will be managed by the school.

8.0 Access to Information

Appendices (1-6)

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

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