

CHESHIRE EAST COUNCIL

REPORT TO: PORTFOLIO HOLDER

Date of Meeting:	31 March 2014
Report of:	Tony Crane, Director of Children's Services
Subject/Title:	Proposed School Expansion – Offley Primary School, Sandbach
Portfolio Holder:	Councillor Rachel Bailey, Cabinet Member with Responsibility for Children and Family Services and Rural Affairs

1.0 Report Summary

- 1.0 This Decision Paper reports on the outcome of consultation and requests approval to issue a public notice of the proposed expansion of Offley Primary from 315 to 420 pupil places with a planned implementation date of September 2015
- 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 in accordance with Section 14 of the Education Act 1996.
- 1.2 The latest pupil forecasts indicate a shortfall in capacity in the Sandbach area of 258 pupil places by 2018, which the Local Authority is seeking to address by expanding existing schools. This forecast includes Haslington. For the 6 primary schools in Sandbach, the forecasts indicate a shortfall of 227 out of the 258 pupil places.
- 1.3 The October 2012 forecasts take into account the potential pupil yield from 2 new housing developments in Sandbach calculated at yielding 66 primary aged pupils by 2018. **Appendix 1** demonstrates the potential impact on current pupil forecasts of all approved outline planning or full planning applications which are estimated at yielding an additional 165 pupil yield (231 total) for this planning area, together with approved and possible school expansions identified to date to address future demand. This data was updated on 10 February to reflect the current status of planning applications and indications are that if all housing developments commence on site, further changes will be necessary to meet future demand.
- 1.4 This proposal has the full support of the headteacher and governing body.
- 1.5 Permission to consult on this proposal was given at the 2 December 2013 Portfolio Holder meeting and consultation was undertaken from 10 December 2013 to 21 January 2014. In making this recommendation full consideration has been given to the responses received during consultation.

2.0 Decision Requested

- 2.1 That the Cabinet Member for Children and Family Services and Rural Affairs authorises the publication of a statutory notice detailing the Local Authority's proposed expansion of **Offley Primary School, Sandbach** from 315 to 420 pupil places for implementation in September 2015.

3.0 Reasons for Recommendations

- 3.1 The rationale for the proposed expansion of Offley Primary School is set out in the consultation document attached as **(Appendix 2)**.
- 3.2 How 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 6 weeks from 10 December 2013 to 21 January 2014. 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 3)**.
- 3.3 Letters inviting feedback were emailed to all 6 Sandbach primaries and the 2 Haslington primary schools for distribution to parents and carers of children on their roll and to the two Sandbach high schools and primary schools in nearby Warrington and Macclesfield. Letters were sent direct to parents of children held on file who are due to start school in September 2014. Emails were sent to all other consultees providing links to the website where full details about the proposal could be obtained. Contact details were provided to facilitate requests for more information or assistance with this process. Consultees include local parents, representatives of nearby schools, ward members, MPs, the Diocese, parish councils and trade unions. 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 4)**.
- 3.4 Prior to formal statutory consultation, the Local Authority held informal consultation meetings with headteachers or their representatives of the primary schools in this planning area on 30 October 2012, 9 November 2012, 14 January 2013 and 25 September 2013. The purpose of these meetings was to provide information on the pupil place planning process, specific information about basic need requirements for the area, potential housing developments and to provide a forum for discussion about options for change.
- 3.5 The Headteacher and Governors of Offley Primary have been consulted and fully support the proposed expansion to a 2 form of entry primary school to accommodate the growing population and increasing demand for places at this "Good" school (Ofsted, March 2011).

- 3.6 The number of responses received during consultation has been low with only 36 in total, as set out in the table below:

Governor	Parent	Parent/ staff	Pupil	Resident/ unknown	Total
1	15	7	10	3	36

- 3.7 Of the 36 responses, 34 have returned comments supporting the proposal, believing it to be a positive proposal for the area and supporting the re-introduction of a 2 form of entry at Offley Primary School.

Expansion Proposal	Responses				
	Support	Do Not Support	No View	Not Stated	Total Respondents
Offley Primary	34	1	1	0	36

- 3.8 There has been 1 response opposing the proposed expansion, expressing concern that the expansion, if approved, would increase traffic problems at pick up and drop off times on what is already a busy road.
- 3.9 Full details of the responses received during consultation are attached as (**Appendix 5**).

4 Wards Affected

- 4.1 Offley Primary is located in the Sandbach Town Ward. However, consultation was undertaken with all neighbouring wards:-

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

Local Ward Members

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

5 Financial Implications (Authorised by the Chief Operating Officer)

- 5.1 The proposed expansion of Offley Primary School to increase the school's capacity to 420 pupil places and 2 forms of entry (FE) is being funded from the Government's Targeted Basic Need Programme. A successful bid has already been secured which will be ring fenced against the proposed expansion of Offley Primary School. Should the expansion not be approved the funding will have to be returned to the Funding Agency
- 5.2 A feasibility study has been commissioned to identify more accurately the costs of implementation and this detail will be included within the outline business case, which will be submitted for consideration and approval through the Council's internal financial approval process.
- 5.3 All Capital projects greater than £250,000 are subject to Cheshire East Council's Project Gateway process which seek endorsement by way of review and challenge. This project has already started to proceed through this process.
- 5.4 In accordance with the Cheshire East Council's Constitution - Finance and Contract Procedure Rules, financial approval of this scheme will be sought at Cabinet, as part of the 2013-14 Three Quarter Year Review reporting cycle as a fully funded supplementary capital estimate.
- 5.5 The Dedicated Schools Grant (DSG) income received by Cheshire East will only increase if any additional pupils are new to the LA, i.e. have not been included in the DSG allocation previously.
- 5.6 The DSG delegated to individual schools is based on the funding formula used in Cheshire East, and currently over 80% of that funding formula is pupil led, i.e. based on the number of pupils on roll at the October Census date. This means that the number of pupils on roll in October will inform the funding formula for the following financial year. For schools admitting additional pupils from a September intake, this will therefore be reflected in the schools budget from the following April. Where there are a significant number of additional pupils at a September intake and the school requires additional financial support prior to the new financial year, the school can apply to the Local Authority's Growth Fund.

6.0 Legal Implications (Authorised by the Borough Solicitor)

- 6.1 Local authorities have a statutory duty to ensure sufficiency of school places. Since 28 January 2014, the process for change has been revised through legislation and a streamlined statutory process has been introduced. 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 2013 that came into force on 28 January 2014.

- 6.2. Under previous legislation (now revoked) statutory consultation was required before a proposal could be published for a significant enlargement, which is when capacity will increase by more than 30 pupils and more than 25% of existing capacity. Although there is no longer a prescribed 'pre-publication' consultation period for prescribed alterations, there is a strong expectation on the proposer that they will consult with interested parties in developing their proposal prior to publication as part of their duty under public law to act rationally and take into account all relevant considerations.
- 6.3 The 2014 statutory process for making significant changes to schools has four stages, as set out below:

Stage 1	Publication	Statutory proposal published – 1 day.
Stage 2	Representation (formal consultation)	Must be 4 weeks, as prescribed in regulations.
Stage 3	Decision	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) ⁸ . Any appeal to the adjudicator must be made within 4 weeks of the decision.
Stage 4	Implementation	No prescribed timescale, but must be as specified in the published statutory notice, subject to any modifications agreed by the decision-maker.

- 6.4 If approved, the next stage in the process for this particular proposal; which has been consulted on as set out in paragraph 3 above, will involve the publication of a notice (Stage 1) and subsequent 4-weeks representation period (Stage 2).
- 6.5 The timescales involved in this process are set out in the following table:

2 December 2013	Portfolio Holder's permission to consult
10 December 2013 to 21 January 2014	Consultation Period
31 March 2014	Portfolio Holder Decision on Publication
16 April to 14 May	Representation Period (if approved) 4 weeks
June 2014	Cabinet Decision TBC*
September 2015	Implementation

*If Objections are received at Stage 2, the final decision will be considered by the School Organisation Sub Committee in June 2014.

- 6.6 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 'pre-publication' consultation period 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 31 March. 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.

- 6.7 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.
- 6.8 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 in place as set out in paragraph 5 above.
- 6.9 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.
- 6.10 In the event that the Council receives objections to the statutory proposal, the final decision will be made by the School Organisation Sub Committee.

7.0 Risk Management

- 7.1 Forecasts indicate additional capacity may still be needed above the proposed 105 additional pupil places and taking into account the 105 pupil places already agreed for Wheelock Primary School. As there is an element of risk in forecasting future demand, it is considered appropriate that further analysis is undertaken to take into account the actual impact of new housing in the area together with revised forecasts for this planning area to ensure that any risk to existing provision is assessed regularly and informs school organisation proposals.
- 7.2 These proposed expansions are intended to address increasing demand in the area, including new housing developments as set out in this report and Appendix 1.
- 7.3 Disruption to pupils, staff and the community must be kept to a minimum during the consultation period, and any subsequent building programme, to ensure that standards continue to improve.
- 7.4 The proposed expansion of Offley Primary School is to be funded from Targeted Basic Need Grant. To complete the build by September 2015 the design and developments works through to the planning stage will be

undertaken “at risk”. If the expansion proposal is not subsequently approved and the scheme cannot proceed, the grant will need to be returned to the Education Funding Agency and the abortive costs found from revenue.

- 7.5 Informal consultation with the Sandbach Schools partnership has been undertaken to take into account the views of headteachers before requesting permission to commence the ‘pre-publication’ consultation period
- 7.6 Implementation of the proposal will be subject to the necessary planning permissions. In addition, the proposed expansion will require approval under Section 77 of School Standards and Framework Act as the building solution will encroach onto areas deemed as “playing field” under the DFE definition.

8.0 Access to Information

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

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