

# CHESHIRE EAST COUNCIL

## Report to School Organisation Sub Committee

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|--------------------------|-----------------------------------------------------------------|
| <b>Date of Meeting:</b>  | 9 June 2014                                                     |
| <b>Report of:</b>        | Tony Crane, Director, Children Services                         |
| <b>Subject/Title:</b>    | Proposed Expansion of Manor Park School and Nursery , Knutsford |
| <b>Portfolio Holder:</b> | Councillor Rachel Bailey                                        |

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### 1.0 Report Summary

- 1.1 This decision paper reports on the outcome of the statutory public notice (**Appendix 1**), which details the Council's proposal to expand Manor Park School and Nursery from 210 to 315 pupil places for September 2015 and the responses received during the 4-weeks representation period from 16 April to 14 May 2014. A copy of the full proposal is attached as **Appendix 2**.
- 1.2 The School Organisation Sub Committee is advised that it must take into account any representations received when deciding whether to approve the proposal.
- 1.3 Section 14 of the Education Act 1996 places a duty on local authorities to ensure sufficiency of school places for children resident in its area. In response to the pupil forecasts, which indicate a shortfall in the Knutsford area from 2014, a review of provision has resulted in proposals to increase Manor Park School and Nursery and Mobberley CE Primary. A separate decision paper will report on the outcome of the public notice detailing the proposed expansion of Mobberley CE.
- 1.4 The Headteacher and Governing Body of Manor Park School and Nursery have been consulted and fully support the proposed expansion of the school (**Appendix 3**)
- 1.5 The table below sets out the full list of appendices to this report.

| Appendices | Document                                          |
|------------|---------------------------------------------------|
| 1          | Statutory Public Notice                           |
| 2          | Statutory Proposal                                |
| 3          | Headteacher and Governing Body approval           |
| 4          | Representation Feedback Summary                   |
| 5          | Guidance for Members                              |
| 6          | List of Consultees                                |
| 7          | Consultation Document                             |
| 8          | Consultation Feedback Summary                     |
| 9          | Knutsford Planning Area Data - New Housing Impact |
| 10         | Demand for Reception Class Places                 |

|           |                                                                                                                                 |
|-----------|---------------------------------------------------------------------------------------------------------------------------------|
| <b>11</b> | Map showing the school's location.                                                                                              |
| <b>12</b> | Guidance issued by the Department for Education – School Organisation Maintained School – Annex B: Guidance for Decision-makers |
| <b>13</b> | Equality Impact Assessment                                                                                                      |

## **2.0 Decision Requested**

### **2.1 Approval to expand Manor Park School and Nursery, Knutsford from 210 to 315 pupil places for September 2015.**

## **3.0 Reasons for Recommendation**

- 3.1 This proposal will enable the Local Authority to meet its statutory duty as Strategic Commissioner of School Places by ensuring a sufficiency of school places for children resident in its area.
- 3.2 Feedback received during the representation period has been very low with only 1 respondent commenting on the proposal by the closing date of 14 May 2014 expressing concern about increased traffic, congestion and danger caused by parked cars in the event that the school expands to admit more children. Full details are set out in **Appendix 4**
- 3.3 The School Organisation Sub Committee must take these views into account when deciding whether to approve the proposal. Information relating to issues raised during the representation period is included as **Appendix 5** to assist the School Organisation Sub Committee in its decision-making. However, this should not discourage Members from considering any other information that they consider relevant.

## **4.0 Background**

- 4.1 Consultation with key stakeholders (**Appendix 6**) was authorised by Councillor Rachel Bailey, Cabinet Member for Children and Family Services and Rural Affairs at her Portfolio Holder meeting on 6 January 2014.
- 4.2 The rationale for this proposal, including pupil forecasts to 2018 based on October 2012 school census data, is set out in the consultation document that was presented at this meeting, attached as **Appendix 7**. Feedback received from consultees is attached as **Appendix 8**
- 4.3 To summarise the rationale, October 2012 School Census pupil forecasts indicated a shortfall in the number of primary school places in some areas of the Borough. The forecasts indicated that for the Knutsford area there would be a shortfall of 166 places by 2018. These forecasts did not provide for any 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. As an indication, to deliver 4% operational surplus an additional 223 pupil places would be needed by 2018 based on these forecasts. This data is set out in the table below:

| Knutsford Area                                                 | Number on Roll (NOR) Oct 12 | Oct 2012 Capacity - Number of Pupil Places | Academic Year |       |       |       |       |       |
|----------------------------------------------------------------|-----------------------------|--------------------------------------------|---------------|-------|-------|-------|-------|-------|
|                                                                |                             |                                            | 13/14         | 14/15 | 15/16 | 16/17 | 17/18 | 18/19 |
| Forecast NOR                                                   | 1373                        | 1442                                       | 1422          | 1454  | 1498  | 1531  | 1572  | 1608  |
| Forecast Unused Places                                         |                             |                                            | 20            | -12   | -56   | -89   | -130  | -166  |
| Forecast Unused Places <b>including</b> 4% operational surplus |                             |                                            | -38           | -70   | -113  | -146  | -187  | -223  |

4.4 Updated forecasts have since been produced (May 2014) based on October 2013 School Census information. These forecasts take into account the reception intakes in September 2013 and anticipated reception intakes for September 2014.

4.5 These latest forecasts indicate that over all year groups, the anticipated shortfall will commence in September 2015 and not 2014 as previously forecast. However, the pressure on primary school places in this area remains a concern with the latest forecasts indicating demand for an additional 100 pupil places for 2018. This capacity would not deliver any operational surplus and therefore additional places above this would be needed. Using 4% as an indication, a total of 157 additional pupil places would be needed in the Knutsford planning area by 2018.

| Knutsford Area                                                 | Number on Roll (NOR) Oct 13 | Oct 2013 Capacity - Number of Pupil Places | Academic Year |       |       |       |       |       |
|----------------------------------------------------------------|-----------------------------|--------------------------------------------|---------------|-------|-------|-------|-------|-------|
|                                                                |                             |                                            | 14/15         | 15/16 | 16/17 | 17/18 | 18/19 | 19/20 |
| Forecast NOR                                                   | 1391                        | 1442                                       | 1417          | 1454  | 1480  | 1517  | 1542  | 1535  |
| Forecast Unused Places                                         |                             |                                            | 25            | -12   | -38   | -75   | -100  | -93   |
| Forecast Unused Places <b>including</b> 4% operational surplus |                             |                                            | -33           | -70   | -95   | -132  | -157  | -150  |

Data Source: October 2013 School Census Pupil Forecasts

4.6 Whilst it is forecast that demand for primary school places will reduce slightly for 2019, the higher number of births in this area in the years since 2010 as shown in the table below, and the potential impact from new housing as set out in **Appendix 9** to this report presents further challenge in this area that must be taken into account to ensure sufficiency of school places for future years.

| Knutsford Planning Area - Birth Data |                       |        |      |   |                            |
|--------------------------------------|-----------------------|--------|------|---|----------------------------|
| Year                                 | Actuals/<br>Estimates | Births | Diff | % | 2 Yr Average -<br>Estimate |
| 2008                                 | 184                   | N/A    |      |   | N/A                        |

|             |     |            |     |       |       |
|-------------|-----|------------|-----|-------|-------|
| <b>2009</b> | 199 |            |     |       |       |
| <b>2010</b> | 182 | <b>212</b> | -30 | 85.8% |       |
| <b>2011</b> | 193 | <b>217</b> | -24 | 88.9% |       |
| <b>2012</b> | 231 | <b>240</b> | -9  | 96.3% |       |
| <b>2013</b> | 210 | <b>216</b> | -6  | 97.2% |       |
| <b>2014</b> | 255 | <b>264</b> | -9  | 96.7% | 96.7% |
| <b>2015</b> | 242 | <b>250</b> | -8  | 97.0% | 97.0% |
| <b>2016</b> | 218 | <b>225</b> | -7  | 96.9% | 96.9% |

Source: Live birth - latest ONS data

- 4.7 The anticipated intake for September 2014 is set out below and shows a shortfall in the number of places in this area based on the most recent demand through the admissions process. This has necessitated admission over PAN to 3 schools – Manor Park School and Nursery, Mobberley CE Primary and High Legh Primary as highlighted in the table. The allocation data is an indication only at this stage as admission for September 2014 will not be concluded until all admission appeals have been administered at the end of the summer term. Allocation data will be updated at the start of the term in September.

| <b>School</b>                          | <b>No Places</b> | <b>Allocated</b> | <b>Vacancies</b> | <b>Waiting List</b> |
|----------------------------------------|------------------|------------------|------------------|---------------------|
| Bexton                                 | 60               | 60               | 0                | 1                   |
| Egerton                                | 30               | 30               | 0                | 2                   |
| <b>Manor Park School &amp; Nursery</b> | <b>30</b>        | <b>36</b>        | <b>-6</b>        |                     |
| St Vincent de Paul Catholic            | 30               | 30               | 0                | 5                   |
| <b>High Legh Primary</b>               | <b>21</b>        | <b>22</b>        | <b>-1</b>        | <b>1</b>            |
| Little Bollington CE                   | 15               | 15               | 0                |                     |
| <b>Mobberley Church of England</b>     | <b>20</b>        | <b>30</b>        | <b>-10</b>       | <b>3</b>            |
|                                        | 206              | 223              | -17              | 12                  |

Data Source: CYPD/School Admissions 20/05/14

- 4.8 Information showing the historical pattern of demand for reception places in this area is attached as **Appendix 10**.
- 4.9 The proposed expansion of Manor Park School and Nursery is one of two proposed solutions to meet the shortage in this area and to provide a level of operational surplus, as defined at paragraph 4.3 above. The expansion of Mobberley CE Primary School is also proposed and, whilst this is presented in a separate report, some information is included here for completeness.
- 4.10 The additional accommodation of 105 pupil places proposed for Manor Park would increase the overall combined capacity for this planning area to 1547. If approved, this would mainly be phased in at the normal point of entry to the school, as set out in the table below and therefore fully embedded by 2021. Forecast data for the period beyond 2019 is not yet available therefore the 2019 forecast has been applied for subsequent years to provide an indication of the potential impact of this proposal. The proposed additional 105 places would contribute towards the delivery of operational surplus for this area, albeit minimally at only 12 spare places (0.8%) across all year groups and all schools in this planning area by 2021 based on the latest forecasts.

| Academic Year | Unused Places | Manor Park<br>Planned Expansion -<br>Cumulative Impact | Outcome -<br>Unused Places |
|---------------|---------------|--------------------------------------------------------|----------------------------|
| 14/15         | 25            | 0                                                      | 25                         |
| 15/16         | -12           | 15                                                     | 3                          |
| 16/17         | -38           | 30                                                     | -8                         |
| 17/18         | -75           | 45                                                     | -30                        |
| 18/19         | -100          | 60                                                     | -40                        |
| 19/20         | -93           | 75                                                     | -18                        |
| 20/21         | -93           | 90                                                     | -3                         |
| 21/22         | -93           | 105                                                    | 12                         |

Data Source: October 2013 School Census data. Please note: Current forecasts project to 2019/20 - the forecast of --93 has been assumed for subsequent years.

- 4.11 The additional accommodation proposed for Mobberley CE Primary, as aforementioned, is planned to meet increasing demand in recent years in Mobberley village. It is therefore expected that the combined additional capacity from these two proposals would ensure that there are sufficient places in Knutsford to meet future demand and also to contribute to the delivery of operational surplus for this area to ensure a level of spare capacity to accommodate reasonable journey times to school, some degree of parental choice and flexibility to allow for mid-year entrants. The table below gives an indication of the effect of both proposals by applying the 2019 pupil forecast of -93 places to subsequent years. This results in a forecast spare capacity of 82 (5%) pupil places across all year groups and all schools at the point. This forecast does not take into account any potential demand in the future arising from new housing developments as set out in **Appendix 9** to this report.

| Academic Year | Unused Places | Manor Park<br>Planned Expansion -<br>Cumulative Impact | Mobberley<br>CE Planned<br>Expansion | Planned<br>Capacity | Outcome<br>- Unused<br>Places |
|---------------|---------------|--------------------------------------------------------|--------------------------------------|---------------------|-------------------------------|
| 14/15         | 25            | 0                                                      | 10                                   | 10                  | 35                            |
| 15/16         | -12           | 15                                                     | 20                                   | 35                  | 23                            |
| 16/17         | -38           | 30                                                     | 30                                   | 60                  | 22                            |
| 17/18         | -75           | 45                                                     | 40                                   | 85                  | 10                            |
| 18/19         | -100          | 60                                                     | 50                                   | 110                 | 10                            |
| 19/20         | -93           | 75                                                     | 60                                   | 135                 | 42                            |
| 20/21         | -93           | 90                                                     | 70                                   | 160                 | 67                            |
| 21/22         | -93           | 105                                                    | 70                                   | 175                 | 82                            |

Data Source: October 2013 School Census data.

Please note: Current forecasts project to 2019/20 - the forecast of --93 has been assumed for subsequent years.

- 4.12 It is therefore proposed that this expansion should be approved to ensure sufficiency of school places and a level of operational surplus for this area.

- 4.13 This request for approval to expand Manor Park has taken into account feedback received during the formal consultation period and officers have shared plans with the primary headteachers in the Knutsford Planning Area.
- 4.14 A report detailing the outcome of the formal consultation undertaken between 14 January and 11 February 2014 was presented to the Cabinet Member on 31 March 2014 whereupon permission was given to issue a statutory notice detailing the proposed expansion of Manor Park School and Nursery from 210 to 315 school places. Full details of the feedback received during the consultation period are attached as **Appendix 8**.
- 4.15 In accordance with the guidance issued by the Department for Education, the statutory notice was published in the local paper and a copy of the notice and proposal were forwarded to the Secretary of State. The statutory four-week representation period that followed commenced on 16 April and concluded on 14 May 2014. Committee members are advised that this statutory process provides the opportunity for any person with an interest to submit representations, which can be objections as well as expressions of support for the proposals. Committee members must take any views received into account when deciding whether to approve the proposal.
- 4.16 The representation period was notified to key stakeholders including Ward Members, George Osborne MP, the Diocese and Parish Councils (**Appendix 6**). Information was emailed to all schools in the Knutsford Planning Area and schools were issued with letters for distribution to all their parents and carers. Copies of the statutory notice were displayed on the school gates at Manor Park School and Nursery.
- 4.17 The one representation received has been attached as **Appendix 4** and is referred to above in paragraph 3.2.
- 4.18 A map illustrating the location of the school is attached as **Appendix 11**.

## **5.0 Wards Affected**

- 5.1 Manor Park School and Nursery is situated in Knutsford Ward. However, the consultation was undertaken with all neighbouring wards.

Chelford  
High Legh  
Knutsford  
Mobberley

### **Local Ward Members**

George Walton – Chelford  
Steve Wilkinson – High Legh  
Stewart Gardiner – Knutsford  
Olivia Hunter – Knutsford  
Peter Raynes - Knutsford

## **6.0 Financial Implications (Authorised by the Chief Operating Officer)**

- 6.1 The proposed expansion of **Manor Park School and Nursery** to increase the school's capacity to 315 pupil places and 1.5 forms of entry (FE) is being funded from the Government's Targeted Basic Need Programme and the 2014/2015 Capital Maintenance Grant. A feasibility study has been undertaken and the project costs are estimated as £1,050,000. Should the expansion not be approved any funding secured under the Targeted Basic Need programme may be returned to the Education Funding Agency.
- 6.2 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 and gained Gateway 1 endorsement on the 15 January 2014.
- 6.3 In accordance with the Cheshire East Council's Constitution - Finance and Contract Procedure Rules - financial approval was granted on the 4 February 2014 at Cabinet as part of the 2013-14 Three Quarter Year Review of Performance reporting cycle as a fully funded supplementary capital estimate and also at Council on the 27 February 2014, as part of the Budget Report 2014-17 Budget Report.
- 6.4 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
- 6.5 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.

## **7.0 Legal Implications (Authorised by the Borough Solicitor)**

- 7.1 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.

- 7.2. 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.
- 7.3 The 2014 statutory process for making significant changes to schools now has four stages, as set out below:

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

- 7.4 The timescales involved in this process are set out in the following table:

|                                |                                          |
|--------------------------------|------------------------------------------|
| 6 January 2014                 | Portfolio Holder's permission to consult |
| 14 January to 11 February 2014 | Consultation Period                      |
| 31 March 2014                  | Portfolio Holder Decision on Publication |
| 16 April to 14 May             | Representation Period - 4 weeks          |
| 9 June 2014                    | School Organisation Sub Committee        |
| September 2015                 | Implementation                           |

- 7.5 Section 21 of the Education and Inspections Act 2006 states that regulations will set out who determines any proposals for prescribed alterations, including expansions made under Section 19. The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 that came into force on 28 January 2014 describe the procedures that must be followed when making prescribed alteration proposals and state that local authorities must make decisions about any expansions that they propose.
- 7.6 If a local authority fails to make a decision about a proposal within 2 months of the end of the Representation Period the local authority must forward the proposal, and any representations received, excluding those withdrawn in writing, to the Schools Adjudicator for a decision.
- 7.7 The regulations further provide that the local authority must have regard to the statutory guidance given from time to time by the Secretary of State when



they take a decision on proposals. Guidance issued by the Department for Education entitled *School Organisation Maintained Schools Annex B: Guidance for Decision –Makers* is attached for Committee members as **Appendix 12**.

- 7.8 Committee members are advised that they must have regard to the Guidance when making their decision, in accordance with Regulation 7 of The Regulations. As stated in paragraph 3.3 above, information considered to be of relevance to this section of the Guidance is set out in **Appendix 5** but this should not discourage members from considering any other issues that they consider relevant. The Department for Education's guidance makes it clear that the Guidance should not be treated as exhaustive because the importance of each factor will vary depending on the proposal and as such all proposals must be considered on their individual merits.
- 7.9 Where capital funding is required for a proposal, guidance states that the decision maker should be satisfied that any funding for land, premises, or capital required to implement the proposal will be available and all relevant parties have given their agreement. A proposal cannot be approved conditionally upon funding being made available.
- 7.10 An Equality Impact Assessment (**Appendix 13**) has been completed for this proposal and this concluded that the proposal would have an overall positive impact on several of the areas - specifically parents and carers, young people and socio-economic disadvantaged groups - and a neutral impact on the remaining factors.

## **8.0 Risk Management**

- 8.1 Disruption to pupils, staff and the community must be kept to a minimum during the decision-making process and any subsequent building programme to ensure that standards continue to improve.
- 8.2 The proposed expansion was identified to address a Basic Need in the area. This is in order to ensure that the Authority meets its statutory duty to provide sufficient school places in this area.
- 8.3 The proposed expansion of Manor Park School and Nursery 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 should be returned to the Education Funding Agency and the abortive costs found from revenue.
- 8.4 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.

## **9.0 Access to Information**

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

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