

CHESHIRE EAST COUNCIL

Report to School Organisation Sub Committee

Date of Meeting: 9 June 2014
Report of: Tony Crane, Director, Children Services
Subject/Title: Proposed Expansion of Offley Primary School, Sandbach
Portfolio Holder: Councillor Rachel Bailey

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 Offley Primary School from 315 to 420 pupil places for September 2015 and the responses received during the 4-weeks representation period from 17 April to 15 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 that there are sufficient school places children resident in its area. In response to the pupil forecasts, which indicate a shortfall in the Sandbach area, a review of provision has resulted in a proposal to increase Offley Primary school.
- 1.4 The Headteacher and Governing Body of Offley Primary School 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	Sandbach Planning Area Data - New Housing Impact
10	Map showing the school's location.
11	Guidance issued by the Department for Education – School Organisation Maintained School – Annex B: Guidance for

	Decision-makers
12	Equality Impact Assessment

2.0 Decision Requested

2.1 Approval to expand Offley Primary School, Sandbach from 315 to 420 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 15 May 2014 expressing concern about increased traffic, congestion and problem with parking 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 2 December 2013.
- 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 Sandbach Planning Area there would be a shortfall of 258 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 75 pupil places would be needed by 2018 based on these forecasts. This data is set out in the table below:

Sandbach planning 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	1865	1915	1911	1980	2031	2081	2125	2173
Forecast Shortfall Places			4	-65	-116	-166	-210	-258
Forecast Shortfall Places including 4% operational surplus			-73	-142	-193	-243	-287	-335

Data Source: October 2012 School Census Pupil Forecasts

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 there remains a shortfall in places with 151 additional pupil places needed for 2018 reducing slightly to 128 for 2019. Additional capacity above this forecast would be necessary to build in a level of operational surplus, as defined in paragraph 4.3 above. To illustrate this, a level at 4% has been included in the table below:

Sandbach Planning Area	Number on Roll (NOR) Oct 13	Oct 13 Capacity - Number of Pupil Places	Academic Year					
			14/15	15/16	16/17	17/18	18/19	19/20
Forecast NOR	1881	1915	1951	1977	2011	2030	2066	2043
Forecast Unused Places			-36	-62	-96	-115	-151	-128
Forecast Unused Places including 4% operational surplus			-113	-139	-173	-192	-228	-205

October 2013 School Census Pupil Forecasts

4.6 In addition to the current proposal for Offley Primary, in response to the 2012 School Census forecasts, consultation was undertaken on the proposed expansion of Wheelock Primary to increase the school from 210 to 315 pupil places. This proposal was approved on 26 April 2013 for implementation from September 2014 and delivering 15 additional places per year phased in at the normal point of entry to the school in the reception class. The table below shows the impact of these additional 105 places on the latest forecasts derived from October 2013 School Census data:

Sandbach Planning Area	Number on Roll (NOR) Oct 2013	Oct 2013 Capacity - Number of Pupil Places	Academic Year						
			14/15	15/16	16/17	17/18	18/19	19/20	20/21
Forecast NOR	1875	1915	1951	1977	2011	2030	2066	2043	2043

Forecast Unused Places	-36	-62	-96	-115	-151	-128	-128
Wheelock Cumulative Expansion	15	30	45	60	75	90	105
Impact	-21	-32	-51	-55	-76	--38	-23

Data Source: October 2013 School Census Pupil Forecasts

- 4.7 Whilst it is forecast that demand for primary school places will reduce slightly for 2019, the remaining shortfall in capacity; together with the potential impact from a significant number of new housing developments 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.
- 4.8 The proposed expansion of Offley Primary is therefore one of three planned changes intended to meet the forecast shortfall in Sandbach, additional demand from new housing and to provide a level of operational surplus, as defined at paragraph 4.3 above. The second change is the expansion of Elworth CE Primary School from 280 to 315 pupil places for implementation in September 2015. This expansion is not in the category of a significant enlargement delivering only 35 extra pupil places by 2021 at 5 places each year and is not therefore subject to the same statutory school organisation procedures. Similarly, a change to the net capacity of Haslington Primary utilising existing accommodation and based on current class organisation provides a further 45 pupil places overall by 2021 and is to bring the net capacity in line with the admission number, which is increasing from 40 to 45 from 2015. These changes are explained here for completeness.
- 4.9 Full details of the positive impact of all three expansions for this area are set out in **Appendix 9**. This shows that delivery of all three changes will provide a low level of operational surplus at 3% based on current forecasts and taking into account all approved housing planning applications, three of which are already on site.
- 4.10 It is therefore proposed that the expansion of Offley Primary should be approved to ensure sufficiency of school places and a level of operational surplus for this area.
- 4.11 This request for approval to expand Offley Primary has taken into account feedback received during the formal consultation period and officers have shared plans with the primary headteachers in the Sandbach Planning Area.
- 4.12 A report detailing the outcome of the formal consultation undertaken between 10 December 2013 and 21 January 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 Offley Primary from 315 to 420 school places. Full details of the feedback received during the consultation period are attached as **Appendix 8**.
- 4.13 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 17 April and concluded on 15 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.

- 4.14 The representation period was notified to key stakeholders including Ward Members, Fiona Bruce MP, the Diocese and Parish Councils (**Appendix 6**). Information was emailed to all schools in the Sandbach 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 gates of Offley Primary School .
- 4.15 The one representation received has been attached as **Appendix 4** and is referred to above in paragraph 3.2.
- 4.16 A map illustrating the location of the school is attached as **Appendix 10**.

5.0 Wards Affected

- 5.1 Offley Primary is located in the Sandbach Town Ward. However, if approved, consultation will be undertaken with neighbouring wards:

Brereton Rural
Sandbach Elworth
Sandbach Ettley 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 Ettley Heath & East
Councillor Sam Corcoran – Sandbach Heath & East
Councillor Barry Moran – Sandbach Town
Councillor David Marren – Haslington
Councillor John Hammond – Haslington

6.0 Financial Implications (Authorised by the Chief Operating Officer)

- 6.1 The proposed expansion of **Offley Primary School** from 315 to 420 pupil places is being funded from the Government's Targeted Basic Need Programme. A feasibility study has been undertaken and the project costs are estimated as £529,000. In the event that the expansion is not 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 seeks 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 February 2014.

- 6.3 In accordance with the Cheshire East Council's Constitution - Finance and Contract Procedure Rules - financial approval was granted by Cabinet on 4 February 2014 as part of the 2013-14 Three Quarter Year Review of Performance reporting cycle, as a fully funded supplementary capital estimate.
- 6.4 The Dedicated Schools Grant (DSG) income received by Cheshire East will only increase if any additional pupils are new to the Local Authority, 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:

Stage 1	Publication	Statutory proposal published – 1 day.
Stage 2	Representation (formal)	Must be 4 weeks, as prescribed in regulations.

	consultation)	
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). 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.

7.4 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
17 April to 15 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 11**.

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 12**) 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 Offley Primary 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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