



Cheshire East Council School Organisation Framework

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If you would like further information about this document, please contact:
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Forward

This framework document supports the six priorities set out in the Cheshire East Children and Young People's Plan (2015-2018), as set out below:

1. Children and young people will be actively involved in decisions that affect their lives and communities;
2. Children and young people feel and are safe;
3. Children and young people experience good emotional and mental health and wellbeing;
4. Children and young people are healthy and make positive choices;
5. Children and young people leave school with the best skills and qualifications they can achieve and the life skills they need to thrive into adulthood;
6. Children, young people and young adults with additional needs have better chances in life.

Its purpose is to provide the framework within which the Local Authority will work to ensure that it meets its statutory duty (under Section 14 of the Education Act 1996) to ensure a sufficiency of school places for children resident in its area.

Following changes introduced in the Education Act 2011, local authorities must seek to commission rather than provide the school places that it identifies are necessary to meet future demands by working alongside a wide range of partners including schools, academy trusts and sponsors of academy chains. The framework provides the mechanism for discussions and decisions to be made and acted upon by the Local Authority, the Diocesan Boards of Education, other promoters and individual schools and will drive the Local Authority's approved Capital Strategy, which is published on the Local Authority's website at www.cheshireeast.gov.uk. The Local Authority's agreed procedure for decision-making in respect of school organisation proposals is referred to within this document, including the procedures required by law or Government guidance for making changes such as opening, closing or expanding schools.

Demographic pressures nationally can impact on existing patterns of cross-border movement. Cheshire East is classed as a 'net importer' of pupils, which is derived from a comparison between the number of children resident in other authorities attending a Cheshire East publicly funded school and the number of Cheshire East resident children attending the same category of schools in other authorities. The proportion of parents and carers accessing school places in neighbouring local authorities may change as unused places reduce in those authorities and create an unknown additional pressure.

'In year' mobility, which includes movement of pupils from one Cheshire East school to another, children transferring from schools in other local authority areas and children from other countries new to the area can only be facilitated where there is a level of operational surplus across the Authority. Operational surplus is considered necessary to accommodate reasonable journey times to school, some degree of parental choice, and flexibility to allow for these mid-year entrants. The Local Authority recognises the need for effective school place planning to deliver sufficient school places to optimise parental preference, but is also aware of the conflict between having too few unused places and the negative impact that this could have

on 'in year' movement and parental preference and on schools and their ability to manage budgets effectively if too many unused places are provided resulting in increased competition and uncertainty.

New housing developments are recognised as an obvious potential source of increased demand for school places. The Council is in the process of preparing a development plan (Cheshire East Local Plan), which will form the basis for planning decisions in the Borough. It will set out the vision, objectives, spatial strategy and policies for the development of Cheshire East for the period up to 2030. The Local Plan will provide the 'development strategy' for the Borough, setting out the overall number of homes and employment land that will be needed in Cheshire East to 2030

The Local Authority will only commit to policies and practices which will eradicate discrimination and promote equality for all, regardless of age, gender, disability religion and belief, race and ethnicity and sexual orientation. This policy will be subject to an Equality Impact Assessment. This assessment will be integral to all future policy and guidance reviews.

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Forward

Summary of Key Policies (Priorities)

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Links to documents referred to within this framework:

Children and Young People's Plan (2015-2018),
Local Authority's approved Capital Strategy
(insert link to the corporate calendar – SOSC decision making process agenda item)
Education Act 2011
School Organisation (Prescribed Alterations to Maintained Schools) (England)
Regulations 2013 and
(Establishment and Discontinuance of Schools) Regulations 2013
SOSG Terms of Reference and Membership
School Admissions Code (December 2014)
Designation of Rural Primary Schools (England) Order -
<https://www.gov.uk/government/publications/rural-primary-schools-designation>

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Summary of Key Policy (Priorities)

The process of school organisation will involve:

- extending existing schools by permanent extensions or exceptionally introducing temporary buildings;
- commissioning new schools, with the priority being for academies and free schools in the first instance, in accordance with legal requirements;
- promoting collaboration - multi academy trusts, amalgamations, federations.
- reducing places at existing schools, for example by removing or relocating temporary buildings or changing the use of spaces;
- reorganising provision by relocating or closing schools, introducing a change in age range or special needs;
- reviewing catchment areas.

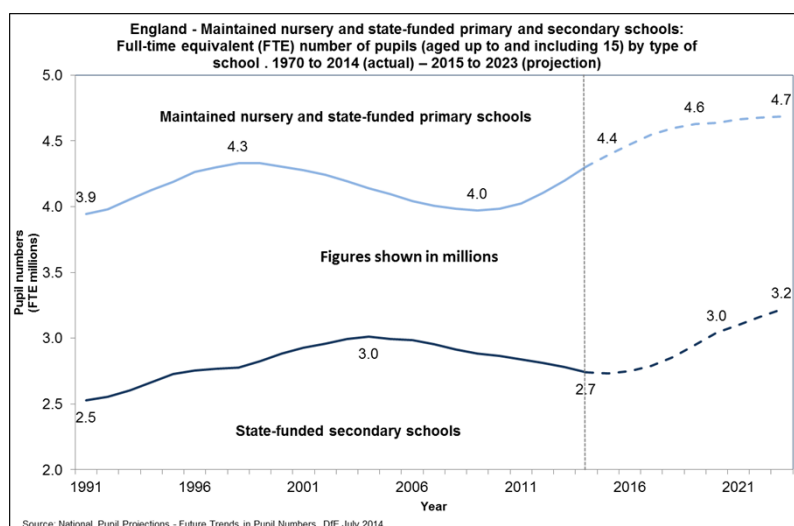
School places will be monitored on an area basis using planning areas, which will be reviewed annually.

Annual reviews of pupil forecasts will be implemented to ensure demand and supply of school places are closely aligned, as far as possible, and in accordance with the targets set out on this document.

The Department for Education basic need capital allocations are made to local authorities to support the capital requirement for providing new pupil places by expanding existing maintained schools, free schools or academies, and by establishing new schools. Shortfalls in capacity are calculated by comparing the forecast pupil numbers in an academic year to capacity in each planning area with uplift by 2 per cent being applied at planning area level to support an operating surplus. The Local Authority will apply a 2 per cent operational surplus for each planning area in line with the level of surplus capacity funded by the Department for Education as part of the basic need calculations.

Maintaining a sufficient level of operational surplus is important to optimise parental preference. Increased demand for places in the primary sector requires changes in some areas due to low levels of unused places and insufficient places in some year groups to meet demand. At secondary level, current unused places need to be protected so that places will be available when primary growth feeds through.

It is therefore prudent to plan for additional capacity over the derived need on the basis that national indications, as shown below, are that demand will continue to grow:



New schools will be established, where possible, as free schools or academies, in line with statutory requirements.

The general presumption will be that any new provision commissioned by the Local Authority will be primary, secondary special or all-through.

As more academies are established decisions about changes to school sizes or organisation will be for those academies to progress and secure through the Education Funding Agency and the Secretary of State with the support of the Local Authority. Cheshire East Borough Council will work with the Church of England and Catholic Dioceses and other stakeholders, including academy sponsors and the DfE, to ensure that there is a balance of provision in its area.

Academy is the legal term which also includes free schools of all types, university technical colleges (UTCs) and some studio schools, including 16-19 and alternative provision (pupil referral units/PRU) establishments

Where it is identified that a new primary school is needed, the first priority will be to consider establishing a school with single aged classes. In some cases this will not be possible due to the number of additional places needed in the area and class organisation. For some areas, mixed aged/vertically grouped teaching arrangements may be necessary to meet demand in rural areas or due to the wishes of the local community.

Any new school built as 1 form of entry (FE) should, if possible, have a site and infrastructure suitable for future development to 2 FE.

The majority of schools in Cheshire East are 2 forms of entry (420 pupil places) or below with only 2 out of 124 primary schools with the capacity to admit beyond this. For most primary schools, expansion beyond 2 forms of entry will be limited due to the size of the school and its site.

Any proposal to reorganise existing provision will involve consideration of many factors, including:

- The pattern of parental preference (popular schools).
- The latest Ofsted inspections (successful schools)
- The extent to which a school actually admits pupils from its local community, taken as the designated catchment or local area generally served by the school;
- The nature of the site, accessibility to it and scope for expansion;
- Whether the community is of sufficient size to sustain the school;
- The school's ability to deliver a full range of curriculum and social experiences;
- Ease of access to other schools;
- Proximity to, and pupil yield from new housing development;
- The physical condition of the school premises.

In order to protect small and rural schools, any identified need for reorganisation involving a small or rural school will include, as a first priority, consideration of:

- The benefits of collaboration and federation
- The community importance of schools
- Distance to other schools

Feedback from key stakeholders on proposals for changes to schools will be implemented to ensure that the Council meets its duty under public law to act rationally and take into account all relevant considerations. Procedures will also be informed by school organisation related DfE guidance and statutory procedures. Separate procedures apply to proposals that involve changes to Academies of all types. The Local Authority is neither the proposer nor the decision maker on such matters but can provide information about the need for additional school places in the area.

Decisions on School Organisation changes proposed by the Local Authority for maintained provision will be made in accordance with the Local Authority's agreed decision-making procedure, which was determined on 27 May 2014. For proposals made by the Local Authority that do not attract statutory objections, these will be determined by Cabinet. Proposals that do attract statutory objections will be presented to a Cabinet sub committee, which will be set up for the Council so that it can exercise its function as the relevant decision maker under Schedule 2 Education and Inspections Act 2006. Objectors will be provided with the opportunity to present their case to the decision makers. Cabinet has also adopted this procedure for the determination of other non statutory education organisation proposals which have attracted objections. This procedure allows representatives from the Chester(CE) Diocesan Board of Education, the Diocese of Shrewsbury Catholic Education and any other body or person the proposer considers appropriate to attend and offer advice to the Sub Committee where the proposals impact on their sector of educational provision. This procedure can be accessed by following the link provided on the contents page.

The Local Authority's Capital Strategy sets out the capital investment priorities for Children's Services. Developer contributions will be sought to fund additional provision arising from new housing.

The Local Plan Strategy, which is currently being prepared, sets out the Council's case for sustainable economic growth and is the strategy that the Council wants to adopt to manage development in Cheshire East up to 2030. The Local Plan Strategy includes the Council's planning policies and sites allocated for development. It is the Statutory Development Plan for Cheshire East and is the basis for deciding planning applications. It will cover a range of matters including the number of new homes that are needed across the Borough and where they should be located and the provision of new infrastructure, including such matters as school places. The new Local Plan, once agreed, will inform the school place planning process.

1 Introduction

All local authorities are under a strategic duty to

- review provision and establish future demands (S14, Education Act 1996);
- commission sufficient school places for CE resident children (Education Act 2006);
- promote choice, diversity, fair access and respond to parental representations when planning school places (Education Act 2006);
- identify and work with sponsors to establish an Academy as first priority when a new school is needed (The Education Act 2011).

The Education Act 2011 explicitly focuses on the role of the local authority as commissioner of school places. This framework is not intended to identify school organisation requirements for specific schools. However, the priorities agreed by the Council, as set out within this document, will provide appropriate information for the Local Authority and other proposers when a need for change has been identified and solutions are being formulated. In compliance with statutory requirements, the first priority for the Local Authority when seeking to establish a new school will be find suitable sponsors to establish an academy or free school.

Current DfE guidance makes clear that local authorities should match school place supply as closely as possible to parental preference and this can require different proposals in relation to unpopular and academically weak schools. The new emphasis on supplying enough good places rather than removing unused places supports the presumption in favour of the expansion of successful and popular schools and a consequence of this is that action may also be necessary to remove unused capacity in nearby schools.

This framework recognises the need to manage places on an area basis and in line with changing demographics. Judgements about how best to manage school places across the Borough are not only concerned with ensuring that there are sufficient places available, but also about enhancing the quality of provision where unused places are considered for removal and promoting the highest possible standards where additional places are required.

The Cheshire East School Admissions Coordination Scheme sets out the Authority's agreed process for coordinating applications for school places. The scheme allows parents three school preferences. All preferences are considered on the basis of the published oversubscription criteria and only if more than one school can potentially be offered is the preference ranking used, with a single offer being made for the school ranked highest. In order to maintain customer satisfaction with the admissions process, the Local Authority will need to carefully monitor demand for school places and align its provision, as far as practicable, to meet any changes.

Schools receive funding based on the number of pupils that are admitted each year. If the supply of school places exceeds demand in an area, falling admissions will reduce funding and this can create challenges for the school in managing class organisation and staffing levels. The Local Authority must therefore assess the risks in delivering too many school places in area against the desire to optimise parental choice through the admissions process.

2 Capital Investment

The Local Authority's Capital Strategy sets out the capital investment priorities for Children's Services. Developer contributions will be sought to fund additional provision arising from new housing. Capital funding for the provision of additional pupil places arising from demographics is provided by the Education Funding Agency (EFA) in form of the Basic Need Grant. This along with the Capital Maintenance grant from the EFA forms the Children's Services Capital Funding for schools.

The first consideration for the allocation of this funding is to ensure school place demand and supply is closely aligned, as far as possible.

Wherever practical, pupils from new housing developments are accommodated at existing schools where sufficient permanent capacity already exists. Where additional places have to be provided, with the co-operation of the Local Planning Authority the Local Authority may seek to secure a developer contribution to fund the provision of the additional permanent places needed. This might involve contributions towards the expansion of an existing school or full or part payment of a new school. Housing development will only be taken into account within the pupil forecasts when there is some level of certainty that the development will occur within the timeframe of the Plan. Certainty will be measured as the point at which developer contributions have been agreed. It is important to note, however, that all pupil yields generated from developer enquiries and planning applications will be taken into account in the order they are received when calculating subsequent developer contributions due to their cumulative effect on the demand for school places.

3 Housing Developer Contributions

The need for new housing within Cheshire East is expected to increase as a result of predicted increases in population, changes to family sizes and dynamics and changes to the age profile of the area. The Council is in the process of formulating its Local Plan for the period 2010 to 2030. The Local Plan is made up of several documents including the Local Plan Strategy and the Site Allocations and Development Policies document.

The five year housing trajectory figures published by each Local Planning Authority in their Annual Housing Monitoring Reports are used to provide the estimated phasing of housing developments. It must be recognised, however, that the actual developments and the rate at which new houses are built depends on a mixture of economic and social factors. House builders may prove unwilling to develop all the sites identified and may likewise apply for permission to construct dwellings on alternative pieces of land..

Infrastructure (including the provision of extra school places) required directly as a result of new housing development is provided through monies raised from Section 106 Agreements in accordance with the Community Infrastructure Levy (CIL). In the future Section 106 is going to be complemented with a CIL charging schedule, a levy which local authorities can choose to charge on new developments in its area to provide infrastructure. The levy is intended to be fairer, faster and more transparent than the current system of negotiating planning obligations between local councils and developers.

It is a statutory responsibility of the Local Authority to ensure the provision of sufficient suitable school places for children residing within its boundary. The Organisation and Capital Strategy Team therefore works in partnership with the Council's Planning Department to monitor development within the Borough. This is to ensure that procedures are implemented to assess the impact on local school infrastructure.

In all cases, a pupil yield will be applied to determine the anticipated number of additional school-aged children to an area. This is an established and widely used methodology for school place planning that estimates the number of pupils generated by development.

If existing schools in areas of growth have insufficient capacity to accommodate pupils generated by development then a financial contribution will be sought to mitigate against the impact of the developments. This contribution is calculated on a per pupil basis using a multiplier issued by the Department for Education.

In some instances it may not be feasible to extend a local school or there may not be sufficient pupil places in the local area to cope with the increase in numbers. In this instance a new school will be required to cater for new development and the Local Education Authority will expect the developer to provide a level, clear, uncontaminated, fully serviced and accessible site free of charge, in addition to the full build cost. New schools, land and buildings will be based on the Department for Education recommendations, which is currently Building Bulletin 103 Building, Framework for Primary and Secondary schools. If required, suitable site checklist is available upon request. In circumstances where the development is not large enough on its own to warrant a new school but is of sufficient size to trigger the need for a new school, then the developer will be expected (as above) to provide the site, plus a proportionate share of the new build costs. For example if the development

generated 50% of the pupils, then a 50% contribution will be sought toward the cost of a new school.

School capacity is based on the Department for Education's (DfE's) sufficiency net capacity calculation and reflects the long term organisation of the school.

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4 Asset Management

In order to ensure that capital investment is used efficiently and as effectively as possible the Local Authority maintains Asset Management Plan (AMP) information in partnership with schools and Dioceses. The AMP data provides the means through which likely future needs are assessed, criteria for prioritisation are set and informed decisions on local spending are made. The AMP data for condition and suitability is maintained for those schools for which the LA has liability for capital maintenance, and this excludes academies, free schools and voluntary aided schools. The AMP has the following main elements:

Condition Surveys - These provide a systematic, informed and objective assessment of the physical state of the premises and the work needed to bring the premises up to suitable state of repair.

Suitability Assessment - Suitability is defined as how well premises meet the needs of pupils, teachers and other users, and contribute towards raising standards of education. Assessments also deal with some aspects of health and safety requirements. Suitability assessments focus on how well premises are helping in delivery of the curriculum, and contributing towards the raising of educational standards at the school.

Sufficiency Needs/Capacity - The capacity assessment of a school is the number of pupil places available. Net capacity is the measure of places that applies to all mainstream community, voluntary-aided, voluntary-controlled and foundation schools in England. Net capacity assessments do not apply to academies, free schools, nursery schools, special schools or pupil referral units. The capacity of Academies is based on the number of places the school has agreed to provide as reflected in the school's funding agreement or as subsequently amended.

5 General Guidelines

The DfE statutory guidance accompanies the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 and (Establishment and Discontinuance of Schools) Regulations 2013 that came into force on 28 January 2014. The guidance provides information on the procedures involved in making significant changes to maintained schools, including expansion (enlargement of premises), establishing new provision and school closure. Separate procedures apply to academies and these are set out in the Department's guidance entitled 'Making Significant Changes to an Existing Academy Guidance 2014'.

The new school organisation regulations support the Government's aim of increasing school autonomy and reducing bureaucracy. They allow schools to have more control when making decisions about their size and composition and therefore enable them to be more responsive to the needs of parents and local communities.

The 2013 Regulations allow governing bodies of all categories of mainstream school to make the changes listed below without following a formal statutory process. The Local Authority can also make these changes but it must follow the statutory procedures set out within the guidance.

- Expansion (enlargement of premises);
- Alteration of upper or lower age limit by up to two years (except for adding or removing a sixth-form); and
- Adding boarding provision.

There are other significant changes (prescribed alterations) that governing bodies and local authorities may propose, which are listed below, but these do require a statutory process in all cases.

- Alteration of upper or lower age limit by 3 years or more;
- Adding/removing a sixth-form;
- Removing boarding provision;
- Single sex school becoming co-educational or vice versa;
- Transferring to a new site;
- Closure of one site in a split site school;
- Removing selective admission arrangements at a grammar school;
- Changes of category (excluding changes of category to foundation⁷);
- Establishing/removing/altering SEN provision at a mainstream school;
- Alteration of upper or lower age limit at a special school;
- Increasing/decreasing pupil numbers at a special school; and
- Changing the types of needs catered for by a special school.

The Education Act 2011 sets out the priority for local authorities of identifying and working with sponsors who will take over weaker schools and transform them into academies. In undertaking this role, local authorities will be able to use their wider position in local regeneration, employment and community development and their knowledge of existing schools to seek sponsors and partners who will fit with the character of the local community and help raise aspirations.

Local authorities will also play a role in commissioning new provision and overseeing the transition of failing schools to new management. The Government plans to

consult with local authorities and academy sponsors on what role local authorities should play as strategic commissioners when all schools in an area have become academies.

Where it has the power to do so, the Local Authority will seek to optimise the size of schools to ensure that resources are not wasted by maintaining inappropriately sized provision. However, there are many factors to be considered, such as the distance to alternative provision and the potential for extended school activities within the community.

It will be assumed that some new demand for places can be met in unused capacity. This can be a more cost effective way of providing additional school places and, as such, it is assumed that this will be done whenever possible. However, it is also acknowledged that unused capacity is often not in the right place, for example due to new housing and population movement. Therefore, the assumption is that some growth will need new provision. Factors affecting the extent to which existing capacity can be used include local geography and transport.

It is prudent to plan for additional capacity over the derived need and therefore operational surplus at 2 per cent per planning area will be applied as a benchmark. The purpose of this is to optimise parental preference and provide a level of surplus that provides contingency for pupil mobility and removal into an area, whilst also seeking to ensure that the provision of school places is not only cost effective but also provides good quality education that is sustainable.

School places will be monitored in the first instance on a planning area basis. The purpose of focusing on planning areas is not to restrict pupil movement but to plan provision at a local level. It is recognised within this overall framework that schools form planning areas driven by their location and the pattern of demand from parents for school places. All publicly funded schools, regardless of their status, will be included in this analysis.

Where new schools are needed, careful consideration will be given to the most effective form of organisation, governance and leadership for the new school. This will include consideration of federations and trusts and all through arrangements. In line with the Government's priority, where a new school is needed the priority will be to seek bids from sponsors for the establishment of an academy or free school.

The general presumption will be that any new provision to be commissioned by the Local Authority will be primary, secondary, special or all-through and that a judgement will always need to be made about the size of individual schools, how effectively they can operate and the needs of individual communities, such as whether a school is in a rural or an urban location.

The size of primary and secondary schools will vary across the Borough according to local needs and circumstances. The Local Authority therefore sets no limitations on these factors. However, a key priority for this Local Authority is that all children should be educated, wherever possible, in schools of a sufficient size to ensure appropriate staffing levels for effective curriculum delivery. In making any proposal for closure or reorganisation of school provision, consideration will be given to the ability of the school to provide effective educational and social provision for each child.

Any proposal to reorganise provision will involve consideration of the following:

- The pattern of parental preference (popular schools).
- The latest Ofsted inspections (successful schools)
- The extent to which a school actually admits pupils from its local community, taken as the designated catchment or local area generally served by the school;
- The nature of the site, accessibility to it and scope for expansion;
- Whether the community is of sufficient size to sustain the school;
- The school's ability to deliver a full range of curriculum and social experiences;
- Ease of access to other schools;
- Proximity to, and pupil yield from new housing development;
- The physical condition of the school premises.

In order to protect small and rural schools, any identified need for reorganisation involving a small or rural school will include, as a first priority, consideration of:

- The benefits of collaboration and federation
- The community importance of schools
- Distance to other schools

Notwithstanding the information set out here, when planning the provision of school places, the Local Authority will need to take into account that any changes to academies, free schools, studio schools and UTCs are outside its control and therefore; whilst recommendations can be made, any proposal for change will be the responsibility of the academy trust with a final decision being the responsibility of the Secretary of State.

6 Working in Partnership

In determining the number of school places that will be needed in future years, the first priority will be to review provision through informal consultation with the School Organisation Strategy Group (SOSG). A priority for the Local Authority is to work in partnership with its key stakeholders when reviewing pupil forecasts. The Local Authority has therefore established a representative group to facilitate collaborative working at an early stage. To reflect the needs of local communities and the different types of schools across the Borough, the SOSG membership will consist of representatives of the local authority, schools, dioceses, parents and the local community.

The membership has a key responsibility for making recommendations to the Local Authority to inform school organisation procedures and decision making. The SOSG will take into account the statutory guidance issued by the Department for Education, which is relevant to all categories of maintained schools unless explicitly stated.

SOSG will receive school organisation information, including the annual pupil forecasts and school site information, in order that a collaborative approach to the planning and provision of school places can be taken. The SOSG will also consider the impact of new housing and its effect on demand for school places.

The SOSG's primary objective is to review school capacity and make recommendations to the Local Authority for ensuring a sufficiency of pupil places; optimising parental preference, as far as possible, whilst avoiding over provision in some schools, and taking into account fluctuations in pupil numbers with associated management and financial impact.

The SOSG will make recommendations to assist the Council in its long term strategy, which will identify demand for places over a five year period. These recommendations will be referenced in decision-making procedures.

A link to the School Organisation and Strategy Group's terms of reference and membership is provided on the contents page.

7 Consultation and Representation

The School Organisation Regulations and Government guidance specify the duties on proposers in relation to school organisation proposals. Where statutory procedures are required, these will be followed. There is no statutory duty to consult but proposers must adhere to the usual principles of public law, which requires that they,

- act rationally;
- take into account all relevant considerations; and
- follow a fair procedure.

The views of the Cheshire East Association of Secondary Headteachers (CEASH) and East Cheshire Association of Primary Headteachers (ECaph), which are headteacher representative groups, will be sought on any school organisation proposals.

Where changes are planned, effective consultation will be undertaken with parents and other interested parties to gauge demand for a proposed change and to provide them with sufficient opportunity to give their views.

Consultation on proposals made by governing bodies will be referred to the Local Authority's SOSG to ensure that, wherever possible, a proposal is aligned with wider place planning/ organisational arrangements.

Although there is no statutory requirement on academies to consult the Local Authority (LA) on changes to its school, it is recognised that the LA will have a view on the need for local places and should therefore be consulted on any proposals for change. The guidance issued by the Education Funding Agency (EFA) sets out the procedures for academies when undertaking significant changes, which includes an eight weeks consultation period with its key stakeholders, including parents. The consultation should, where possible, coincide with other consultations e.g. on admissions, if it is related to admissions arrangements. The academy will need to submit a business case to the EFA and will need to include information on the consultation undertaken and its outcome.

8 Data sources

It is fundamental to the development and assessment of the School Organisation Strategy to analyse demographic information relevant to the supply of school places. This includes:

- the numbers of pupils in the Borough and projected pupil numbers
- birth rate data and population forecasts
- Pre-school data (Nursery Education Grants 'NEG' data)
- the published admission numbers for each school
- the number on roll at each publicly funded school within the Borough
- catchment area data
- current net capacity
- unused places
- shortfall in places
- cost per pupil
- number of sixth form places

In addition, information will be collated on,

- Projected NOR in five years (primary) and seven years (secondary) time
- Popularity of school expressed as percentage of pupils within the school catchment attending the school
- Ofsted reports and measures
- School site issues
- Proposed and approved housing developments

9 Forecasting

A project undertaken by the National Foundation for Education Research (NFER), and summarised in its April 2012 report entitled 'Report for the Local Government Association - School Place Mapping', aimed to identify how local authorities establish the need for school places. One of its key findings is that many authorities demonstrate detailed knowledge of the circumstances of individual schools in their area, but it is acknowledged that 'it is not possible, and arguably not desirable, to attempt to derive a five-year forecast on the basis of school level data', recognising that forecasting for five years ahead means a significant margin of error.

The report states that in a 'relatively stable environment... the numbers of school age children are obviously an essential basis for planning school places'. But, with recent instability due to population change and movement, 'accurate and detailed forecasts' are needed' (NFER, 2012)

It is also acknowledged that inefficient forward planning also means insufficient notice to put new capacity in place and thereby reducing the number of options for change available to the Local Authority and putting greater reliance on the use of existing accommodation and places.

Pupil forecasts are estimates of the number of pupils that are likely to attend maintained schools and academies/free schools within the Borough over the next five years. The projections are based on School Census data and are reviewed annually. Demand for school places is therefore informed by DfE defined capacity calculations and pupil projections. The number of pupils admitted to a school is also informed by admissions policy, which is determined by the relevant admissions authority. For

academies, free schools, foundation and voluntary aided schools, this is the role of the governing body. The availability of places is therefore influenced by policy choices and decisions on admission at a local level.

The 2012 version of the School Admissions Code delivered greater freedoms for admission authorities that want to increase their intakes with the requirement to consult on increases in published admission numbers being removed and a reinforcement of the presumption in favour of the expansion of popular and successful schools. This was reiterated in the revised School Admissions Code (December 2014) and it is therefore considerably more difficult for local authorities to challenge admissions number decisions made by other admission authorities.

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10 Net Capacity Assessments

The capacity figures for primary and secondary schools have been calculated using the Department for Education's (DfE's) 'net capacity assessment method' of assessing the capacity of mainstream schools to accommodate pupils. The method provides the opportunity for capacities to be set at levels to suit reasonable admission arrangements and organisation of schools (including infant class size limits) and ensures that there is neither too much nor too little space to support the core teaching activities.

For primary schools, the net capacity is calculated on the basis of the number and size of spaces designated as 'class bases'. For secondary schools, it is based on the number, size and type of time-tabled teaching spaces and the age range of the school. In both cases, this is checked against the total usable space. Net capacity assessments do not apply to academies, nursery schools, special schools or pupil referral units. The capacity of academies is based on the number of places the school has agreed to provide as reflected in the school's funding agreement or as subsequently amended.

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11 Primary School Reviews

When reviewing provision and planning for additional schools within an area due to additional demand, the priority will be to deliver all-through primary schools and not separate infant and junior schools. It is considered that this will provide continuity of experiences and ultimately an overall higher quality of educational achievement and experience.

Priority will also be to establish new primary schools with single aged classes, as far as possible. However, when seeking to establish new provision, the minimum size of a school will be informed by the identified need for additional places in the area and taking into account class organisation which may necessitate mixed aged/vertically grouped teaching arrangements in some schools.

The establishment of free schools, which are all-ability state-funded schools set up in response to demand from within local communities, can mean that schools of varying sizes and governance arrangements can be established irrespective of the priorities of the Local Authority.

Any new school built as 1 form of entry (FE) should, if possible, have a site capable of development to 2 FE, and be built with infrastructure (e.g. hall size) that can be added to easily.

The majority of schools in Cheshire East are 2 forms of entry (420 pupil places). For most primary schools, expansion beyond 2 forms of entry may be limited due to the size of the school and its site.

Small schools make an important contribution to the overall provision in Cheshire East, particularly in rural areas, where, without such schools, children could have to travel significant distances to the next nearest school. There is a current Government presumption in favour of keeping small schools open and therefore, where it is identified that changes are necessary, the first consideration will be to the benefits of collaboration and federation.

Section 15 of the Education and Inspections Act 2006 requires that relevant bodies must have regard in formulating any proposals in relation to a rural primary school to,

- the likely effect of the discontinuance of the school on the local community;
- the availability, and likely cost to the local education authority, of transport to other schools;
- any increase in the use of motor vehicles which is likely to result from the discontinuance of the school and the likely effects of any such increase; and
- any alternatives to the discontinuance of the school.

12 Secondary School Reviews

DfE guidance indicates that assumptions should not be made that schools need to be of a certain size before they can be good schools.

The LA would like to see all teaching groups of below 30 pupils. However, a lower maximum size will be needed in the following circumstances:

- Where specialist accommodation has health and safety limits;
- For groups of children with special needs.

Where reviews of secondary school provision are undertaken, consideration should be given, through collaboration with the Cheshire East 14-19 team, to providing opportunities and facilities, where appropriate, to increase the number of post 16 children in education and training.

13 Increasing Capacity

Where a LA considers there is a need for a new school in its area it must seek proposals to establish an academy/free school.

New school proposals are possible outside the academy presumption and competitions, but only in a limited number of circumstances, for which the Secretary of State's consent is required under section 10 of the EIA 2006 except for in a very limited number of special cases, which are listed below.

- a new community or foundation primary school to replace a maintained infant and a maintained junior school;
- a new voluntary-aided school;
- a new foundation or voluntary school resulting from the reorganisation of existing faith schools in an area, including an existing faith school losing or changing its religious designation;
- a new foundation or community school, where suitable academy/free school proposals have not been identified and a competition has been held but did not identify a suitable provider;
- a former independent school wishing to join the maintained sector;
- and
- a new LA maintained nursery school.

In deciding the proposer with whom he will enter into a funding agreement, the Secretary of State will consider the assessments and preferences of the LA carefully. However, she reserves the right to put in place a sponsor of her own choice. The intention is to ensure that the school is always established by the best proposer possible.

The LA is responsible for providing the site for the new school and meeting all associated capital and pre-/post-opening costs. All new academy/free school proposals require the Secretary of State's approval and it is the Secretary of State who will enter into a funding agreement with the academy trust/sponsor.

Where there is a forecast need for additional places in an area, then consideration would first be given to determining whether the increased demand could be met by expanding existing schools in the area concerned. However, not all school sites will be suitable for expansion and, as such, this cannot be guaranteed. Therefore, where

the disadvantages of such a proposal outweigh the advantages, then alternative proposals; which can include the expansion of other schools in the area or the construction of a new school, may be brought forward.

DfE guidance indicates that all proposals should be considered on their individual merits and that decision makers must not make blanket assumptions that schools need to be of a certain size before they can be good schools.

Where additional accommodation is required in schools for a relatively short period of time, for example when an unusually large year group needs to be accommodated, or a school admits additional pupils from a new housing development whilst a new school is built, then temporary classrooms may be provided.

Permanent accommodation will, wherever possible, be provided where growth is likely to be sustained for the foreseeable future, and where there is an identified long-term need.

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14 School Closures

Local authorities are under a statutory duty to ensure that there are sufficient school places in their area, promote high educational standards, ensure fair access to educational opportunity and promote the fulfilment of every child's educational potential.

LAs therefore have the power to close all categories of maintained schools. Where a LA publishes proposals to close a school the Department for Education has no direct role in the decision-making process. All decisions related to school closures are taken locally following a statutory process to allow those directly affected by the proposals to feed in their comments.

The governing body of a voluntary, foundation, or foundation special school may also publish proposals to close its own school following a statutory process. Alternatively, it may give at least two years' notice of its intention to close the school to the Secretary of State and the LA.

The Secretary of State may direct a local authority to close a maintained school requiring special measures (under section 68 of EIA 2006). This will usually be done only where there is no prospect of the school making sufficient improvements and where there is a sufficient supply of alternative school places in the area.

There is a presumption against the closure of rural schools. This does not mean that a rural school will never close, but the case for closure should be strong and a proposal clearly in the best interests of educational provision in the area.

When deciding a proposal for the closure of a rural primary school, the decision-maker must refer to the Designation of Rural Primary Schools (England) Order to confirm that the school is a rural school. It is for the decision-maker to determine whether or not a secondary school should be considered as rural.

When formulating a proposal, the proposer must carefully consider:

- the likely effect of the closure of the school on the local community;
- educational standards at the school and the likely effect on standards at neighbouring schools;
- the availability, and likely cost to the LA, of transport to other schools;
- any increase in the use of motor vehicles which is likely to result from the closure of the school, and the likely effects of any such increase; and
- any alternatives to the closure of the school.

In order to assist the decision-maker, the proposer of a rural school closure should provide evidence to the decision-maker to show that it has carefully considered:

- alternatives to closure including the potential for federation with another local school or conversion to academy status and joining a multi-academy trust or umbrella trust to increase the school's viability;
- the scope for an extended school to provide local community services and facilities e.g. child care facilities, family and adult learning, healthcare, community internet access etc.;
- transport implications; and

- the overall and long term impact on local people and the community of closure of the village school and of the loss of the building as a community facility.

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15 Process for Change - New Schools and Expansions

The Local Authority has a statutory duty to plan for and secure sufficient schools for its area in line with its duties under section 14 of the Education Act 1996.

Where there is a need for change, the Local Authority will comply with the current DfE guidance, which accompanies the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 and (Establishment and Discontinuance of Schools) Regulations 2013 that came into force on 28 January 2014. It provides information on the processes involved in making significant changes to maintained schools (e.g. expansion), establishing new provision and school closure.

The School Organisation regulations support the government's aim of increasing school autonomy and reducing bureaucracy. They allow schools to have more control when making decisions about their size and composition and therefore enable them to be more responsive to the needs of parents and local communities. As a consequence of the changes introduced by the 2013 Regulations, governing bodies of all categories of mainstream school can now make the following changes to their schools without following a formal statutory process:

- Expansion (enlargement of premises);
- Alteration of upper or lower age limit by up to two years (except for adding or removing a sixth-form); and
- Adding boarding provision.

Before making any changes governing bodies should ensure that:

- they have secured any necessary capital funding;
- they have identified suitable accommodation and sites;
- they have secured planning permission and/or agreement on the transfer of land where necessary²;
- they have the consent of the site trustees or, other land owner where the land is not owned by the governing body;
- they have the consent of the relevant religious authority (as required); and
- the admissions authority is content for the published admissions number (PAN) to be changed where this forms part of expansion plans, in accordance with the School Admissions Code.

Although governing bodies are no longer required to follow a statutory process for the alterations set out above, they are nevertheless required to adhere to the usual principles of public law: they must act rationally; they must take into account all relevant considerations; and they must follow a fair procedure. The department expects that in making these changes governing bodies will:

- liaise with the LA and trustees/diocese (if any) to ensure that, where possible, a proposal is aligned with wider place planning/organisational arrangements, and that any necessary consents have been gained; and

- ensure effective consultation with parents and other interested parties to gauge demand for their proposed change(s) and to provide them with sufficient opportunity to give their views.

Once proposed changes have been implemented, the governing body must inform the Secretary of State by ensuring that the department's Register of Educational Establishments (EduBase) is updated.

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16 Decisions on School Organisation Proposals

Decisions on School Organisation proposals for maintained schools will be made in accordance with the Local Authority's agreed decision-making procedure. The exception to this will be where prior agreement has been reached for the governing body **BD to Edit**

Expansions at a mainstream school that do not require a physical enlargement to the premises of the school are not covered by the Prescribed Alterations Regulations. An increase in pupil numbers may be achieved solely by increasing the PAN in line with the School Admissions Code.

Decisions on School Organisation proposals for academies/free schools will be made by the relevant trust.

17 Conclusion

The Local Authority has already experienced difficulties in some areas of the Borough. In particular, pressure on school places at the normal point of entry into the reception classes has necessitated admission above the Published Admission Number for a number of schools for the past two years to ensure that a place can be offered at a school within a reasonable distance. Movement into the area during the school year has also presented problems for these areas with most year groups being full.

The national picture of a rising birth rate over the last six to seven years has already required additional primary provision in many authorities. This is now starting to have an impact on secondary provision.

New housing developments are an obvious potential source of increased demand for school places. However, there is more uncertainty about the pace and impact of housing developments. The issue for the Local Authority is therefore when to introduce additional school places to address any potential change arising from new housing, recognising that increasing capacity in an area too early can impact on local schools and, moreover, if the new housing is not delivered. This risk has to be balanced against the risk of having insufficient places to meet demand arising from any known new housing proposals.

There is general acceptance across local authorities that forecasting by moving cohorts forwards through time, and working from birth data to establish the likely starting population, is a sensible starting point. One of the key issues for this Local Authority is the need to fully understand recent trends, including increasing birth rates and population changes and to produce analysis at a local level in order to plan school places effectively. This involves consideration of when and where growth in the birth rate requires changes to primary and secondary provision, how population movement, both migration (new arrivals) and local (within and between areas) is changing the pattern of demand for places, and how major changes in the housing market and uncertainty over new developments inform planning.

A key priority for the Local Authority must therefore be to improve, as far as possible, accuracy of predictions and the development of effective forecasting methodology. Notwithstanding this, it is recognised that there are difficulties in planning effectively when demand for school places is driven by school reputation and parental preference, which can be volatile. Furthermore, the proportion of parents currently accessing school places in neighbouring local authorities may also change as

unused places reduce in those authorities creating an unknown additional pressure within the home authority. Changes in patterns of housing may also impact on provision in other local authorities.

As more academies are established decisions about changes to school sizes or organisation will be for those academies to progress and secure through the Education Funding Agency and the Secretary of State with the support of the Local Authority. This also has the potential to impact on the Local Authority's ability to plan effectively and therefore close working with the Church of England and Catholic Dioceses and other stakeholders, including academy sponsors and the DfE, is necessary to ensure that there is a balance of provision in the area.

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