

CHESHIRE EAST COUNCIL

School Organisation Sub Committee

Date of Meeting: 21 April 2017
Report of: Executive Director of People & Deputy CEO
Subject/Title: Proposed Expansion of Disley Primary School,
Portfolio Holder: Children and Families Councillor Liz Durham

1 Report Summary

- 1.1 As the Strategic Commissioner of School Places, Cheshire East Council has a statutory duty to ensure a sufficiency of school places for children resident in its area. An analysis of the latest pupil forecasts identified the need to provide additional primary school places in Disley in response to increasing pupil populations. The data analysis indicates the need for an extra 70 school places (Reception to Year 6) which, if agreed, would provide 10 more reception class places in this area.
- 1.2. The proposed expansion to increase the intake from 30 to 40 pupils (not 45 which is a more typical delivery model) is deliberate in that this increase allows for a phased expansion programme based upon a class organisation/curriculum delivery model that best suits the school and therefore learners.
- 1.3. This paper reports on the outcome of the statutory proposal notice, which ran for four weeks between 1 March 2017 and 29 March 2017. There was only one response to the statutory proposal notice. Details of this response are provided with this report for consideration. Copies of the statutory notice and the full proposal are attached. (See **Appendix 1 and 2.**)
- 1.4. The Headteacher and Governing Body of the school are fully supportive of the proposed increase and have confirmed their continued commitment to support their growing local community. The school is seen as an integral part of the local community with village events often held on school premises, such as baby and toddler; post natal groups; jujitsu; slimming and aerobic classes.

2 Recommendation

- 2.1 The School Organisation Sub Committee approve the proposed expansion of Disley Primary School from 210 to 280 pupil places for implementation in September 2017, having given due consideration to the response to the statutory proposal notice.

3 Other Options Considered

- 3.1 Disley Primary School is the only school that serves the Disley area, with the next nearest Cheshire East school four miles away, which would likely result in the need for transport depending on the address of pupils.
- 3.2 The additional places are as a result of pupil growth resulting from local housing developments and therefore there is no intention to displace pupils from neighbouring schools. The Council is required to provide sufficient school places to meet local demand.
- 3.3 There are alternative schools in other local authority boundaries which are within two miles of Disley Primary School, these were detailed in the consultation documentation. Where these schools are stated as a parental preference pupils have and would continue to be offered places at these schools according to the admissions policy. However, when a parental preference school cannot be offered Cheshire East Council can only place children at a Cheshire East School.

4 Reasons for Recommendation

- 4.1 This recommendation is made on the basis of the outcomes of the pre publication consultation period and subsequent statutory representation period. An objection has been received during the period of statutory notice and therefore the School Organisation Sub Committee is required to consider the objection and make a decision on whether or not to proceed with current proposals for expansion.

5 Background / Chronology

- 5.1 Disley Primary School is a Cheshire East community school rated "Good" by Ofsted at the last inspection in November 2011. Until 2008 Disley Primary had a Published Admission Number (PAN) of 45 children per year group and accommodated 315 pupils. The school was reduced to 30 PAN, 210 pupils, under Cheshire County Council's Transforming Learning Communities (TLC) initiative. Until more recently, the school has been able to accommodate the children of Disley but increases in the local population due to housing have resulted in an increase in the number of applications for the school. This proposal would provide an appropriate increase in places to enable the Council to have sufficient school places.
- 5.2 We currently have a situation where children from Disley cannot attend Disley Primary School and have therefore been offered places at the nearest school with places which is Kettleshulme St James CE Primary School at over 3 miles away. Information regarding nearest schools in neighbouring authorities is contained in the consultation document attached as **Appendix 3**
- 5.3 The full rationale for the proposed expansion of Disley Primary School is set out within the consultation document attached as **Appendix 3** and although consultation is no longer statutory, there is a strong expectation

that schools and local authorities will consult interested parties in developing their proposal as part of their duty under public law to act rationally and take account of all relevant considerations. Consultation was conducted for a 4 week period between 14 September 2016 and 12 October 2016

- 5.4 The Portfolio Holder for Children and families received a report detailing the outcome of the consultation and approval was given to issue a notice detailing the proposed expansion of Disley Primary from 210 to 280 school places.
- 5.5 In accordance with the guidance issued by the Department for Education, the statutory publication notice was published in the Macclesfield and Stockport Express on 1 March 2017 and the statutory four-week representation period ran from 1 March 2017 to 29 March 2017. 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.
- 5.6 The representation period was notified to key stakeholders including Ward Members, MP, the Diocese and Parish Councils. Information was emailed to all local schools and schools were issued with letters for distribution to all staff, governors and parents.
- 5.7 There has only been one response to the statutory notice. The response received was from a neighbouring school which is maintained by Derbyshire local authority. Concern was raised regarding current vacancies at their school and whether the proposed expansion of Disley Primary was solely to meet the needs of Disley catchment residents. A copy of the communication is attached as **Appendix 4**
- 5.8 The proposal to expand Disley Primary school is to provide sufficient school places to meet the increased population due to housing developments. However, all admission authorities are bound by the Admissions Code and Regulations which requires all applications to be considered against the Local Authority's published admission arrangements and over subscription criteria and therefore applications would have to be considered from across the Council borders based on parental preference.

6 Wards Affected and Local Ward Members

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|----------------------------------|-----------------------|
| 6.1 Disley - | Cllr Harold Davenport |
| Poynton East and Pott Shrigley - | Cllr Howard Murray |
| Poynton East and Pott Shrigley - | Cllr Jos Saunders |
| Poynton West and Adlington - | Cllr Michael Beanland |
| Poynton West and Adlington - | Cllr Mike Sewart |
| Sutton - | Cllr Hilda Gaddum |

7 Implications of Recommendation

7.1 Policy Implications

7.1.1 In the event that the proposal is approved, the Local Authority will determine an increase in the PAN from 30 to 40 pupils per year group, in line with the statutory timescales set out in the School Admissions Code (2014).

7.2 Legal Implications

7.2.1 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. It provides information on the processes involved in making significant changes to maintained schools (e.g. expansion), establishing new provision and school closure.

7.2.2 Local authorities are under a statutory duty to ensure the sufficiency of school places in their area. They can propose an enlargement of the premises of community, foundation and voluntary schools. When doing so they must follow the statutory process as set out in the Prescribed Alterations Regulations (2013) if:

The proposed enlargement of the premises of the school is permanent (longer than three years) and would increase the capacity of the school by:

- *more than 30 pupils; and*
- *25% or 200 pupils (whichever is the lesser).*

7.2.3 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.

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

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

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|----------------|-----------------------|---|
| 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. |

7.2.5 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.

7.2.6 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 5**.

7.2.7 Committee members are advised that they must have regard to the Guidance when making their decision, in accordance with Regulation 7 of The Regulations. 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.

7.3 Financial Implications

7.3.1 The proposed expansion would be funded through Basic Need Capital Grant allocation plus anticipated Section 106 developer contribution of £75, 000.

7.3.2 Based on a desktop analysis of works to be undertaken the estimated cost of the expansion is £450,000. This is reflected in the Council’s Capital programme

7.3.3 The Section 106 element of the funding is payable on commencement of the development. There is an element of risk associated with Section 106 funding as should the development ultimately not proceed then the contribution will not be paid to the Council. In this event the shortfall will be paid for through the Basic Need Grant meaning less is available for other projects.

7.3.4 An increase in pupils during the year may mean the school qualifies for a growth fund payment to assist with additional running costs. This will be

determined later in 2017. Pupils on role in October 2017 will determine funding levels from April 2018.

7.4 Equality Implications

7.4.1 An Equality Impact Assessment (**Appendix 6**) 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.

7.5 Rural Community Implications

7.5.1 The proposal evidences the local authority commitment to support our rural schools to meet the needs of the community.

7.5.2 Providing additional places at this Cheshire East primary school will improve our ability to offer local children a school place at their village school and support the local rural community.

7.6 Human Resources Implications

7.6.1 There are no additional human resource implications for the Council but the school are aware that increased numbers on roll could require additional staffing costs which would be funded through their formula funded budget.

7.7 Public Health Implications

7.7.1 Not Applicable

7.8 Implications for Children and Young People

7.8.1 Providing additional places at this rural school will help ensure that local children can be offered a place at their local school.

7.9 Other Implications

7.9.1 Not Applicable

8 Risk Management

8.1 The proposed expansion is identified to address a Basic Need at Disley Primary School. This is in order to ensure that the Council meets its statutory duty to provide sufficient school places in this area.

8.2 Disley is a community school on the edge of the Cheshire East administrative boundary neighbouring Stockport and Derbyshire. Information about spare capacity and school organisation plans in these areas has therefore been considered, details of which are set out in the consultation document.

- 8.3 If additional places are not provided at Disley Primary School, parents of Cheshire East children who are resident in the school's designated catchment area may be unable to secure places at their local school and may be required to travel some distance to other Cheshire East schools requiring transport assistance.

9 Access to Information/Bibliography

- [School Organisation \(Prescribed Alterations to Maintained Schools\) \(England\) Regulations 2013](#)

[School Admissions Code \(2014\)](#)

10 Contact Information

Contact details for this report are as follows:

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