

Cabinet

Date of Meeting: 11 June 2019

Report Title: Malbank School and Sixth Form College – Authority to Enter into a Contract

Portfolio Holder: Councillor Dorothy Flude, Children and Families

Senior Officer: Mark Palethorpe – Acting Executive Director of People

1. Report Summary

- 1.1. This report seeks approval to enter into a contract for the expansion of Malbank School and Sixth Form College, where the contract value will exceed one million pounds.
- 1.2. The budget required for the expansion of Malbank School and Sixth Form College is identified in the Council's approved capital programme for Children and Families.
- 1.3. This report addresses the needs for additional pupil places for secondary education in Nantwich as well improving the curriculum opportunities within the school to address the actions resulting from the recent Ofsted inspection.
- 1.4. The council plans to bring forward a draft environment strategy in July which will outline the steps the council can take to improve its impact on climate change and the environment. Climate change and environmental sustainability will be taken into consideration as part of the school expansion.

2. Recommendations

That Cabinet agrees:

- 2.1. That authority is delegated to the Acting Executive Director of People to enter into a construction contract for additional places at Malbank School and Sixth Form College.

3. Reasons for Recommendations

- 3.1. The proposed increase in places at Malbank School and Sixth Form College will assist Cheshire East Council in meeting its statutory obligations to ensure sufficiency of school places.

The following factors form part of the process when considering school expansion:

- School popularity and parental preference,
 - Site specific development capability and available playing field space (Section 77 Regulations),
 - Proximity of housing developments,
 - School standards,
 - Town planning and highways considerations.
- 3.2 Based on the above criteria, Malbank School and Sixth Form College has fulfilled our requirement for the provision of additional places. The school is currently requires improvement from Ofsted but the proposed development is directly addressing the actions required within the Post Ofsted Action Plan. In particular, the proposed works at the school will address curriculum needs in that the additional buildings will allow for more strategic organisation of maths across the school. This will therefore enable the school in further raise standards in the outcomes for learners in maths.
- 3.3 Entering into a construction contract to provide the additional places will enable the expansion project at Malbank School and Sixth Form College to commence in the latter part of 2019, in accordance with the time-scales for the requirement for additional places based on the projected pupil numbers from demographic trends and pupil yield from housing developments.

4. Other Options Considered

- 4.1 Brine Leas School, the other secondary school in Nantwich is already part of an expansion programme. There is a clear need to have expansion programmes in both schools to meet the demand based on the latest analysis of pupil forecasts for secondary school places in Nantwich.
- 4.2 The option of not progressing due to the current Ofsted judgement has been considered. However, there are significant housing developments in the local area creating the need for additional places across Nantwich. Therefore, to meet need, the school will need to expand by an additional 120 places.

5. Background

- 5.1 The Governors of the school have indicated their willingness to increase their Published Admission Number to support the indicated deficit of places.

Significant work has already been undertaken to progress this expansion scheme but due to the School receiving an Ofsted judgement in November 2018 of 'Requires Improvement', there was a decision to put a hold on the programme to assess the impact of this judgement. At that stage, an immediate programme of work had been commenced to remove the temporary buildings which were in a very poor state and accommodate these classes in other parts of the school as an intermediate arrangement.

- 5.2 The position of the Local Authority is to support the expansion of Good and Outstanding schools; therefore this change in judgement required careful consideration and examination of the key issues relating to the school and its status as a 'successful and popular school' . The work the School Improvement Services have undertaken with the school shows that there is confidence in School Leadership including Governors to deliver a good quality of education. The analysis of the findings from the Ofsted report illustrates that there was strong evidence that the school has the capacity to improve and that that there is progress being made in the key areas relating to outcomes in maths and for disadvantaged learners. The Ofsted report does state that the school has capacity to improve and the evidence of outcomes for 2019 show positive improvements. Since the end of January 2019, 17 students have joined the school. This reflects the support and confidence that the school has received from parents since the inspection.
- 5.3 The new facilities proposed address key curriculum needs relating to the specialist accommodation for Maths. The existing work undertaken has required the temporary relocation of maths teaching spaces and the failure to now address these temporary arrangements will have an overall impact on standards and curriculum delivery across the school.
- 5.4 The proposed scheme, including work to date is outlined below:
 - 5.4.1 The removal of two very dilapidated classrooms in a mobile building which accommodated Maths classrooms has taken place.
 - 5.4.2 Construction of a new two storey teaching block including six classrooms, pupil toilets and a small eating and social space for year 11 students. This will alleviate the extra pressure on dining arrangements.
 - 5.4.3 The project will also enable the school to locate all of their Maths Department in one area of the school, which would support a key improvement target for Malbank School and Sixth Form College and the Local Authority and provide for the increased number of teaching groups in identified subjects as part of improved curriculum delivery.

- 5.5 The proposal has received planning permission (application number 18/3343N).

6. Implications of the Recommendations

6.1. Legal Implications

- 6.1.1. As the Strategic Commissioner of School Places, Cheshire East Council has a statutory duty in relation to the provision of school places to:
- a) Review provision and establish future demands (S14, Education Act 1996);
 - b) Commission sufficient school places for Cheshire East resident children (Education Act 2006);
 - c) Promote choice, diversity, fair access and respond to parental representations when planning school places (Education Act 2006);
- 6.1.2. The construction contract will be awarded via a compliant procurement process (the Northwest Construction Hub Framework). This is a Framework Agreement administered by Manchester City Council and can be used by local authorities and other public bodies in the North West of England.

6.2. Finance Implications

- 6.2.1 A budget for expansion in the Nantwich Planning Area of Malbank School and Sixth Form College is included in the approved Children's and Families Capital Programme. Nantwich Planning Area, Secondary Schools expansion, received full approval at Council on the 23 February 2017. The current total approved budget is £1.5m.
- 6.2.2 Based on the latest estimates, the scheme at Malbank School and Sixth Form College is estimated to cost in the region of £1.5M inclusive of build costs, all professional and statutory fees and furniture and equipment. This represents value for money when benchmarked nationally on construction costs per square metre.
- 6.2.3 The proposed expansion will be funded through a combination of basic need capital grant and section 106 contributions. Basic

need funding is provided to local authorities from central government to support their capital requirement for providing new pupil places by expanding existing maintained schools, free schools or academies, and by establishing new schools. Section 106 education funding contributions are those agreed with new housing developers specifically to fund the additional pupil places needed due to the new development.

- 6.2.4 The school will receive revenue funding through the schools funding formula to recognise the additional places and in the first year the school will be eligible for strategic growth funding, as agreed by schools forum, to recognise additional teaching posts required as a consequence of the expansion.

6.3. Policy Implications

- 6.3.1 Cheshire East Council has a statutory obligation to ensure sufficiency of school places as detailed in 6.1.1 above.

6.4. Equality Implications

- 6.4.1. The proposed two storey building will be compliant with accessibility requirements for pupils and staff in accordance with the Equalities Act and building regulations.

6.5. Human Resources Implications

- 6.5.1. There are no implications as a result of this report.

6.6. Risk Management Implications

- 6.6.1. To put a hold on the scheme due to the Ofsted judgement and failure to progress this scheme at this stage brings key risks. These include :
- Failure to progress could result in additional costs being incurred due to the temporary nature of some of the works already undertaken.
 - Failure to progress could result in key curriculum restructuring not taking place which will have real impact on outcomes for learners especially in the core subject of maths. In addition, lack of progression will directly impact on the Ofsted Action Plan.

- Failure to progress will have real impact on the confidence of both parents and governors in the ongoing relationship of this maintained school with the Local Authority.

6.6.2. There are inherent risks found with any construction project. Project team meetings ensure that these risks as identified and a risk register has been developed and is regularly reviewed by the project team. All risks have assigned owners who are responsible for mitigating and managing them.

6.7. Rural Communities Implications

6.7.1. There are no direct implications for rural communities.

6.8. Implications for Children & Young People/Cared for Children

6.8.1. The proposal will provide an improved learning environment for the school pupils and undertake essential curriculum restructuring leading to better outcomes for learners.

6.8.2. Choice in terms of availability of school places in both Nantwich secondary schools will benefit the secondary aged pupils across the Nantwich locality.

6.8.3. Malbank High school is a highly inclusive school and actively works with our Virtual School to support our Cared for Children.

6.9. Public Health Implications

6.9.1 There are no direct implications for public health although the expansion will address some additional catering facilities.

7. Ward Members Affected

7.1. The local Ward Members in Nantwich North and West

8. Consultation & Engagement

8.1. Consultation with local schools and Headteachers has been undertaken, however, no formal statutory consultation on the expansion of the school is required as the increase in places falls below the threshold as laid out in The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.

8.2 Under these regulations, formal consultation is required where the proposed enlargement 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).

As this proposal is adding 120 places, and is not increasing the school capacity by 25%, it falls below the requirement for consultation based on this criterion.

9. Access to Information

- 9.1. Further background information relating to this report can be obtained by contacting the School Organisation and Capital Team, within the Children and Families Directorate.

10. Contact Information

- 10.1. Any questions relating to this report should be directed to the following officer:

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