

## TRAFFORD COUNCIL

**Report to:** Executive Member for Children's Social Care  
**Date:** 1 July 2020  
**Report for:** Decision  
**Report of:** Corporate Director Children's Services

### Report Title

Expansion of Worthington Primary School – Final Approval

### Summary

On 24<sup>th</sup> June 2019 the Executive took a key decision to approve the proposed expansion of Worthington Primary School, subject to the completion of statutory processes, included within the Education and Early Years basic need and SEND Capital Report (E/24.6.19/6).

The required statutory processes:

- Informal Consultation;
- Publication of a statutory notice and complete proposal;
- Completion of a 4 week Representation Period; and
- Completion of the required Town and County Planning Application processes,

have now been completed.

### Recommendation

That the proposal to expand Worthington Primary School be approved.

Schedule 3 of The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, requires that any determination must be made within the period of two months of the end of the representation period; 11<sup>th</sup> June 2020. Therefore the decision must be made by 6<sup>th</sup> August 2020.

### Contact person for access to background papers and further information:

**Name:** Marilyn Golding  
**Extension:** 1853

Background Papers: None

*Implications:*

|   |   |
|---|---|
| Relationship to Policy Framework/Corporate Priorities | Preserving and improving education excellence   |
| Relationship to GM Policy or Strategy Framework       | N/A   |
| Financial   | £2m Basic Need funding has been approved and is included in the capital programme.                    |
| Legal Implications:                                   | The expansion of schools is subject to statutory processes, which have been adhered to as appropriate |

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|  | for the scheme. In addition, the LA has statutory duties in relation to the provision of school places, including using its planning powers to secure provision. |
| Equality/Diversity Implications                    | Schools are subject to current legislation about equality and diversity. There are no particular implications arising from this report.                          |
| Sustainability Implications                        | School buildings are procured requiring successful contractors to meet required sustainability criteria.   |
| Resource Implications e.g. Staffing / ICT / Assets | Expanding schools requires additional staff and ICT provision, which is a matter for the School's Governing Body.  |
| Risk Management Implications                       | Failure to provide sufficient school places will find the LA in breach of its statutory duty.  |
| Health & Wellbeing Implications                    | Securing diversity in the provision of schools and increasing opportunities for parental choice  |
| Health and Safety Implications                     | All school building work is subject to appropriate current Health and Safety/CDM regulations.  |

## 1. LEGAL POSITION

The LA has a general duty under section 14 Education Act 1996 to ensure that there are available in its area, sufficient schools in number, character and equipment to provide for all pupils, the opportunity of appropriate education (s. 14 (2)). This general duty has been characterised as a target duty in *R v Inner London Education Authority ex parte Ali and Another* [1990] COD 317 and in *Meade v London Borough of Haringey* [1979], held the LA must be able to show a reasonable cause i.e., an emergency, as to why it cannot fulfil the duty.

In addition, the Education and Inspections Act 2006 amends section 14 of the 1996 Act by inserting a new subsection (3A) to require LAs in England, when exercising their powers on the provision of schools in their area, under that section, to do so with a view to securing diversity in the provision of schools and increasing opportunities for parental choice.

## 2. BACKGROUND

### 2.1 School Places

The Local Authority has a duty, set out in the Education Act 1996, to ensure sufficient school places for children who live within its area. Trafford has seen a significant increase in the number of children resident in the area overall and in particular in the Sale East area.

Schools in the Sale East planning area are significantly oversubscribed particularly in upper year groups a result of movement into the area outside the normal admission round. At 23rd March 2020( the date of the announcement of lock down procedures) every primary school in Sale East had reached its published admission number in every year group, except in the reception year group where only 3 schools (2 voluntary aided schools and 1 community school) had vacancies. In addition,a number of schools had admitted children above the published admission number to their maximum physical capacity in order to ensure sufficient places. The LA now proposes the expansion of Worthington Primary School. Since the proposal is made to meet the expected increase in families living in the local area it is not anticipated that the expansion will adversely affect any other schools within the area.

The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 set out the process which must be followed, where the LA proposes the physical expansion of a school. Although there is no longer a statutory 'pre-publication' consultation period for prescribed alteration changes, there is a strong expectation that the LA will consult interested parties, in developing its proposal prior to publication, as part of its duty under public law, to act rationally and take into account all relevant considerations.

## 2.2 PAN Consultation

On the 28th January 2018 Trafford's Executive determined the 2020 Admission Arrangements for all community and voluntary controlled which included a proposal to combine the catchment areas of Templemoor Infant School, Moorlands Junior School and Worthington Primary School in order to prioritise any future schools places for children resident in the area:

"The LA continues to consider schools for expansion in accordance with the sufficiency of places in each area and the feasibility of the schools available. Any additional places created in the combined area in the future would be prioritised for those children living in the combined catchment area"

In accordance with the requirements of the School Admissions Code, the LA undertook consultation on its 2021 admission arrangements, including all state funded schools in Trafford, neighbouring LAs, relevant parents and other groups with an interest, in the process. The arrangements proposed an increase to the PAN at Worthington Primary School from 45 to 60. The proposal was published in a local newspaper and on the LAs website to ensure that all interested parties were aware of the proposal and could make their views known to the LA.

No comments or objections were received.

The proposal was then considered through Trafford's democratic processes and determined on 25th February 2020.

## 2.3 Informal Consultation

The LA initiated informal consultation (Stage 1 of the statutory process), on Wednesday 27<sup>th</sup> November. This informal stage began with an open meeting for pupils, staff and residents and was extended further into the community by including the usual Town and Country Planning consultation requirements. The meeting, to look at, and comment on, the proposed plans was well attended and officers and architects were available to discuss the proposal and answer any questions. The proposal was generally well received especially since the improved facilities would benefit existing pupils in the future, particularly by removing the need for mixed age classes. A topic raised by residents attending the consultation evening was the impact of increased traffic as a result of to the expansion.

## 2.4 Planning Application

The comments from the informal consultation, and those that were received thereafter, were reviewed by the design team. As a result, the plans were amended in order to address Planning officer's concerns regarding the external appearance of the extension, particularly the roof design and fenestration detailing (the design and placing of windows). The planning application was submitted and validated on 3rd December 2019 and approved, following the required consultation process, on 6th March 2020. The application number is 99502/FUL/19 and full details, including the School's travel plan, have been published on Trafford's website.

## 2.5 Statutory Notice

The Statutory Notice was published on 14<sup>th</sup> May 2020 commencing the start of a 4 week representation period. A copy of the full proposal was available to view on Trafford's website and a hard copy was available on request. The Representation Period ended on 11 June 2020. No further comments or objections were received.

## 3. OTHER OPTIONS

None

4. **REASONS FOR RECOMMENDATION**

On 24<sup>th</sup> June 2019 the Executive took a key decision to approve the proposed expansion of Worthington Primary School, subject to the completion of statutory processes, included within the Education and Early Years Basic Need and SEND Capital Report (E/24.6.19/6). All the required statutory processes have been undertaken.

**Finance Officer Clearance** GB

**Legal Officer Clearance** PD



**DIRECTOR'S SIGNATURE** (*electronic*)

To confirm that the Financial and Legal Implications have been considered and the Executive Member has approved the report.