

**Report of Director of Children's Services**

**Report to Executive Board**

**Date: 9 March 2016**

**Subject: Outcome of consultation to increase primary school places and establish Special Educational Needs provision at Bramley Primary School**



Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Bramley & Stanningley		
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Is the decision eligible for Call-In?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number: Appendix number:		

**Summary of main issues**

This report contains details of proposals brought forward to meet the local authority's duty to ensure the sufficiency of school places and Special Educational Needs (SEN) places. The changes that are proposed form prescribed alterations under the Education and Inspections Act 2006. The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 and accompanying statutory guidance set out the process which must be followed when making such changes. The statutory process to make these changes varies according to the nature of the change and status of the school and the process followed in respect of these proposals is detailed in this report. The decision maker in these cases remains as the local authority.

Executive Board agreed in February 2014 a process whereby a stakeholder consultation event using Outcomes Based Accountability (OBA) methodology informs consultation on options for an area, from which a route forward will be determined.

In March 2014 a stakeholder event was held for the Bramley planning area which subsequently led to the consultation and the expansion of Hollybush Primary School from a two form entry primary school, to a three form entry primary school. It was also highlighted that further expansion proposals may need to be brought forward in the future to address the increase in births in the Bramley area, Bramley Primary School being a viable option. This expansion proposal is now being progressed.

Following a further review of the demographics last year, a consultation to expand Bramley Primary School from an admission number of 40 to 60 with effect from September 2017, took place between 9 November and 4 December 2015.

In addition, a need to create additional Special Educational Needs (SEN) provision was identified within this area. Specifically, for pupils with complex communication needs including those children and young people with a diagnosis of Autistic Spectrum Condition (ASC). The consultation therefore also included creating additional SEN places at Bramley Primary School as part of the proposal to expand the school. This report considers the SEN improvement test as set out in Annex B 'Guidance for Decision makers' of the School Organisation – Maintained Schools, Statutory Guidance 2014.

## **Recommendations**

Executive Board is asked to:

- Approve the publication of a Statutory Notice to expand primary provision at Bramley Primary School from a capacity of 280 pupils to 420 pupils with an increase in the admission number from 40 to 60 with effect from September 2017 and to establish provision for pupils with Complex Communication Difficulties including children who may have a diagnosis of ASC (Autistic Spectrum Condition) for approximately 6 pupils with effect from September 2017.
- Note the responsible officers for implementation are the Capacity Planning and Sufficiency Lead and the Head of Complex Needs.

## **1 Purpose of this report**

- 1.1 This report contains details of proposals brought forward to meet the local authority's duty to ensure sufficiency of both mainstream primary provision and primary aged SEN places. This report describes the outcome of the consultation that took place regarding proposals to expand primary school provision and establish SEN provision at Bramley Primary School and seeks permission to publish a statutory notice in respect of these proposals.

## **2 Background information**

- 2.1 A stakeholder consultation event using Outcomes Based Accountability methodology was held in March 2014 to discuss options for increasing school places in Bramley & Armley. Invitees included local head teachers, Ward Members, school governors, parent representatives, local authority officers and representatives from the diocesan education boards. Information about birth rates, children currently aged under 5 living in these areas, housing, and admissions data which included parental preferences for schools was shared.
- 2.2 The event provided an opportunity to allow for discussion amongst small groups of stakeholders, and for options to be suggested. Although the focus was on primary provision, the event also provided the opportunity to discuss the need for Free Early Education places for eligible 2 and 3-4 year olds as well as specialist places for children with special educational needs. At that time the need for some additional SEN places for children with severe learning disabilities was identified however these places were not created. It has since been identified that a growing need is for those children and young people with Complex Communication Difficulties including children with a diagnosis of Autistic Spectrum Disorder (ASC). Therefore this proposal includes the establishment of 6 primary places through a resource provision arrangement.
- 2.3 The outcome of this event resulted in the subsequent expansion of Hollybush Primary School from 2FE to 3FE in the Bramley planning area. It was also acknowledged that the need for further expansion in the area would be likely and that Bramley Primary School could be a viable option. Following a recent review of the demographics within the area, it was decided to consult on a proposal to expand the school from an admission number of 40 places to 60 places with effect from September 2017.
- 2.5 A public consultation on this option took place from 9 November 2015 to 4 December 2015. This included use of the WordPress on-line forum and the Council's Talking Point survey system. A number of drop-in sessions were held at Bramley Primary School to discuss the proposals. The drop-in sessions were attended by parents, carers and local residents. Information was distributed widely, including through the school, Early Years providers, on the Leeds City Council website, the Family Information Service website, Twitter and Facebook. Meetings were held with the governors, staff and school council of Bramley Primary School. Banners were placed at the entrances of the school to advertise the consultation and leaflets were distributed to local residents and also placed in the local shop and community centre.

### **3 Main issues**

- 3.1 The expansion of Bramley Primary School is proposed as it is a good school in an area of high demographic need. The school has admitted a temporary additional cohort of 20 children in 2014 and 2015 and is expected to do so in 2016 in order to meet the local demand for places.
- 3.2 When planning and commissioning SEN provision authorities must be flexible and take account of parents and young people's needs and wishes as well as putting in place high quality provision. The following have been considered as part of the SEN improvement test:
  - 3.2.1 One way to take into account parents and young people's wishes is through the Leeds Local Offer which allows for families, children and young people with SEND (Special Educational Needs and Disability) to provide feedback on issues regarding SEN. At this time there is no feedback regarding specific SEN provision in the city.
  - 3.2.2 The ASC provision would give the individual pupil a flexible and tailored education as well as providing a safe space within the school. This would be supported by specialist and experienced staff supporting teaching and learning. Pupils would feel safe and have full access to the broad and balanced mainstream curriculum. The aim of the provision would be for pupils to access mainstream most of the time.
  - 3.2.3 The provision would also allow for some of our most vulnerable learners with ASC, who often have the academic ability but who are displaced from learning as a result of their social difficulties and anxiety, the chance to access mainstream school.
  - 3.2.4 Provision within Bramley Primary School supports the authority's drive to make Leeds' provision accessible and inclusive.
  - 3.2.5 This would be a city-wide provision for pupils with ASC taking into account the growth in all areas, but particularly for children living in the West of the city.
- 3.3 During the consultation period there were 27 written responses received via the paper response form, email, Wordpress and Talking Point. In total there were 26 responses in support of the proposal to expand primary provision and one response opposing the proposal to expand primary provision. There were 26 responses in support of the proposal to establish SEN provision, none opposing the proposal to establish SEN provision and one neither supporting nor opposing it. Feedback was positive for both the expansion and SEN proposals at the staff meeting. A copy of the responses received can be requested from the Capacity Planning and Sufficiency Team at [educ.school.organisation@leeds.gov.uk](mailto:educ.school.organisation@leeds.gov.uk).
- 3.4 The Governing Body of Bramley Primary School supports the proposal to expand primary provision and establish SEN provision.
- 3.5 In response to the consultation there were a number of supportive comments received and in particular regarding the establishment of SEN provision.
- 3.6 The concerns raised by respondents are summarised as follows;

3.6.1 **Concern:** The increase in traffic at peak times will cause congestion and disruption on the roads around school and parking will be more difficult. This will create a safety issue for children and other pedestrians particularly around the main school gates.

**Response:** As part of this proposal, discussions are ongoing with colleagues in the Highways team to ensure that a range of measures are considered and put in place where possible to mitigate increases in traffic. Some of these may include additional off-street parking, reduced speed limits and other traffic management measures. The following measures are currently being investigated in order to mitigate congestion and other traffic related issues:

- The creation of a formal school entrance leading from Broad Lane, close to where the zebra crossing has recently been installed. This would encourage more parents to utilise the park and stride arrangement at The Beacon Public House or to park on Broad Lane and walk the short distance to the school.
- Relocation of the existing staff car park onto a piece of land just off Broad Lane which is currently vested with the school. This would allow the provision of additional parking places for the increase in staff numbers.
- The relocation of the car park would also considerably reduce the number of vehicles sharing the main school entrance with pedestrians. It would exclusively be used by any vehicles dropping off children with additional needs and delivery or refuse vehicles.
- The school has a travel plan and is working with parents to increase the numbers of children walking to school. It is also worth noting that the school operates a breakfast club therefore not all children currently arrive at the same time.

3.6.2 **Concern:** The school hall would also need to be expanded to accommodate additional children and staff.

**Response:** As part of the design phase, all internal accommodation would be reviewed; including hall space to ensure sufficient accommodation is delivered where possible in line with current building bulletin guidance.

3.6.3 **Concern:** Increasing pupil numbers would require extending the footprint of the school which could impact on the playground space.

**Response:** The additional accommodation which would be required is likely to take the form of a two storey extension, therefore minimising the footprint needed. It is anticipated that any current outdoor play space lost to the development would be re-provided on the current grassed playing area, potentially in the form of a multi-use games area (MUGA).

3.6.4 **Concern:** The increase from 40 to 60 children per year group needs to be carefully managed as the children do well in small group teaching situations.

**Response:** The demand for school places in Bramley and the surrounding areas continue to rise and is projected to do so for the next 4 years. The local authority has a duty to ensure the sufficiency of school places and therefore this proposal has been brought forward to meet the increasing demand within the Bramley area.

Without additional places being provided locally, some children may find it difficult to access a local school place and may have to travel out of the area. The head teacher, senior leadership team and governing body are keen to retain a high standard of teaching of the school and are confident that they could manage any changes successfully without any detriment to the learning within the school. The changes would benefit the school and would allow children to be taught in single year group classes.

3.6.5 **Concern:** What financial impact would the SEN provision have on the school?

**Response:** The authority will buy places each year for those pupils who we know are currently placed or who will require a place at the resourced provision (max 6 children). Financially, it should not impact on the school's budget.

3.6.6 **Concern:** The 6 SEN places will not be given to high functioning children and instead to those with more severe needs.

**Response:** There is a formal process between the school and the authority when placing children at the school. Children must have an Education Health and Care Plan to access the resource. The authority must consult with the school formally for 15 days before the school must respond to confirm if the needs of the child can be met. The placement of children in settings with an Education Health and Care Plan is set out under Section 3 of the Children and Families Act 2014.

3.7 As part of a review of the consultation process we will take on board stakeholders' views and consider what improvements could be made to future consultations.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

4.1.1 The process in respect of the proposal has been managed in accordance with the relevant legislation and with local good practice.

4.1.2 A public consultation on this option took place from 9 November 2015 to 4 December 2015. This included use of the WordPress on-line forum and the Council's Talking Point survey system. Two drop-in sessions were held at Bramley Primary School to discuss the proposals and coincided with Parents/carers evening to maximise attendance. The drop-in sessions were attended by parents, carers and local residents and were supported by officers from Highways and Children's Services (Capacity Planning and Built Environment Teams). Information was distributed widely, including through the school, Early Years providers, on the Leeds City Council website, the Family Information Service website, Twitter and Facebook. Meetings were held with the governors, staff and school council of Bramley Primary School and these were supported by officers from the Capacity Planning, Built Environment and Complex Needs teams. Banners were placed at the entrances of the primary school to advertise the consultation and leaflets were distributed to local residents and also placed in the local shop and community centre.

The view of the ward members was sought and there was support for the expansion of Bramley Primary School. The consultation document for this proposal can be found at: <http://www.leeds.gov.uk/residents/Pages/Currentschoolsconsultation.aspx> or requested from the Capacity Planning and Sufficiency Team at: [educ.school.organisation@leeds.gov.uk](mailto:educ.school.organisation@leeds.gov.uk).

## **4.2 Equality and Diversity / Cohesion and Integration**

4.2.1 The EDCI form relating to the proposed expansion of Bramley Primary School has been completed and is attached as an appendix to this report.

## **4.3 Council policies and Best Council Plan**

4.3.1 These proposals are being brought forward to meet the Council's statutory duty to ensure there are sufficient school and SEN places for all the children in Leeds. Providing places close to where children live allows improved accessibility to local and desirable school places is an efficient use of resources and reduces the risk of non-attendance.

4.3.2 The proposal contributes to the city's aspiration to be the Best Council and the Best City in which to grow up; a Children Friendly City. The delivery of pupil places through the Basic Need Programme is one of the baseline entitlements of a Child Friendly City, by creating good quality local places. A good quality school place contributes to the achievement of targets within the Children and Young People's Plan such as our obsession to 'improve behaviour, attendance and achievement'. It is therefore important that when bringing any proposal forward, there is a degree of certainty that any change would not have a negative impact on the teaching and learning in the school. Bramley Primary School was rated 'Good' by Ofsted at its most recent inspection.

4.3.3 Further objectives of the Best Council Plan 2015-2020 are 'Supporting communities and tackling poverty and 'Become a more efficient and enterprising council'. Choice and diversity for parents and families is promoted by responding to the needs of communities, by delivering additional school places in the areas where families need them. Meeting these expectations while demonstrating the five values underpinning all we do is key to the basic need programme.

## **4.4 Resources and value for money**

4.4.1 An indicative budget for the proposed Bramley Primary School expansion and establishment of SEN provision project is estimated at £3.06m based on a high-level calculation that considers the amount of new build, external works and associated fees. An initial estimate will be provided at feasibility stage which will be refined during design development when a robust design freeze or pre-tender estimate can be provided. This will also include any costs for risks associated with further site investigation and survey information provided during detailed design. A Design and Cost Report will be submitted at the end of this stage to request Authority to Spend based on the latest accurate cost information at that time. The high level cost estimate is comparable with recent expansions. This figure allows for a cautious risk allocation to cover the number of unknown variables within the scheme which are yet to be quantified.

4.4.2 The authority currently funds a number of expensive out of area placements for ASC provision. Developing SEN provision at Bramley Primary School could lead to a considerable cost saving to the authority.

#### **4.5 Legal Implications, Access to Information and Call In**

4.5.1 The processes that have been and will be followed are in accordance with the Education and Inspections Act 2006 as set out in the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007, and amended by School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.

4.5.2 This report is subject to call in.

#### **4.6 Risk Management**

4.6.1 The proposals to increase primary provision and to establish SEN provision at Bramley Primary School have been brought forward in time to allow places to be delivered for 2017.

4.6.2 A decision not to proceed at this stage would mean fresh consultation on new proposals, and would mean places may not be delivered in time. The authority's ability to meet its statutory duty for sufficiency of school and SEN places in the short term may also be at risk.

4.6.3 It will be essential to have a plan to ensure that children and young people access the SEN provision gradually and over the key stages. There would also need to be good clear communication and monitoring between the school and the authority. A robust Service Level Agreement would be put in place. Access to the resource would be through the placement named in Part 4 of a statement of SEN or in section I of an Education, Health and Care plan.

4.6.4 There is a corporate risk associated with failing to provide sufficient school and SEN places in good quality buildings that meet the needs of local communities.

### **5 Conclusions**

5.1 Our ambition is to be the best city in the country. As a vibrant and successful city we will attract new families to Leeds, and making sure that we have enough school and SEN places for the children is one of our top priorities. These proposals have been brought forward to meet that need, and to ensure that enough places are created from 2017 onwards to meet the demand resulting from a rise in the birth rate. Following the appropriate consultation we now seek to move the proposals to the next stage. We want to ensure that all children in Leeds have the best possible start to their learning, and so deliver our vision of a child friendly city.

5.2 The issues raised during consultation regarding the expansion of Bramley Primary School and the establishment of SEN provision have been considered, along with the SEN improvement test and on balance, the proposal remains strong. The proposals address the need for both primary school and SEN places in the area. This report demonstrates how the concerns raised during consultation can be addressed and what measures might be put in place to mitigate the issues.

5.3 The additional places are required to ensure the authority meets its legal duty to ensure sufficiency of both primary places and SEN provision for September 2017. There is evidence of local need for places and it is therefore recommended that the proposal be approved.

## **6 Recommendations**

Executive Board is asked to:

- Approve the publication of a Statutory Notice to expand primary provision at Bramley Primary School from a capacity of 280 pupils to 420 pupils with an increase in the admission number from 40 to 60 with effect from September 2017 and to establish provision for pupils with Complex Communication Difficulties including children who may have a diagnosis of ASC (Autistic Spectrum Condition) for approximately 6 pupils with effect from September 2017.
- Note the responsible officers for implementation are the Capacity Planning and Sufficiency Lead and the Head of Complex Needs.

## **7 Background documents<sup>1</sup>**

7.1 None.

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<sup>1</sup> The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.