

**Report of Director of Children's Services  
Report to Executive Board**

**Date: 17<sup>th</sup> July 2013**



**Part A Basic Need Programme 2015 – Permission to consult on further proposals for expansion of primary provision in 2015**

**Part B Proposal to Change the Status of Calverley CE (VC) Primary School from Voluntary Controlled to Voluntary Aided**

Are specific electoral Wards affected? If relevant, name(s) of Wards: Calverley and Farsley	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

**Summary of main issues**

**Part A**

1. The Basic Need programme represents the Council's response to the demographic pressures in primary school provision. Through this programme it has now approved over 1020 new reception places since 2009. Under the Education and Inspections Act 2006 proposals to expand school provision constitute prescribed alterations requiring a statutory consultation process.
2. At its meeting on 9 May the Executive Board considered a report requesting permission to consult on proposals for the expansion of existing primary provision in 2015. Part A of this paper seeks permission to consult on the expansion of further provision in Calverley and Farsley.
3. The first step in the process is a public consultation, which would run from 16 September 2013 to 25 October 2013. This report asks for permission to begin this consultation.
4. These proposals form part of the ongoing work to address capacity and sufficiency across all of Children's Services. Papers will continue to be brought forward to address the sufficiency issues. These proposals form part of the Council's Basic

Need Programme that embeds the 'one council' approach that has achieved shared ownership of proposed solutions.

- Part B
- 1. The Governing Body of Calverley CE Voluntary Controlled (VC) Primary School has published proposals on a change of status to Voluntary Aided (VA). They have also carried out public consultation on this proposal.
- 2. In this case the Governors of the school are the proposers who have published the proposal and the Local Authority is the decision maker. The Governors have a right of appeal to the schools adjudicator if they disagree with the LA decision.
- 3. Members can decide to:
  - reject the proposal;
  - approve the proposal;
  - approve the proposal with a modification e.g. the implementation date;
  - approve the proposal subject to meeting a specific condition and giving reasons for the decision.

## **Recommendations**

### **Part A**

Executive Board is asked to:

- Give permission to consult on the expansion of Calverley Church of England Primary School from a capacity of 315 pupils to 420 pupils with an increase in the admission number from 45 to 60 with effect from September 2015;
- Give permission to consult on a linked proposal to expand Farsley Westoyd Infant School from a capacity of 180 pupils to 210 pupils and raise the upper age limit from 7 to 11 with effect from September 2015;
- Give permission to consult on a linked proposal to expand Farsley Springbank Junior School from a capacity of 240 pupils to 420 pupils and change the lower age limit from 7 to 4 with effect from September 2015.

### **Part B**

Executive Board is asked to:

- Approve the proposal published by the Governing Body of Calverley CE Primary School to change the school status from Voluntary Controlled to Voluntary Aided with an implementation date of 31<sup>st</sup> August 2013.

## **1 Purpose of this report**

- 1.1 Part A of this report contains details of proposals brought forward to meet the local authority's duty to ensure sufficiency of school places. It seeks permission to commence public consultation on further proposals for the expansion of primary provision in the city from September 2015. In regards to part B of the report, it provides members with information upon which to take a decision on proposals published by the Governing Body of Calverley CE (VC) Primary School to change the schools status from Voluntary Controlled to Voluntary Aided.

## **2 Background information**

### **Part A**

- 2.1 At its meeting on 9 May the Executive Board considered a report requesting permission to consult on proposals for the expansion of existing primary provision in 2015. This report seeks permission to consult on three further proposals. These proposals were brought forward as part of a range of measures to ensure the authority meets its statutory duty to ensure sufficiency of school places. Under the Education and Inspections Act 2006 the proposals described in this report constitute prescribed alterations requiring a statutory process.
- 2.2 Subject to Executive Board approval, the expansion proposals for 2015 would be followed by the publication of a statutory notice before a final decision is made.
- 2.3 These proposals form part of the ongoing work to address capacity and sufficiency across all of Children's Services, which includes provision for primary and secondary school places, early years, as well as specialist provision. It includes the impact of underlying demographic growth, as well as the core housing strategy. Further papers will continue to be brought forward in 2013 to further address the emerging sufficiency issues.

### **Part B**

- 2.4 The Education and Inspections Act 2006 revised the procedures for making changes to school provision. These are set out in the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 as amended by the School Organisation and Governance (Amendment) (England) Regulations 2007 and the School Organisation and Governance (Amendment) (England ) Regulations 2009.
- 2.5 In this case the Governors of the school are the proposers who have published the proposal and the Local Authority is the decision maker. The Governors have a right of appeal to the schools adjudicator.
- 2.6 In considering a change of category to Voluntary Aided the decision maker must be satisfied that the Governing Body are able and willing to meet their financial responsibilities for building work. This can include considering whether the Governing Body has access to sufficient funds to enable it to meet 10% of its overall liabilities for at least 5 years from the date of implementation, taking into account anticipated building projects. There are no building projects arising

directly from this proposal and the maintenance of the existing building is considered at paragraph 4.4.3.

### **3 Main issues**

#### **Part A**

- 3.1 Under the Education and Inspections Act 2006 these proposals constitute prescribed alterations requiring a statutory consultation process, of which the first step is public consultation, which would run from 16 September 2013 to 25 October 2013. Depending on the issues raised, approval could be sought to proceed to the statutory notice stage in the autumn of 2013 and to a final decision in the spring of 2014.
- 3.2 **Proposal one: to expand Calverley Church of England Primary School from a capacity of 315 pupils to 420 pupils with an increase in the admission number from 45 to 60 with effect from September 2015.**
- 3.3 The expansion of this school would provide an additional 15 places in the Calverley area which has traditionally seen a high demand for primary school places. Whilst birth figures have fluctuated over recent years, there is now sustained demand for additional capacity, with an increase in the number of children in Calverley due to enter reception in 2015 and in 2016. Additional permanent places are required to provide a local school for local children. The school will take an additional cohort of up to 15 children in reception in September 2013 to manage an increase in pupil numbers.
- 3.4 Expanding the school from 1.5 to 2 forms of entry would also bring the opportunity to establish single age classes and deliver a more efficient revenue structure for the school. The governing body have expressed their support to begin consultation.
- 3.5 **Proposals two and three: linked proposals to raise the upper age limit and expand Farsley Westroyd Infant School and lower the lower age limit and expand Farsley Springbank Junior School.**
- 3.6 Birth data indicates an increased demand for primary places. Whilst children living in Stanningley and Pudsey have consistently applied for places in schools in the Farsley area, with a third of the 120 places available being previously taken up by children who do not live nearest to the schools, 2015 and 2016 will show notable increases in the number of reception aged children living in Farsley. There is a need to create additional places for children living in Farsley. The establishment of two primary schools will help to manage this demand.
- 3.7 **Proposal two: expand Farsley Westroyd Infant School from a capacity of 180 pupils to 210 pupils and raise the upper age limit from 7 to 11 with effect from September 2015.** If the proposal moves forward, the school would change from a 2 form entry infant school to a one form entry primary school. The governing body of the school support the move to consultation on expansion.

- 3.8 **Proposal three: expand Farsley Springbank Junior School from a capacity of 240 pupils to 420 pupils and lower the upper age limit from 7 to 4 with effect from September 2015.** If the proposal moves forward, the school would change from a 2 form entry junior school to a two form entry primary school. The governing body of the school support the move to consultation on expansion.
- 3.9 As indicated earlier the proposals in this report seek to address the immediate pressure for school places. Members will be aware that through the LDF the Council is proposing significant new housing in all parts of the district. The Core Strategy identifies a need to find land for an additional 4,700 dwellings in Outer West Leeds which will inevitably create a significant additional need for school places. Whilst some 2040 dwellings can be accommodated on land with planning permission or allocated housing sites the majority (2660) will be on sites that have yet to be determined. The Council is currently in the initial stages of consultation on its Site Allocations Plan. Although the future distribution of housing is therefore uncertain this will inevitably require new schools as well as extensions where these are acceptable and appropriate. Sites now under consideration in the Site Allocations plan may therefore need to be considered (in whole or in part) for school use rather than housing or employment, particularly where they are well related to the major areas of population, on the basis that smaller settlements will generally see less growth that might be more readily accommodated by a school extension or be of insufficient size to warrant a new school. In this respect we are already considering the potential of the site at Kirklees Knowl to help meet this future need. However, at this stage no firm decision has been taken.

## **Part B**

- 3.10 The school's Governing Body resolved at its meeting on 5<sup>th</sup> July 2012 to consult on changing the category of the school to Voluntary Aided. This set in motion the first stage of the process described in the Regulations requiring a proposer to consult all interested parties. The consultation document (attached as Appendix A) was published that detailed the implications for the school that a change of status would have in terms of:
- Ethos;
  - The National Curriculum;
  - Inclusion;
  - Staffing;
  - Religious Education;
  - Collective Worship;
  - Governing Body;
  - Admissions;
  - Improvements to the building.

- 3.11 The initial consultation took place between 9<sup>th</sup> November 2012 and 21<sup>st</sup> December 2012 during which a public meeting was held at the school on 6<sup>th</sup> December 2012. A representative of the Diocesan Director of Education of the Diocese of Bradford Ripon and Leeds and a Local Authority Officer were in attendance at the public meeting. It is worth noting that during the meeting it was made clear that the proposal does not include any alterations to the current admission policy for the school. This is a separate issue that would be considered by the new Governing Body, as it would be required to do every year as its Own Admissions Authority, and any proposed changes would be consulted on as prescribed by the national Admissions Code. The Governing Body would have to consult on its admissions policy for the admissions round in September 2015 in November/December 2013.
- 3.12 At its last Ofsted inspection the school was considered to be performing at a satisfactory level and the governors are now aspiring to achieve a good rating at the next inspection. The school is at floor targets and is using all avenues, including attaining Voluntary Aided status, to ensure good teaching and outcomes. The ambition is to raise the aspirations of local parents and for local families to want to send their children to the school.
- 3.13 There were fifteen written responses to the consultation all from parents of children at the school. Of these thirteen were in favour of the proposal and two were against it. The concern that was raised in these responses related to the admissions policy of the school being set by the governing body. A public meeting was held at the school and although the meeting concentrated on the schools admission policy, the feeling towards this proposal was positive. It was made clear at the time that the proposal does not include any changes to the current policy but if approved the change in status would result in the new Governing Body becoming its 'Own Admissions Authority' as described at 3.2. Any future changes to the Admissions policy would need to be consulted upon, as prescribed in the national Admissions Code.
- 3.14 The Governing Body considered the responses on 15<sup>th</sup> January 2013 and decided to proceed with the next stage of the process and publish a statutory notice. The notice was published on 15<sup>th</sup> April 2013 and there followed a 6 week statutory representation period during which comments and expressions of support or objections can be made. Any views expressed will be taken into account by the decision maker.
- 3.15 The 6 week period ended on 27<sup>th</sup> May 2013 and there were no further responses.
- 3.16 A decision on the proposal must be taken by the Local Authority within 2 months of the end of the representation period with rights of appeal to the schools adjudicator.
- 3.17 The proposed implementation date is 31<sup>st</sup> August 2013 to coincide with the start of the new academic year. The Governing Body must be reconstituted as soon as reasonably practicable but within 3 months of the implementation date. There would be a change of employer for the school staff from the implementation date. All rights, powers, duties and liabilities transfer from the Authority to the Governing Body.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

- 4.1.1 The consultation process in respect of proposals to expand primary provision in 2015 will be carried out in line with good practice and in accordance with relevant legislation. Drop in sessions will be offered alongside public meetings where appropriate.
- 4.1.2 In respect of the proposal to change the status of Calverley C of E Primary School, the Governing Body has carried out public consultation as prescribed in the Regulations. This includes consultation with ward members, the Diocese, staff and parents and other stakeholders. A public meeting was held on 6 December 2012. Following this a statutory notice was published on 15<sup>th</sup> April 2013.

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

- 4.2.1 Equality Impact Screening forms have been completed in relation to each proposal in the report and are attached at appendices 2, 3 and 4.

#### **Part B**

- 4.2.2 The decision has no direct implications for any places reserved for pupils with Special Educational Needs.
- 4.2.3 The Government's aim is to transform the school system and the Regulations specify that part of that vision is to create a more diverse school system offering excellence and choice. The Regulations state that decision makers should consider how proposals will contribute to local diversity. They should consider the range of schools in the area and whether the alteration to the school will meet the aspirations of parents, help raise local standards and narrow attainment gaps. There are currently no other Church of England Voluntary Aided primary schools serving this community and the Diocese has expressed strong support for the proposal.

### **4.3 Council policies and City Priorities**

#### **Part A**

- 4.3.1 The proposals are being brought forward to meet the Council's statutory duty to ensure there are sufficient school places. Providing places close to where children live allows improved accessibility to local and desirable school places, and thus reduces the risk of non-attendance.

#### **Part B**

- 4.3.2 The Council has a statutory duty to act as the decision maker for the proposal published by the Governing Body of Calverley CE Primary School. The authority for taking such a decision rests with the Executive Board. If it is unable to take a decision within 2 months of the conclusion of the statutory notice period the decision must be referred to the Schools Adjudicator.

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

## **Part A**

- 4.4.1 The high level estimated cost of delivery of the proposals is £4.9M which will be funded through the education capital programme. Feasibility studies will be commissioned at risk for all projects and the outcomes of this are expected during autumn 2013. Early highways design work will commence alongside the feasibility studies with the outcomes of this expected during late autumn/winter 2013.

## **Part B**

- 4.4.2 The majority of capital expenditure for Voluntary Aided Schools is provided by Central Government but the Governing Body is required to make a 10% contribution.
- 4.4.3 As described in paragraph 2.6 the decision maker must be satisfied that a Governing Body is able to meet its financial responsibilities for building work. To evidence this, the Governing Body has provided a copy of the schools Asset Management Plan that was last surveyed in June 2008. All of the priority maintenance items highlighted at the time have already been rectified and there are no significant liabilities. The school has completed all of the building work identified in its Premises Development Plan and has provided a revenue budget statement to demonstrate that in addition to any Devolved Formula Capital funding that it receives it also has a healthy budget balance to meet the cost of any unforeseen maintenance that might arise. The school will also have access to the Locally Co-ordinated VA Programme for capital building works.
- 4.4.4 The Department for Education provides Form 18, a statement of governors' resources to defray expenses which would fall to be borne by them. This has been signed by the Diocesan Director of Education.
- 4.4.5 A change to Voluntary Aided status will not affect the schools revenue funding.

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

- 4.5.1 In respect of both parts A and B of this report, the process 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 as amended by the School Organisation and Governance (Amendment) (England) Regulations 2007 and the School Organisation and Governance (Amendment) (England) Regulations 2009.
- 4.5.2 In respect of part B, the school Governing Body is the proposer of the change of status and the Council is the decision maker.

## **4.6 Risk Management**

### **Part A**

- 4.6.1 A detailed risk register will be established and will be maintained for each project. It is necessary to progress feasibility design work at risk during the public consultation stage; however the decision to proceed to detailed design stages will be dependent on approval to progress to the latter stages of the statutory process.



Therefore any delay to the statutory process will increase the risk of delayed delivery of the building solution or financial risk of abortive design fees being incurred.

- 4.6.2 The risk of objections through the planning process will be mitigated by engaging in early and detailed discussions with colleagues in City Development.

### **Part B**

- 4.6.3 If members decide not to approve the proposal there is a right of appeal to the school adjudicator. The Governing Body and the Church of England Diocese can exercise the right of appeal. Appeals must be submitted to the Authority within 4 weeks of the notification of the decision and the Authority must send the proposal and the representations to the schools adjudicator within 1 week of receipt.

## **5 Conclusions**

### **Part A**

- 5.1 The proposals for increasing primary provision in 2015 form part of the authority's ongoing planning to meet the need for school places. This work involves other council directorates to ensure holistic planning and best use of corporate assets.

### **Part B**

- 5.2 Members can decide to:

- Reject the proposal
- Approve the proposal
- Approve the proposal with a modification eg: the implementation date
- Approve the proposal subject to them meeting a specific condition and giving reasons for the decision

## **6 Recommendations**

### **Part A**

Executive Board is asked to:

- Give permission to consult on the expansion of Calverley Church of England Primary School from a capacity of 315 pupils to 420 pupils with an increase in the admission number from 45 to 60 with effect from September 2015;
- Give permission to consult on a linked proposal to expand Farsley Westoyd Infant School from a capacity of 180 pupils to 210 pupils and raise the upper age limit from 7 to 11 with effect from September 2015;

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## **Part B**

Executive Board is asked to:

- approve the proposal published by the Governing Body of Calverley CE Primary School to change the school status from Voluntary Controlled to Voluntary Aided with an implementation date of 31<sup>st</sup> August 2013.

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

There are no background documents to this report.

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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.