

Report of Director of Children's Services

Report to Executive Board

Date: 8 February 2017

Subject: Outcome of Statutory Notice to increase learning places at Carr Manor Community School



Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Moortown		
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" 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

1. This report contains details of proposals brought forward to meet the local authority's duty to ensure the sufficiency of learning places including Special Education 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 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 the local authority (LA).
2. At its meeting in November 2015, Executive Board approved the publication of a Statutory Notice to expand primary provision and establish SEN provision at Carr Manor Community School (CMCS). During the Statutory Notice period concerns were raised by the Governing Body in relation to the footpath, a public right of way, that runs between the primary and secondary sites and it made an independent application to close the footpath. The Governing Body had concerns that the proposed expansion should not progress until that application had reached a conclusion and/or further discussions had been held with the authority. In March 2016 Executive Board gave permission to withdraw the proposals at that stage, pending further investigations.

3. Following extensive discussions and further investigations, the Governing Body confirmed its intention to progress a permanent expansion of primary provision and to establish some SEN provision, and that the proposals would not include extinguishment of the footpath. At its meeting in October 2016, the outcome of those discussions and details of the original consultation were reported to Executive Board, which approved the publication of a new Statutory Notice. This was published on 21 November 2016 and was followed by a 4 week representation period (formal consultation) ending on 19 December 2016. Further details are contained in the main body of this report. This report seeks a final decision from Executive Board.

Recommendations

Executive Board is asked to:

- Approve the proposal to permanently expand primary provision at Carr Manor Community School from a capacity of 210 pupils to 420 pupils with an increase in the admission number from 30 to 60 with effect from September 2018, and to establish provision for pupils with Complex Communication Difficulties including children who may have a diagnosis of ASC (Autistic Spectrum Condition) for approximately 12 pupils (6 primary, 6 secondary) with effect from September 2018.
- Note the responsible officers for implementation are the Head of Learning Systems and the Head of Complex Needs.

1 Purpose of this report

- 1.1 This report describes the outcome of the Statutory Notice regarding proposals to expand primary provision and establish SEN provision at Carr Manor Community School, which supports the Best Council priority to improve educational achievement and close achievement gaps and seeks a final decision in respect of these proposals.

2 Background information

- 2.1 Executive Board considered the outcome of the consultation on these proposals at its meeting in October 2016 and gave permission for a new Statutory Notice to be published. Details about the consultation are contained within reports submitted to Executive Board in November 2015 and October 2016, which are both available on request.
- 2.2 A Statutory Notice was published in the Yorkshire Evening Post newspaper on 21 November 2016 followed by a 4 week representation period (formal consultation) ending at 4pm on 19 December 2016. During a representation period, any person or organisation can submit comments on the proposal to the LA to be taken into account by the decision maker (Executive Board). A final decision must be made within a period of 2 months of the end of the representation period, in this case by 19 February 2017 or they must be referred to the Schools Adjudicator. Where objections are received, School Organisation Advisory Board (SOAB) is convened to consider the objections and provide a recommendation to Executive Board.
- 2.3 Copies of the Statutory Notice were placed at the school entrances of both the primary and secondary sites, on school notice boards and on lampposts in the area. Details about the proposal were posted on the school's website and in a newsletter to parents, and the full proposal was posted on the Leeds City Council website. We informed local schools and the diocese. In addition, information was posted on the Family Information Service website to ensure that the Early Years community was informed, and an email was sent to various parent groups in connection with the SEN proposals including EPIC (Empowering Parents, Improving Choices), SCOPE and SENDIASS Leeds (Special Educational Needs and Disability Information Advice Support service). We also wrote to or emailed the respondents who commented during the original consultation to ensure that they were aware that the proposals were progressing again, and to give them the opportunity to comment afresh.
- 2.4 During the Statutory Notice period six people commented however there were no objections to the proposal to permanently expand primary provision and establish SEN provision. Further details are provided in the main body of this report.

3 Main issues

- 3.1 During the representation period following publication of the Statutory Notice six respondents commented on the proposal. The first respondent noted that additional places were needed, that the school had space and a good management team to manage the changes however expressed concern about how the culture in the school might change, how the increases in traffic would be

mitigated, and whether enough additional parking would be provided. That respondent also noted that the footpath should be removed as it inhibited the operation of the school as a whole. The second respondent noted that there should be an additional car park provided along with a further entrance on the other side of the proposed expansion. The third respondent expressed concerns about the management of the school, how increases in traffic and parking would be managed, impact on play space and safety of pupils, impact on secondary places and whether facilities within the school would be sufficient. The fourth respondent asked whether the plans may still include closure of the footpath, or whether the proposals would remain as per the original consultation. The fifth respondent noted that they had no objections to additional children however had concerns about parents and staff parking and how that might further impact on residents being able to park outside of their own homes and asked how the expansion would be funded. The sixth respondent noted that they had no objection to the school or extension of the school but raised a number of concerns about the increased traffic, parking issues and numbers of parents driving to school. That respondent noted increases in traffic and on-street parking following the bulge cohort in September 2016, how that traffic is dispersed during peak times and asked what additional measures would be taken to reduce speeds and manage the increases in traffic if the school was to double in size. That respondent also raised concerns about the demographics and why so many additional places were required. It was determined that there were no objections to the proposal to expand primary provision or establish SEN provision but comments made were in fact concerns which would be addressed as part of the normal planning process should the proposal be approved.

3.2 Similar concerns and questions were raised during the original consultation, and in the report to Executive Board in November 2015, responses to those concerns were given, explaining how some of these concerns may be mitigated. During both the original consultation and the Statutory Notice the main concerns from both parents and residents were in relation to increases in traffic, provision of additional parking and whether any other traffic management measures could be introduced to manage this. We are working closely with colleagues in the Highways and Planning teams and with the school to ensure that a range of measures are considered and put in place where possible to mitigate congestion and other traffic-related issues. Parents, residents and other stakeholders will have the opportunity to comment formally on any Planning Application. In terms of general highway issues, and recognising the comments received from highway colleagues and local residents, highlighted in the report to Executive Board in November 2015, should planning permission be granted for this proposed development, it is likely that a planning condition will be imposed requiring post occupation highway monitoring. This is to ensure that any potential unforeseen highway impacts, generated directly by the proposal, can be properly addressed. Any additional highway safety issues identified in the post occupation monitoring period will need to be recorded within a further report as well as measures to overcome any of the identified issues together with timescales for their implementation.

3.3 The expansion of primary provision and establishment of SEN provision at Carr Manor Community School is proposed as it is a good school in an area of high

demographic need (Ofsted rated good with some outstanding features March 2014). CMCS is a through-school therefore increasing primary places could provide greater opportunities for the school to support more local families earlier and to continue that support as the children move from the primary phase into secondary. The school benefits from outstanding leadership and management, the achievement of pupils is good and the school prepares students well for future success and exceptionally well for life in a diverse society. The school has already admitted additional cohorts of 30 children in 2015 and 2016 and is expected to do so in 2017, with modular accommodation being provided to ensure that the school continues to operate effectively. The expansion would help to ensure a sufficiency of good places available for children to learn and gain the skills they need for life at a school close to where they live.

3.4 The SEN 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 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. Providing SEN places from primary to secondary in one provision would allow for effective transition planning supporting the authority's drive to improve young people's preparation for adulthood and 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. Provision within Carr Manor Community School supports the authority's drive to make Leeds' provision accessible and inclusive. 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 North East of the city.

3.5 The Governing Body of the school continues to support the proposal to expand primary provision and establish SEN provision.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 The process in respect of all the proposals has been managed in accordance with the relevant legislation and with local good practice. The notices for the proposal were published in the Yorkshire Evening Post on 21 November 2016. Copies of the Statutory Notice were placed at the school entrances of both the primary and secondary sites, on school notice boards and on lampposts in the area. Details about the proposal were posted on the school's website and in a newsletter to parents, and the full proposal was posted on the Leeds City Council website. We informed local schools and the diocese. In addition, information was posted on the Family Information Service website to ensure that the Early Years community was informed, and an email was sent to various parent groups in connection with the SEN proposals including EPIC (Empowering Parents, Improving Choices), SCOPE and SENDIASS Leeds (Special Educational Needs and Disability Information Advice Support Service). We also wrote to or emailed the respondents who commented during the original consultation to ensure that they

were aware that the proposals were progressing again, and to give them the opportunity to comment afresh.

4.1.2 Stakeholders had the opportunity to comment or object to the proposals either in writing or by email.

4.1.3 Ward members continue to support the proposals.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 An Equality and Diversity/Cohesion and Integration (EDCI) screening form has been completed and is attached as an appendix to this report.

4.3 Council policies and Best Council Plan

4.3.1 This proposal is being brought forward to meet the Council's statutory duty to ensure there are sufficient school places for all the children in Leeds. Providing places close to where children live allows improved accessibility to local places helping to support good levels of school attendance.

4.3.2 This proposal offers good value for money through its capacity to support achievement of the Best Council outcome to give everyone the chance to do well at every level of learning, gaining the skills they need for life.

4.3.3 The proposal provides tangible support for the city's aspiration to be the Best Council, the best city in which to grow up and a Child Friendly City. The delivery of pupil places through the Learning Places Programme is one of the baseline entitlements of a Child Friendly City and by creating good quality local places we also offer strong support towards achievement of our priorities to improve educational achievement and close achievement gaps, increase numbers participating and engaging and improve outcomes for children and young people with special educational needs. In turn, this proposal provides underlying support for the Council's ambition to produce a strong economy by compassionate means.

4.3.4 A good quality school place also contributes to the achievement of targets within the Children and Young people's Plan, such as our obsessions to improve attendance and reduce the number of young people not in education. It is 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. Carr Manor Community School was rated 'Good' by Ofsted at its most recent inspection and benefits from outstanding leadership and management. The school prepares students well for future success and exceptionally well for life in a diverse society. The Headteacher and Governing Body are confident that the proposed change can be successfully managed without detriment to the education of current and future pupils.

4.4 Resources and value for money

4.4.1 The indicative budget for the proposed Carr Manor Community School expansion and establishment of SEN provision project was originally estimated at £4.8m based on a high-level calculation that considers the amount of new build, external works and associated fees, and was subject to confirmation of associated

Highways works and the design for the SEN provision. This indicative cost included a budget of £50k for 'future occupation conditions' for Highways adjustments to be made should the need arise. However, as part of the 2016 Bulge Cohort programme, an additional four classrooms were provided, and these will contribute towards the rationalisation of the overall accommodation solution, therefore the cost of the scheme is estimated to be less than originally reported.

4.4.2 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 although the high level cost estimate is comparable with recent 1FE 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, namely the SEN provision and Highways requirements.

4.4.3 Funding for these types of expansions is normally provided from the Learning Places programme through Basic Need allocations. Recent schemes have exhausted the funding currently secured for this programme so may therefore require additional funding from an alternative source such as council borrowing although the further grant allocations for 2019 will be announced next year and may cover the required expenditure. The precise funding packages will be confirmed at the design freeze stage, and detailed in the relevant Design and Cost reports.

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 along with accompanying statutory guidance.

4.5.2 This report is subject to call in.

4.6 Risk Management

4.6.1 The proposals to increase primary provision and establish SEN provision at Carr Manor Community School have been brought forward in time to allow places to be delivered for 2018.

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 all 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.
- 4.6.5 In terms of general highway issues, and recognising the comments received from highway colleagues and local residents, highlighted in the report to Executive Board in November 2015, should planning permission be granted for this proposed development, it is likely that a planning condition will be imposed requiring post occupation highway monitoring. This is to ensure that any potential unforeseen highway impacts, generated directly by the proposal, can be properly addressed. Any additional highway safety issues identified in the post occupation monitoring period will need to be recorded within a further report as well as measures to overcome any of the identified issues together with timescales for their implementation.

5 **Conclusions**

- 5.1 Our ambition is to be the best council and 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 in response to that need, and to ensure that enough places are created from 2018 onwards to meet demand. 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 Although comments were received during the representation period, there were no formal objections to the proposal to expand primary provision and to establish SEN provision. This proposal is being brought forward to meet the Council's statutory duty to ensure there are sufficient school places for all the children in Leeds. Providing places close to where children live allows improved accessibility to local places helping to support good levels of school attendance.
- 5.3 It is our recommendation that the proposals are approved.

6 **Recommendations**

Executive Board is asked to:

- Approve the proposal to permanently expand primary provision at Carr Manor Community School from a capacity of 210 pupils to 420 pupils with an increase in the admission number from 30 to 60 with effect from September 2018 and to establish provision for pupils with Complex Communication Difficulties including children who may have a diagnosis of ASC (Autistic Spectrum Condition) for approximately 12 pupils (6 primary, 6 secondary) with effect from September 2018.

- Note the responsible officers for implementation are the Head of Learning Systems and the Head of Complex Needs.

7 **Background documents**¹

7.1 None.

¹ 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.