

Report of Director of Children and Families

Report to Executive Board

Date: 13th February 2019

Subject: Outcome of Statutory Notice to permanently increase learning places at Benton Park Secondary School from September 2021.



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

Summary of main issues

This report contains details of a proposal brought forward to meet the local authority's duty to ensure sufficiency of school 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 the proposal is detailed in this report. The decision maker in these cases remains the local authority (LA).

A public consultation on a proposal to expand Benton Park Secondary School from a capacity of 1225 to 1500 students by increasing the admission number from 245 to 300 with effect from September 2021 took place between 29th June and 27th July 2018. A total of 223 consultation responses were received during this period and of these the majority (75%) expressed support for the proposed expansion, with 19% of respondents opposing it. The schools current SEN and 6th Form provision is unaffected by this proposal.

A Statutory Notice was published on 19th November 2018 marking the start of a four week formal consultation, also known as the 'representation' stage as prescribed in the 'Prescribed Alterations' regulations. During this four week period which ended on 16th December 2018 anyone could raise views/ concerns that had not previously been raised

or addressed during the 4 week public consultation. There were three representations made during the representation period and one request made for further information about the proposal. Two of the representations received were comments made objecting to the proposal and one comment was received offering support for the proposal. As objections were received the School Organisation Advisory Board (SOAB) was convened to consider the matter and make a recommendation to Executive Board. SOAB met on 16 January 2019 and unanimously agreed that Executive Board be recommended to approve the proposal to permanently expand Benton Park School from a capacity of 1225 pupils to 1500 pupils with an increase in the admission number from 245 to 300 with effect from September 2021. The draft notes of their meeting are attached as an appendix to this report. A summary of SOAB's recommendations is included in the conclusions section of this report and all representations received both objecting to and supporting the proposal are summarised below. This report summarises the outcome of the Statutory Notice period and seeks a final decision from Executive Board.

Recommendations

Executive Board is asked to:

- Approve the proposal to permanently expand secondary provision at Benton Park Secondary School from a capacity of 1225 pupils to 1500 pupils with an increase in the admission number from 245 to 300 with effect from September 2021;
- Note that implementation of the decision is subject to feasibility and planning permission as indicated at 4.4.1 of this report and that the proposal has been brought forward in time for places to be delivered for 2021; and
- Note the responsible officer for implementation is the Head of Learning Systems.

1 Purpose of this report

- 1.1 This report contains details of a proposal brought forward to meet the LA's duty to ensure a sufficiency of school places, which supports the achievement of the Best Council priority to improve educational attainment and close achievement gaps. This report describes the outcome of a Statutory Notice published under the Education and Inspections Act 2006 and in accordance with the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 in regard to a proposal to expand secondary school provision at Benton Park Secondary School and seeks a final decision in respect of this proposal.

2 Background information

- 2.1 At its meeting on 17 October 2018 Leeds City Council's Executive Board considered the outcome of the consultation on this proposal. Permission was given to publish a Statutory Notice, which was brought forward under the Education and Inspections Act 2006 and in accordance with the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013. The Notice was published on 19 November 2018 marking the start of a four week formal consultation, also known as the 'representation' stage as prescribed in the 'Prescribed Alterations' regulations. During this four week period which ended on 16 December 2018 anyone could object to or comment on the proposal. A final decision on a proposal must be made within 2 months of the expiry of the Statutory Notice, therefore by 16 February 2018. Executive Board is the decision maker for this proposal.
- 2.2 Copies of the Statutory Notice were displayed at the entrance to the school and on lampposts in the area near to the school. The full proposals were posted on the Leeds City Council website and parents/carers at the school informed, along with any stakeholder who responded to the first stage of informal consultation and provided their contact details. Other local schools were also informed about the proposals along with ward councillors, community groups and other relevant stakeholders.
- 2.3 There were three representations made during the representation period, two of which were objections to the proposal and one was in support of the proposal. In addition, a single request was received via email asking some questions about the proposal but not commenting in regard to the proposal itself. As objections were received the School Organisation Advisory Board (SOAB) was convened to consider the matter and make a recommendation to Executive Board. SOAB met on 16 January 2019 and unanimously agreed that Executive Board be recommended to approve the proposal to permanently expand Benton Park School from a capacity of 1225 pupils to 1500 pupils with an increase in the admission number from 245 to 300 with effect from September 2021. The draft notes of their meeting are attached as an appendix to this report. A summary of SOAB's recommendations is included in the conclusions section of this report and all representations received both objecting to and supporting the proposal are summarised below. This report summarises the outcome of the Statutory Notice period and seeks a final decision from Executive Board.

3 Main issues

- 3.1 The number of families with children living in the North West area of the city is growing, with projected demand for secondary school places expected to rise significantly over the next 6 years. The latest projections and demographic data indicates a need for 6FE (180) Year 7 places by 2023. Although the need for these places spreads across the whole of the North West, a permanent expansion of Benton Park School supports the strategic planning of places within the wider area.
- 3.2 To manage increased demand for secondary places in 2017 and 2018 it was necessary to provide some additional temporary places at several schools in the North West area. It is likely that it will be necessary to do this again over the coming years ahead of permanent expansions which will need to take place. With limited options available to meet the overall need, failure to act now and agree high quality expansion schemes, such as this, is likely to result in the Local Authority failing in its duty to provide sufficient secondary school places.
- 3.3 As the pressure on places is spread across the wider North West area, the strategy to meet this demand longer term is to expand existing schools in a shared approach to ensure a balance of secondary school places. As options in the area are limited, separate proposals to expand both Benton Park School and Horsforth School stand out as providing excellent opportunities to meet some of this future demand in the correct locations and at good schools. The proposed expansion of Benton Park would also solve some existing, and costly, building condition issues. Although the Benton Park and Horsforth School proposals are preferred options, there remain a limited number of other options which may be proposed at a future time to meet remaining demand in the North West area.
- 3.4 Although there is wider movement between other schools both inside and outside the Leeds Local Authority area, an increase of 55 places at Benton Park School will provide a solution towards meeting the increasing level of demand for places across the North West area of Leeds, providing local families with more opportunity to gain a place at their local Ofsted rated 'Good' school. The proposal will also provide additional benefits by addressing long-standing historical building condition issues.
- 3.5 The proposed scheme for Benton Park School is to rebuild the school. The school has significant condition issues and, along with the key benefit of providing the additional places needed, a rebuild would ensure that the school could continue to operate without the need to continually inject significant condition funding over a period of several years. Some of the most significant condition issues present include failing concrete and structural supports. The latest Condition Survey for Benton Park, last revised in 2015, highlights that approximately £2.4m of high priority maintenance work is required. However, this figure does not encompass some of the lower priority works, which were also identified in the survey, and are now becoming more pressing, along with new condition issues arising or worsening. It also takes no account of where some of the blocks are no longer fit for purpose and require re-building. Finally, it should be noted that, as the building has reached the end of its lifespan, it cannot be fully repaired and restored, just maintained year on year. A new build would also ensure that

disruption to students, school staff and the wider community was managed within a shorter timeframe and that the impact on teaching and learning was minimised to allow the school to deliver its curriculum and ensure positive outcomes for its students. The estimated cost of the proposed scheme is £20-25 million, funded from a combination of the Learning Places and Planned Maintenance Programmes, reflecting the increase in admission numbers whilst addressing existing building condition issues. Funding streams would be primarily through Basic Need Grant, council borrowing, Community Infrastructure Levy and School Condition funding. An approach will be made to Central Government for additional funding support based on our latest survey information.

- 3.6 The expansion of Benton Park Secondary School is proposed as it is an Ofsted rated 'Good' school in an area of high need and is popular with local families. The schools most recent Ofsted inspection took place in October 2018 with inspectors commenting that "the leadership team has maintained the good quality of education in the school since the last inspection".
- 3.7 The school benefits from strong leadership and management and a dedicated staff team who are very positive about the potential permanent expansion. The governing body are also supportive of the proposed expansion and are confident that existing high standards of teaching and learning can be maintained, resulting in improved outcomes for a greater number of local children. The Head teacher at Benton Park School has stated that "our Governors and Senior Leadership Team are keen to support the planned expansion at Benton Park School to enable the Local Authority to provide its statutory basic need requirements for the young people in our locality. Both Governors and the Senior Leadership Team are keen to ensure that the young people in our area are able to be provided with a place in a school that can provide good education for all."
- 3.8 Informal consultation on this proposal took place between 29th June 2018 and 27th July 2018. To maximise stakeholder engagement a variety of consultation methods were used, including: email; an online survey; several informal drop-in sessions (for parents, residents and other interested stakeholders to attend) held at the school, offering an opportunity to discuss the proposal with Leeds City Council representatives and providing the opportunity to complete a consultation response form. As well as distributing letters to 700 residents in the local area, details of the proposals and the consultation activity were also advertised to parents and carers, local residents and other interested parties via letters sent out directly to parents by Benton Park School. Posters and consultation booklets were displayed and made available from Early Years providers in the local area; via the Leeds City Council website; through various social media platforms and accounts; and by local community groups and organisations active in the Guiseley and Rawdon ward.
- 3.9 A total of 223 consultation responses were received during the informal consultation period. Of these the majority (75%) expressed support for the proposed expansion with 19% of respondents opposed.
- 3.10 A summary of the main themes from comments submitted by those supportive of the proposed expansion is bulleted below;

- 73% of respondents in support for the proposal stated that additional secondary school places are required in this area and that this proposal will help to address this need.
- Respondents commented that new housing being built in the area will increase demand for school places further in the future.
- 65% of the survey respondents supportive of the proposal stated that the current school would need to be demolished and rebuilt in order to address existing building condition issues and to create the required teaching facilities for a larger intake.
- Some respondents suggested that more places will be available for young people living in the local area, reducing the distance they may otherwise have to travel to attend secondary school.
- Several respondents felt that an increase in student numbers at Benton Park would benefit the school financially and lead to the availability of improved facilities.

3.11 During the four week representation period, following publication of the statutory notice, three respondents submitted comments on the proposal. Two of the respondents objected to the proposal and one commented in support of the proposal. A summary of the responses received in support of and objecting to the proposal is provided below along with a response from Leeds City Council. As objections were received the School Organisation Advisory Board (SOAB) was convened to consider the matter and make a recommendation to Executive Board. SOAB met on 16 January 2019 and unanimously agreed that Executive Board be recommended to approve the proposal to permanently expand Benton Park School from a capacity of 1225 pupils to 1500 pupils with an increase in the admission number from 245 to 300 with effect from September 2021. The draft notes of their meeting are attached as an appendix to this report. A summary of SOAB's recommendations is included in the conclusions section of this report and all representations received both objecting to and supporting the proposal are summarised below. This report summarises the outcome of the Statutory Notice period and seeks a final decision from Executive Board.

3.12 **Summary of comment received during the Statutory Notice period offering support to the proposal**

3.12.1 **Comment:** A respondent provided support for the proposal but did highlight the need for adequate parking and drop off/pick up facilities should the proposal proceed.

- 3.12.2 **Response:** Planning approval requires officers from Highways to formally comment on all applications. A complete reassessment of traffic management measures would be carried out as part of the proposal, the School Travel Plan would also be updated, and measures identified by highways colleagues as required for approval would be incorporated into any final scheme. Requirements deemed necessary may include increased parking enforcement, reduced speed limits and other traffic management measures. Additional on-site parking would be required to accommodate an increase in staffing levels should the proposal go ahead.
- 3.13 **Summary of objections to the proposal received during the Statutory Notice period**
- 3.13.1 **Objection:** That an increase in pupil numbers would have a negative impact on teaching and learning across the school.
- 3.13.2 **Response:** The Local Authority has a good track record of enabling the successful expansion of existing secondary schools. Both Roundhay School and Cockburn Academy have expanded in recent years and have retained their previously held high standards of education and levels of popularity with local families. As Benton Park is an Ofsted rated ‘Good’ school with a strong leadership team there is no reason why they cannot be equally successful in managing expansion while maintaining and improving upon current high standards. The schools most recent Ofsted inspection took place in October 2018 with inspectors commenting that *“the leadership team has maintained the good quality of education in the school since the last inspection”*. The report goes on to state that the school have worked well with school improvement partners and benefits from having experienced and skilled staff in key leadership positions.

The Governors and Senior Leadership Team are confident that its dedicated staff team can continue to meet the needs of every pupil who attends the school. If the proposal goes ahead the school will be grow from approximately 8 forms of entry to 10 forms of entry across all year groups and, as the school grows, staffing resources and the number of individual classes will also be increased to ensure class sizes remain appropriate. School facilities, i.e. classrooms, group work spaces, sports equipment etc. will also be increased to match the needs of the school’s higher admission limit. The strength of the school’s leadership team and the governing body’s supportive focus on the school’s improvement priorities, both acknowledged within the school’s latest October 2018 Ofsted report, offers assurance that the leadership team’s commitment to rigorously monitor the progress of pupils as the school grows will be upheld; ensuring high standards of teaching and learning are consistently delivered as pupils progress through the school.

The Learning Improvement team are also confident that the proposed expansion can be successfully managed by Benton Park’s current leadership and staff team, and in their ability to maintain and improve on current educational standards and

outcomes for pupils. Learning Improvement colleagues point to the schools recent October 2018 Ofsted inspection as providing the strongest endorsement of the school leadership's capacity to improve, but have also highlighted the following key points as evidence of the schools ability to successfully manage the proposed expansion;

- Strong governance with significant educational and financial expertise
- Senior leadership team now at full capacity
- Improving trend in the quality of teaching and learning particularly at post-16
- An outward facing school which works well in partnership with the Local Authority, but also the Red Kite Alliance and so could draw on support and expertise from them as appropriate
- Benton Park is a highly inclusive school that works well as part of the Aireborough partnership cluster.

3.13.3 **Objection:** A respondent raised concerns that the schools existing facilities would be unable to cope with an increase in pupil numbers.

3.13.4 **Response:** To date the Local Authority has only consulted on the notion of increasing the pupil capacity of Benton Park School. Separate consultation on any build scheme would take place at a later stage in the decision making process when planning permission would be sought. Therefore, at this time it is not possible to state exactly what additional facilities, required to manage the proposed increase in pupil capacity, would be provided. However, it is possible to provide the following assurances in response to the concern raised;

- Sufficient additional classrooms would be provided as part of any build scheme to accommodate all pupils in appropriate class sizes
- Pupils would benefit from modern, improved facilities and resources, such as sporting areas, music rooms and scientific equipment;
- New facilities would be developed to accommodate the proposed increased published admission number, with all new accommodation adhering to Department for Education Building Bulletin Guidelines.
- A similar approach will be taken to the setting out of the external provision (i.e. playgrounds, sports fields, car parking facilities etc.) to ensure the site has the capacity to accommodate the higher pupil and staff numbers.

Early feasibility works carried out by City development colleagues has concluded that the existing Benton Park School site is large enough to accommodate the infrastructure required to accommodate the increase in pupil numbers proposed. However, it was also determined that, in order to manage the proposed increase in pupil numbers and to prevent overcrowding, a build scheme would need to be

developed and agreed to provide the required additional teaching accommodation and other school facilities needed. Further to this, the existing school building has reached the end of its lifespan and, as a result, suffers from significant condition issues. Therefore, to address this issue *and* provide the additional facilities needed to manage an increase in pupil numbers, a new building is proposed as the most efficient means of providing the additional places needed. The proposed new build would rationalise most of the existing, inefficient 1960's block, which suffers from condition issues, into a larger, but more consolidated new school campus. Unlike the existing site, the new school would not sprawl out across several blocks, thus it would be more logically arranged out without having to navigate in and out of numerous blocks. This would reduce wasted time transitioning between buildings for different lessons and would allow different subjects to be co-located into curriculum areas, e.g. maths, science etc.

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.

4.1.2 The Statutory Notice was published in the Yorkshire Evening Post on 19th November 2018. Copies of the Statutory Notice were displayed at the entrance to the school and on lampposts in the area near to the school. The full proposals were posted on the Leeds City Council website and parents at the school were informed, along with any stakeholder who responded to the first stage of informal consultation and provided us with their contact details. Other local schools were also informed about the proposals along with ward councillors, community groups and other key stakeholders.

4.1.3 During the consultation ward members gave their support for the proposals provided that highways and parking issues were addressed. Details of the Statutory Notice were subsequently shared with local ward members, and local parish and town councillors. No further comments were received.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 The EDCI screening form for the proposal is attached as an appendix to this report.

4.3 Council policies and Best Council Plan

4.3.1 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 all levels of learning, gaining the skills they need for life.

4.3.2 This proposal is being brought forward to meet the LA's statutory duty to ensure that there are sufficient school 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.

4.3.3 This proposal contributes to 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. By creating good quality local school places we can support the priority aim of improving educational attainment and closing achievement gaps. In turn, by providing young people with the skills they need for life, this proposal provides underlying support for the council's ambition to produce a strong economy by compassionate means. A good quality school place also contributes towards delivery of targets within the Children and Young People's Plan such as our obsession to improve behaviour, attendance and attainment.

4.3.4 It is important when bringing any proposals forward that there is a degree of certainty that any change would not have a negative impact on teaching and learning. The Head teacher, Governing Body and Learning Improvement colleagues are all confident that Benton Park School is capable of expanding while maintaining their current high standards. Therefore, all are fully supportive of the proposal.

4.4 **Resources and value for money**

4.4.1 The proposed scheme would be subject to planning permission which would need to be granted prior to the commencement of construction works. Once the feasibility stage was complete and schemes proceeded to the detailed design phase, budgets would be realigned to reflect that all parties have agreed the final design and cost estimates, which would take account of site investigations and survey information, in accordance with standard project and risk management principles. Schemes would also be subject to relevant stakeholder consultation.

4.4.2 The existing school building has reached the end of its life and has significant building condition issues requiring urgent attention, with an estimated cost of £2.4m to address only the highest priority works. As the building has reached the end of its lifespan, it cannot be fully repaired and restored, just maintained year on year. In comparison, a new build, whilst having a significant initial outlay, would radically reduce the expenditure on remedial works, which only provide temporary solutions as the building continues to deteriorate rapidly, would provide additional new places to meet the higher level of demand for places in the North West, and would reduce the risk of the local authority failing to meet its corporate landlord responsibilities in relation to health and safety. In addition minimising disruption to students, school staff and the wider community by being managed within a shorter timeframe thus reducing the impact on teaching and learning and allowing the school to deliver its curriculum and positive outcomes for its students.

4.4.3 The estimated total cost of the proposed scheme is £20-25 million. Funding would come from a combination of the Learning Places and Planned Maintenance Programmes, reflecting the increase in admission numbers whilst addressing existing building condition issues. Funding streams would be primarily through Basic Need Grant, council borrowing, Community Infrastructure Levy and School Condition funding and an approach will be made to Central Government for additional funding support based on our latest survey information. The precise funding packages would be confirmed at the design freeze stage, and detailed in

the relevant Design and Cost reports, details of which would be reported back to Executive Board at a future date.

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 These proposals have been brought forward in time to allow secondary places to be delivered for 2021. A decision not to proceed at this stage may result in fresh consultations on new proposals, and places may not be delivered in time. It may also result in further bulge cohorts being delivered in other local schools which would be more costly in the longer term. The LA's ability to meet its statutory duty for sufficiency of school places in the short term may be at risk.

4.6.2 There is also a corporate risk associated with failing to provide sufficient school/learning 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/learning places, including SEN places, for children is one of our top priorities. These proposals have been brought forward to meet that need, and following the appropriate statutory process being followed we now seek to move them to the next stage. This would ensure that children in Leeds have the best possible start to their learning, and so deliver our vision of Leeds as a child friendly city.

5.2 As objections were received the School Organisation Advisory Board (SOAB) was convened to consider the matter and make a recommendation to Executive Board. SOAB met on 16 January 2019 and unanimously agreed that Executive Board be recommended to approve the proposal to permanently expand Benton Park School from a capacity of 1225 pupils to 1500 pupils with an increase in the admission number from 245 to 300 with effect from September 2021. Although SOAB's unanimous view was that Executive Board should approve the proposal, they did, however, advise that consideration should be given in the near future to the potential for a need to increase 6th Form provision at Benton Park as a result of the increase in Year 7 to 11 places. SOAB also advised that the Highways team should assess and mitigate as far as possible any identified negative impact on the road network arising from the proposed build scheme itself, as well as the impact of an increase in pupil numbers. At the same time SOAB did acknowledge that highways related concerns would be properly addressed at the planning

approval stage, should the proposed expansion go ahead. All concerns considered by SOAB have previously been addressed in the report to Executive Board in October 2018 ahead of the publication of a Statutory Notice and the draft notes of the SOAB meeting are attached as an appendix to this report.

- 5.3 Although two objections to the proposed expansion of Benton Park School were received during the representation period, both SOAB and the Children and Families Service believe that the issues raised do not present barriers that cannot be addressed and mitigated. Furthermore, the concerns raised and considered by SOAB have previously been addressed in the October 2018 Executive Board report 'Outcome of Consultation to Permanently Expand Benton Park School from September 2021'. The proposal remains strong and address the LA's statutory duty to provide sufficient school/learning places, to provide places close to where children live, allow improved accessibility to local and desirable school places, manage resources effectively and to support good levels of attendance. It is our recommendation that the proposals are approved.
- 5.4 The additional places are required to ensure the authority meets its legal requirement to ensure sufficiency of secondary provision for September 2021. There is evidence of local need for places in the area and it is therefore recommended that the proposal be approved.

6 Recommendations

6.1 Executive Board is asked to:

- Approve the proposal to permanently expand secondary provision at Benton Park Secondary School from a capacity of 1225 pupils to 1500 pupils with an increase in the admission number from 245 to 300 with effect from September 2021;
- Note that implementation of the decision is subject to feasibility and planning permission as indicated at 4.4.1 of this report and that the proposal has been brought forward in time for places to be delivered for 2021; and
- Note the responsible officer for implementation is the Head of Learning Systems.

7 Background documents¹

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.