

Report of the Director of Children and Families, the Director of City Development and the Director of Resources and Housing

Report to Executive Board

Date: 20th March 2019

Subject: Learning Places Programme Update and Secondary School Place Requirements for East Leeds.

Are specific electoral wards affected? If relevant, name(s) of ward(s):Burmantofts and Richmond Hill	<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: 10.4(3), Appendix B	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Summary of main issues

1. Since 2009, Leeds City Council has created over 11,500 primary school places in response to demand created by a continuous rise in the birth rate across the city since the early 2000's. Birth rates increased from 7,500 per year in 2001, to a high point of 10,350 in 2012. Birth rates now appear to have plateaued at around 10,000 per annum and therefore the need for additional primary school places has receded due to the capacity added in over the past decade.
2. Notwithstanding this, since the last update to Executive Board in February 2018 the Learning Places Programme has successfully delivered 1,600 primary school places across 10 schools at a programme wide investment of £38.6m. A further 4 primary school expansions totalling an investment of £18.75m are on programme to deliver in 2019.
3. In addition, 3 new SEMH (Social Emotional and Mental Health) buildings, as part of one school, were also opened in the north, east and south of the city. These facilities provide a unique educational offer for children with complex needs and provide an appropriate setting in which educational development can take place for these children.
4. Recent population growth has been significantly high across the East of the city in part driven by inward migration. This issue resulted in the requirement for the Council to create up to 200 additional school places within a very short timescale in partnership with Bridge Street Church and Shakespeare Primary School. This issue was further

compounded by an increase in births and housing density, adding to the pressure on school places within this area.

5. As expected, as children move through primary and into secondary school, the demand for year 7 places has started to rise with 8,971 places allocated for academic year 2018/19. This represents a rise of 1,000 children in three years since the 2015/16 academic year. Projections indicate this will rise again by 1,000 by 2020. The Inner East area tends to be the most densely populated area as a ratio to places available. However, many learners (parents) choose their secondary education in other areas such as the Inner North and some will also choose to travel much further into the Outer North East. There is a slow change to this trend with the Inner East schools becoming more popular and therefore creating additional places is becoming an urgent priority.
6. As part of a strategic approach to the delivery of additional secondary school places a range of solutions are being considered which include existing schools taking over their Pupil Admission Numbers (PAN), existing schools expanding whether through their own proposals or following an approach from the Council (as is currently proposed for Benton Park) and the construction of new secondary schools, using the Council's own land or through the purchase of land to support delivery. This report considers the potential development of a new site for secondary school provision to meet the identified demand in East Leeds – the currently unused playing field land which forms part of the Arcadia site at Torre Road. Further sites will be identified as the population continues to grow.
7. The most significant risk to programme delivery is the extent of the programmes funding gap which currently stands at £67m. This calculation is primarily based on Education and Skills Funding Agency (ESFA) funding rates, which is inherently known to be insufficient to meet current scheme cost estimates. It should be noted that projects in delivery are becoming more and more complex, most have significant 'abnormal' costs associated with them which reduces the opportunity to utilise standardised designs and makes the projects less attractive to contractors, which results in higher 'risk pricing'. Schemes inevitably also address a range of suitability issues from a safeguarding, pupil movement and room size point of view (to name a few) which are not currently funded through any programmes but need to be addressed as part of expansion proposals to ensure that schemes meet specification requirements.
8. School Organisation Advisory Board (SOAB) has been called upon in an advisory capacity to consider and make recommendations to Executive Board in relation to school organisation proposals. In the last 5 years it has been necessary for SOAB to be convened only 6 times to consider objections received following publication of a statutory notice. During that same period, there have been over 40 proposals put forward to Executive Board which have not required SOAB to be convened, due to no objections. The work of SOAB over the past 11 years is acknowledged and appreciated as part of the process for making prescribed changes to local authority maintained schools. However, the requirement for this small group to meet impinges on the ability of the Council's Scrutiny process to be followed effectively and needs to be considered alongside the issues raised in this report which proposes the dissolution of SOAB.

Recommendations

Executive Board is recommended to:-

- i) Note the progress made over the last 12 months across the Learning Places Programme and the successful delivery of 1600 new school places;
- ii) Approve the Council entering into negotiations with the Arcadia Group Ltd for the purchase of the currently unused playing field land (2.7ha) at Torre Road for the delivery of a new secondary school, with final Heads of Terms to be presented back to Executive Board at a future point in time once a mutually agreed position has been established;
- iii) Approve the recommendation to reset the balance of the Capital Risk Fund to £7.190m, to facilitate effective risk management at programme level which maintains the fund at 10% of the current capital value of schemes in development;
- iv) Approve the dissolution of the School Organisation Advisory Board (SOAB), as a non-statutory function with immediate effect.

1. Purpose of this report

- 1.1 The purpose of the report is to update Executive Board on the Learning Places Programme, providing details of the progress made on the projects that currently form part of this Programme and to seek Executive Board's approval to the proposals presented to meet the demand forecast for the next 3-5 years, particularly around secondary requirements and the solutions being developed to meet this demand as part of the ongoing strategic place planning.
- 1.2 The report also sets the current position with regards to ongoing work as part of the Action Plan requested by the DfE, to reduce cost per pupil place on an annual basis to achieve an overall target saving of 20% by 2023 and whilst challenging the DfE's view that the proposals developed by the Council will successfully achieve this target.

2. Background information

- 2.1. The demand for additional school places has been increasing across the city since 2000/2001. Since 2009, Leeds City Council has created over 11,500 primary school places in response to demand created by a continuous rise in the birth rate across the city since the early 2000's. Birth rates increased from 7,500 per year in 2001, to a high point of 10,350 in 2012.
- 2.2. For the academic year starting September 2018, a total of 1,600 new school places of primary provision were created, a total of 7.5 new forms of entry, at a cost of £38.6m (£23,750k per pupil place). The delivery mechanisms for these additional places has been through a variety of routes such as direct local authority, self-delivery by the school and free schools. This is set out below for information.
- 2.3 Schemes delivered in 2018 include:-

Iveson Primary School	105 places
Fieldhead Carr Primary School	210 places
Dolly Lane (new Shakespeare Primary School)	315 places
Hunslet Moor Primary School	105 places
Hawthornthwaite Wood Primary School	210 places
Beecroft Primary school	105 places
Brudenell Primary School	140 places
Shakespeare Primary in partnership with Bridge Street Church	200 places
Cottingley Primary Academy	140 places
Low road Primary	70 places

- 2.4 The permanent primary delivery programme for 2018 has been challenging with suitability issues still needing to be addressed as part of any permanent expansion scheme and PFI costs and site abnormalities adding to the already complex delivery process. However in spite of this, the 2018 programme was successfully delivered, including the new build 3 form entry primary school at Shakespeare Primary and the additional places at Bridge Street Church which addressed an unprecedented demand for places as a result of inward migration in inner east Leeds. Following a recent Asset Audit carried out by the DfE at the new Shakespeare Primary School,

feedback received was as follows 'A DfE Inspectorate of Buildings was gushing in his praise for the site and building. In his view, he hadn't visited a Primary School in 15 years of auditing buildings that was so well designed and built.'

- 2.5 The bulge programme, provides temporary accommodation where the requirement for places is identified over a shorter period when birth rates show spikes in particular years. Often the bulge works can be brought in ahead of a permanent expansion where there is insufficient time to bring forward a permanent expansion and these are then accommodate within the permanent expansion design solutions. These are high pressure schemes whereby the requirement for places is only identified following the January/February primary school application window for places in the September of the same year. Initial assessments show that as well as the permanent expansion requirements reducing, the bulge (temporary) requirements for 2019 have reduced with only 3.33 forms of entry identified to date, of which 2 forms of entry will be addressed through a free school or an existing expansion.
- 2.6 The SEMH programme saw all of the new SEMH buildings – Leeds North, Leeds South and Leeds East open for up to 300 pupils across the estate at a cost of £45m. The facility offer within these new highly specialised education facilities is unique replacing old, unsuitable buildings with specially designed learning places and will support the radical improvement of the learning, support and outcomes for some of the city's most vulnerable children.
- 2.7 There are now 11 Free School Academies in Leeds. These include Lighthouse, the Ruth Gorse Academy, Temple Learning Academy and the Leeds Jewish Free School. In late 2018 Dixons Academy secured full planning approval for their 2 form entry primary and 4 form entry secondary school off Barrack Road in Chapel Allerton, Elements Free School (420 place) in Middleton opened in September 2018 and plans to deliver a new 7 form entry secondary free school on the former Middleton High School site moved a step closer, following Executive Board approval to the Draft Heads of Terms for the disposal of the site to the DfE in September 2018. This was followed by the successful decant of 300 staff from the Highways and Transportation service to St Georges House in December 2018.
- 2.8 In August 2015 an application for the designation of land adjacent to Gledhow Primary School (Gledhow Primary School's playing fields) as a Town and Village Green was submitted. The land which the application referred was part of a larger parcel of land conveyed to The Lord Mayor Aldermen and Citizens of the City of Leeds by the Personal Representatives of The Honourable Alice Hilda Kitson deceased on 31st August 1945. There is a notation on the front cover of the conveyance which is dated January 15th 1946 and which states:
- “Recorded in the books of the Ministry of Education under Section 87(3) of the Education Act 1944”* so the Land was acquired for education purposes.
- 2.9 Following an enquiry in December 2017, it was determined that the land adjacent to Gledhow Primary School, will remain available for the school expansion

- 2.10 In February 2018 as part of last year's Learning Places Programme update, Executive Board approved an increase in the capital spending of £1.7m to £4.2m for Pudsey Greenside on completion of a robust feasibility study. Following Executive Board's approval to the recommendation, an intensive review of the scheme, both from a sufficiency point of view where admission numbers were reducing rather than increasing, challenges around value for money and based on the successful delivery of the bulge works the previous year, in consultation with the school the proposed expansion scheme was revised. The scheme now addresses the requirements created as part of the bulge works, namely a kitchen expansion and additional classroom provision as part of a now £1m scheme overall which is due to be delivered by September 2019.

3 Main Issues

3.1 School Place Planning - Primary

- 3.1.1 Since 2009, Leeds City Council has created over 11,500 primary school places in response to demand created by a continuous rise in the birth rate across the city since the early 2000's. Birth rates increased from 7,500 per year in 2001, to a high point of 10,350 in 2012. Birth rates now appear to have plateaued at around 10,000 per annum and therefore the need for additional primary school places has receded due to the capacity added in over the past decade. The impact of this is evident across the proposed Learning Places Programme with four expansion schemes being commissioned for delivery in 2019 (Allerton C of E Primary School, Moor Allerton Hall Primary, Carr Manor Primary and Beeston Hill St Lukes) and only one scheme so far identified for 2020 (Micklefield Primary School). Regardless of the birth rate plateau the Learning Places Programme for 2019 is still challenging from a programme delivery point of view as sites are challenging in terms of space availability, condition and suitability, however schemes are progressing well and design solutions are in place to ensure that the 3.5 forms of entry will be in place for the start of September 2019.
- 3.1.2 As expected, as children move through primary and into secondary school, the demand for year 7 places has started to rise with 8,971 places allocated for academic year 2018/19. This represents a rise of 1,000 children in three years since the 2015/16 academic year. Projections indicate this will rise again by 1,000 by 2020.

3.2 School Place Planning - Secondary

- 3.2.1 Strategic place planning for secondary schools seeks to ensure that there is good quality provision available in the locality of communities. This may involve expansion of local provision, particularly where that provision is already delivering good outcomes, or the introduction of new provision to meet increasing need through demographic growth and new housing. Whilst the priority is to meet need locally, planning for places also takes into account of the greater distances that young people may choose to travel. Ideally this would make use of existing bus routes and sustainable travel plans. As such, in terms of secondary school planning, the city is divided into 13 planning areas, based on groups of schools that closely interact in terms of pupil movement. However due to the complexity, and

greater coverage of Secondary School catchments, demographic analysis often extends across several planning areas.

- 3.2.2 With secondary demand growing there is an ongoing dialogue with existing providers in the City to understand where they may wish to take more children into school than their Pupil Admission Number (PAN) or potentially expand permanently. Additionally sites offering potential for provision of school places are identified in areas of known need, including those where housing is planned. All new schools are anticipated to be delivered through Free School presumption. Future local authority planning must also adapt flexibly to the emergence of Free Schools where proposers have approached the Secretary of State directly through the 'bidding Waves' and central government capital bids such as the recent Voluntary Aided school capital bid. Whilst these are frequently welcome, where the sponsors have worked closely with us to identify areas of need, occasionally they may have a detrimental effect on other local provision.
- 3.2.3 As part of this planned programme of expansion, in December 2018, a report to Executive Board approved the proposal to expand Benton Park Secondary School in North West Leeds from a capacity of 1225 to 1500 students by increasing the admission number from 245 to 300 with effect from September 2021. Dixons Academy secured planning approval for the delivery of its Free School proposals which included four forms of entry for secondary provision and Executive Board gave approval to the draft Heads of Terms for the disposal of the former Middleton High School site adjacent to Middleton Leisure Centre, to the DfE for the construction of a new seven form entry free school – Laurence Calvert, which is due to open in September 2020.

3.3 Secondary School Place Requirements – East Leeds

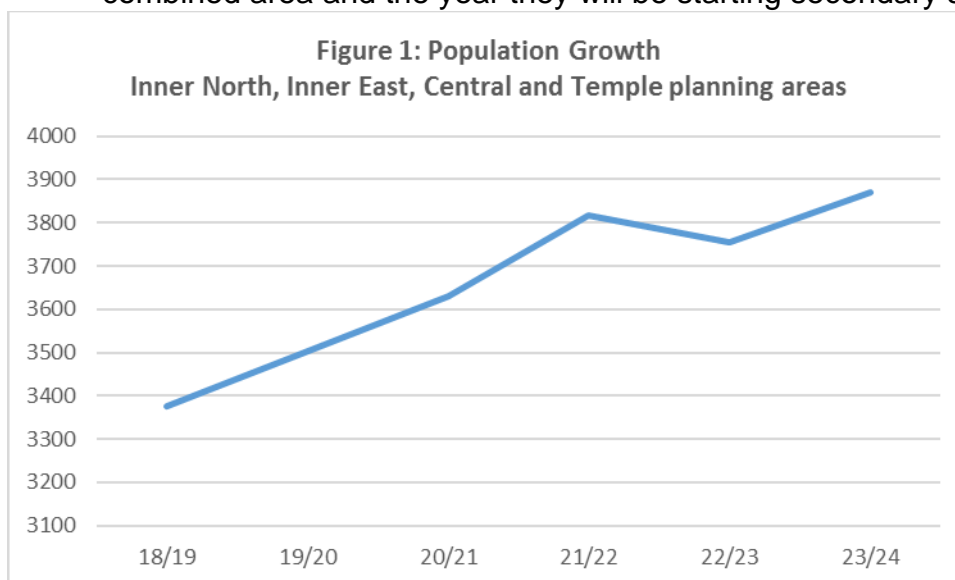
- 3.3.1 Recent population growth has been significantly high across the East of the city in part driven by inward migration, which is further compounded by an increase in births and housing density, adding to the pressure on school places within this area. When considering the demand in the East of the city, consideration has been given to five secondary planning areas *Central, Inner East, Temple Newsam Halton and Inner North* assess the wider need of secondary school planning in this area.
- 3.3.2 The Published Admission Number (PAN) sets out the available school places for every year group, it reflects the demographic demand and includes 5% margin to allow for city-wide flows and in-year additions. Combining the schools within these areas, there is a total PAN of 2,839 secondary school places each year. Some secondary schools have additional capacity, due to buildings or how they operate their curriculum and can therefore admit more children than their PAN in some years, without additional accommodation. This would involve the local authority and the schools discussing this short-term option.
For 2018/19, across the areas mentioned above, 5 schools admitted over their PAN to a combined total of 132 to meet the additional need for places.
- 3.3.3 The table below shows our projected intake demand year on year, against the total combined PAN. As stated above to have a workable admissions system, there is an aim to have at least a 5% difference between PAN and the actual number of

children allocated a place. The projections do have a 5% uplift added in to allow for movement into the areas and for additional housing, although the intakes for 2017 and 2018 have quickly used up most of the spare capacity across the combined area. The difference row (diff) represents the projected shortfall of places should nothing change and all schools in this area remain at their current PAN. The long-term picture shows a need for approximately 14 forms of entry across the whole area, although there is a possibility this is understated based on the 2017 and 2018 allocations.

Projected Year 7 (Central, Inner North, Inner East, Temple Newsam Halton)						
PAN	18/19	19/20	20/21	21/22	22/23	23/24
2,839	2825	2967	3054	3197	3104	3232
diff	14	-128	-215	-358	-265	-393

3.3.4 The Inner East area tends to be the most densely populated area as a ratio to places available. However, many learners (parents) choose their secondary education in other areas such as the Inner North and some will also choose to travel much further into the Outer North East. There is a slow change to this trend with the Inner East schools becoming more popular and therefore planning additional places in this wider area has to ensure there is a positive balance across all areas that does not adversely impact on currently less popular schools. The creation of much of the needed capacity within the East needs to be carefully considered to provide local places, taking account of the differing ways in which parents preference schools and the source of the increasing demographic demand.

3.3.5 Figure 1 below represents the combined number of learners living across the combined area and the year they will be starting secondary school.



3.4 East Leeds Site Considerations

- 3.4.1 As demonstrated above there is a pressing need to identify solutions that will allow the Council to bring forward proposals that will address the need for forms of entry required between 2020 and 2025.
- 3.4.2 One site with potential options for the delivery of secondary school accommodation, the former Seacroft Hospital site just off the A64 York Road opposite Killingbeck Cemetery, has been discounted. Following discussions with Homes England (who own the Seacroft Hospital site) an option for the Council to purchase part of the Seacroft Hospital site was put in place, however the value of this land (£7-10m), the location of the site in relation to the area of demand for places led to the site being ruled out. The site identified in 3.5 of this report offers the greatest potential to meet the rising demographic pressure within the locality of need.

3.5 The Arcadia Site (currently unused land between Torre Road and Trent Road)

- 3.5.1 Arcadia Group Ltd own the 17.6ha site in inner east Leeds. Arcadia Group Ltd (previously known Burton Menswear) is renowned for men's tailoring and the official suit supplier for the 1966 England World Cup squad, moved to Leeds in 1910. The site currently provides a mix of office accommodation, car parking, manufacturing/distribution facilities and greenspace (including existing football pitches and bowling greens). It is terraced from the northern end of the site which is adjacent to Beckett Street Cemetery, a historic registered parkland down to Torre Road at its southern end where two privately owned, currently unused grass playing fields are located. A plan is attached at Appendix A.
- 3.5.2 Arcadia have indicated that they would be willing to enter into negotiations with the Council for the Council to purchase of 2.7ha of the currently unused playing field land within the site, that they do not use for their operational purposes, to allow the Council to bring forward a free school presumption in East Leeds for a new 6/8 form entry secondary school, subject to securing planning approval. As such, the Council and Arcadia have been negotiating around a potentially agreeable position that could be entered into by both parties for the Council to purchase the 2.7 ha of private currently unused playing field land of the Arcadia site. The details relating to the Council negotiations in relation to this are attached as a Confidential Appendix (Appendix B) to this report.
- 3.5.5 The site is restricted in size and is adjoins two existing primary schools (Brownhill and St Patricks Catholic) which may provide the opportunity to review a shared approach to sports provision. It is located less than half a mile from Co-operative Academy at Leeds (CAL). Both are close to the significant demographic pressure seen in east Leeds. A new secondary academy in this area would attract a number of potential sponsors. The Council are not the decision maker in which sponsor would run the school. Should the free school presumption and planning submission be successful, it is likely that a new school could be formally opened on site in September 2022. Consultation will be brought forward in the summer term.

3.6 Funding Allocations for School Places

- 3.6.1 Funding for new school places is provided by central government in the form of an annual Basic Need Grant allocation and a Special Educational Needs and Disability

(SEND) Special Provision Fund allocation and this has previously been supplemented with bid rounds for targeted funding. The funding provided to local authorities is rationed by central government based on the projections of places required nationally and locally. Some funding adjustments are made to the allocations to fund the national Academy and Free School programmes.

3.6.2 Allocations for Leeds Basic Need Grant and SEND Special Provision Fund allocations are shown in the following table:

Funding Period Allocation	Basic Need Grant	SEND Grant	Total Grant
2014/15	£ 18,480,325		£ 18,480,325
2015/16	£ 19,430,969		£ 19,430,969
2016/17	£ 20,402,517		£ 20,402,517
2017/18	£ 33,141,952		£ 33,141,952
2018/19	£ 20,994,359	£ 1,079,029	£ 22,073,388
2019/20	£ 28,719,667	£ 3,337,461	£ 32,057,128
2020/21	£ 130,009	£ 1,079,029	£ 1,209,038
	£ 141,299,798	£ 5,495,519	£ 146,795,317

3.6.3 The most recent Basic Need grant announcement was issued on 8th June 2018, which confirmed the grant allocation for 2020/21 of £130,009, which is significantly lower than previous years (notably £28,589,658 lower than the previous year) due to a change in the way in which the EFA have calculated the grant. This was based on funding rates of £12,351 per new primary place and £16,056 per new secondary place. In addition Leeds has been approved for a Free School Presumption grant, based on the size of the academy to be opened, estimated to be in region of £3.6m.

3.6.4 In addition to SEND Special Provision Fund allocations for the three years 18/19 to 20/21 of £1,079k per annum, further funding announcements in May 2018 and January 2019 confirmed top ups of £752.8k and £1,505.6k respectively, with both amounts to be paid in 19/20. Both top ups are subject to the local authority publishing a plan on how it intends to utilise this funding.

3.6.5 Additional funding has also been provided through S106 Education Contributions, which are paid to the Authority by developers in order to fulfil respective planning obligations. The contributions are generally allocated to be used for school expansion projects, the need for which arise from the increased pupil numbers likely to be experienced at schools as a result of nearby housing developments. More recently, the Council has allocated Community Infrastructure Levy funding to support the Learning Places Programme.

3.7 Funding Deficit

3.7.1 The Council continues to monitor the overall deficit in funding which will arise from the need for new school places. This takes into account the latest demographic

projections for primary and secondary places, the existing capacity in schools and projected funding assumptions up to 2020/21. The current Council estimate of the funding gap is £67m, before assumptions on future Government Basic Need Grant are made. This funding gap continues to be the largest significant pressure that the capital programme faces. In February 2018, Executive Board agreed to the injection of £25m of Council Borrowing and Community Infrastructure Levy funding to cashflow the expected programme of works. Strategic Investment Board is being regularly updated on the deficit position and Executive Board will be kept updated via these update reports and future Capital Programme reports.

3.8 Programme Governance Arrangements and Capital Risk Fund

- 3.8.1 School Places Programme Board, chaired by the Director of Children and Families, provides strong cross council and corporate involvement to ensure that appropriate governance is applied to this high profile programme of work. The Board specifically approves individual scheme Design and Cost Reports (DCRs), along with any Capital Risk Fund applications. Executive Board approved the establishment of a Capital Risk Fund to provide a mechanism which enables timely and proportionate responses to variations which are required to individual project budgets pre and post DCR as well as providing an effective mechanism to manage financial risks at a programme level. Decisions by the Director of Children and Families to access the fund must be made with the prior approval of the Director of City Development and the Director of Resources & Housing, both of whom are Board members, and be in consultation with the appropriate Executive Members.
- 3.8.2 In February 2018, Executive Board agreed to the Capital Risk Fund being reset at a value of £7.540m. Since that time there have been no applications against it. The Capital Risk Fund is normally set at £10% of the current capital value of schemes in development and on the basis of an estimated capital programme value of £71,900,000, it is therefore proposed to reset the Capital Risk Fund to £7.190m.

3.9 Learning Places Action Plan

- 3.9.1 On the 7th June 2018, The Council received a letter from the Education Skills Funding Agency (ESFA) following on from a number of visits they undertook with a number of local authorities during 2017/18 to discuss ways to improve value for money. The letter sets out that they are working closely with the Education Building Officers Development Group (EBDOG) to find new ways to share good practice and support local authorities to deliver school places more efficiently and effectively. This follows on from the returns that the Council submits to the ESFA that shows that Leeds is now in the top decile in terms of cost per place for additional mainstream places. The letter sets out a requirement for the Council to develop an Action Plan with Target Savings for the delivery of additional school places. The average percentage saving identified for the Council to deliver each year is just over 5% per pupil place from 2019/20 to 2022/23, which equates to an overall saving of 20% between now and 2023.
- 3.9.2 The Action Plan requests evidence as to how these savings will be made across thirteen specific areas. These are:-

- **Options appraisal and site selection** – how sites are currently assessed and brought forward as part of the Learning Places Programme;
- **Area** – confirmation that any new school building designs will be developed in accordance with BB103 and BB104 (building bulletin guidance);
- **Specification** - confirmation that new school building designs (including extensions) will be developed in accordance with the ESFA's standard output specification;
- **Abnormals** - details of the policy in place for agreement and the sanctioning of additional costs relating to abnormals, facilitating works and externals;
- **Procurement Route** - the current and proposed future arrangements for the procurement of all new school facilities and how changes to these arrangements are expected to result in improvements in value for money;
- **Cost Management** – details of how costs are managed and how these will be reduced in the future;
- **Risk Management** – details of how risks are managed and how they will be managed in the future to reduce cost exposure;
- **Value Management** – how value for money can be achieved on an ongoing basis;
- **Forecasting places based on need** – how this is currently done and how we can ensure robustness in the future;
- **Delivery teams** - details of the management and delivery teams currently in place and planned arrangements for the future;
- **Planning issues** - details of any challenges in delivering schemes that have been presented through planning authority requirements;
- **Other requirements** - define any challenges presented as requirements from organisations;
- **Condition of the estate** - information on how the local authority manages school condition and inform us of any improvements you intend to put in place.

3.9.3 The Council formally responded to the ESFA in August 2018 demonstrating how the areas highlighted above either had or were being addressed as part of the ongoing delivery of school places as required by the Action Plan. The response set out a number of changes that had already been implemented as part of the Learning Places Programme to ensure better value for money outcomes. These included changes to the specification being used (which is now the ESFA Standard Output Specification plus insurance requirements), a more streamlined approach to delivery including a smaller dedicated learning places team, options in relation to whether greater value for money can be achieved through a traditional or modular approach and consideration around the most cost effective procurement route to deliver school places on a scheme by scheme basis. Feedback received from the ESFA on the 20th December 2018 set out that following a review of the Action Plan by a panel of experts in the DfE, they believe that the Action Plan submitted by the Council, will deliver the necessary savings, if implemented effectively. Work is now ongoing to continue to implement the recommendations set out within the Action Plan and to achieve the savings set out within it.

3.10 School Organisation Advisory Board (SOAB)

3.10.1 In October 2007, Executive Board were advised of the decision by the Department for Education (DfE), under Section 29 of the Education and Inspections Act 2006; to abolish the need for School Organisation Committees (SOC) to make decisions on statutory proposals where objections had been received following the publication of statutory notices in relation to:

- Closing schools
- Opening new schools
- Making prescribed alterations to schools.

3.10.2 Therefore, the Leeds School Organisation Committee was abolished and responsibility for decision making in relation to school organisation proposals were passed to the Local Authority and the Schools Adjudicator. However, the recommendation of Education Leeds to the Executive Board was that a level of internal governance should still exist and the SOC be replaced by the non-statutory School Organisation Advisory Board (SOAB). SOAB has since been called upon in an advisory capacity to consider and make recommendations to Executive Board in relation to school organisation proposals. In the last 5 years it has been necessary for SOAB to be convened only 6 times to consider objections received following publication of a statutory notice. During that same period, there have been over 40 proposals put forward to Executive Board and over 6,000 school places approved which have not required SOAB to be convened, due to no objections.

3.10.3 SOAB has provided a forum for a small number of stakeholders to debate school organisation proposals where objections have been made during the 4 week representation period. The format allows objectors to raise new concerns that have not previously been raised during the pre-publication period of consultation or where it is felt that previous concerns were not fully addressed. Any person objecting is given the opportunity to present their views in front of the panel, with relevant council officers presenting the background to the proposal. Following their meeting to consider any objections received, SOAB will then make a recommendation to Executive Board who remain the decision maker in all cases.

3.10.4 Executive members should have four opportunities within the governance process of statutory proposals to scrutinise proposals which include two call-in periods. Although SOAB adds another level of scrutiny the timing can actually hinder the effectiveness of Leeds City Council's usual governance arrangements and statutory duties.

3.10.5 The following issues are identified for consideration;

- a) To convene a panel of SOAB within the limited time available ahead of Executive Board has proved difficult recently. The independent panel has to be selected and find a mutually agreeable date for the hearing, before all the relevant report packs are created. Relevant council officers, legal and Chief Officers attendance needs to be arranged to ensure effectiveness of these hearings.

- b) It is a statutory requirement for the decision maker to have made a decision on a proposal within two months following the end of the statutory notice period. As an 'outcome of statutory notice' report to Executive Board has to be submitted several weeks in advance of the meeting taking place this reduces the available timeframe within which SOAB can be convened to hear any objections. It may not always be possible to arrange a suitable date for SOAB which allows a decision to be made within the 2 month statutory limit.
- c) Several objections received during the representation periods have related to concerns that have already been addressed in the executive board report 'Outcome of Consultation' which has been considered and approved recommendation by Executive Board.
- d) Any person objecting to a proposal is contacted to inform them of the SOAB hearing and explain that they have the opportunity to present their views to the panel. In the majority of cases over the period since SAOB was setup, objectors fail to attend the hearing or in fact decide to withdraw their comments. The panel are then only able to hear comments from council officers and although they have the relevant papers to read ahead of the meeting, the time and resource used to convene these hearings are predominantly for the people who are not wanting to attend.
- e) Many proposed school expansions have received overwhelming support at the public consultation stage and in fact the most recent proposal to expand Benton Park School, had 75% of 223 respondents supporting the proposal at that stage. However, during the statutory notice period, just two objections were received. Neither objector attended the hearing, which consisted of 2 panel members, governance service officer, legal officer, Chief Officer, officers from Sufficiency and Participation, City Development, Highways Services and the Headteacher and Chair of Governors from the school. The view of SOAB was that the Executive Board be recommended to approve the proposals and also commented that the objections were in fact more related to the day to day running of the school.
- f) When SOAB was initially setup a total of 9 members were identified. SOAB is quorate with only 2 members present. Over recent years there have been multiple vacancies on the membership, and although recruitment takes places there are few parties who wish to sit on the Board. At present there are three members who consistently engage, and are willing to give their time, however cannot all always attend.

3.10.6 Most notably the timeframe between the expiry of the statutory notice and the requirement for the final decision to be made is only two months. Where there are objections the additional time required to convene SOAB prevents the final decision being presented in a paper to Executive Board until the second of the two months available. The effect is that there may not always be time for the call-in to take place. Where there is time for call-in, if Scrutiny were to recommend that Executive Board reconsider the decision, there would no longer be time available, statutorily, for this to happen, and the final decision would have to pass to the Office of the

School's Adjudicator. In practical terms the time involved in the convening of SOAB, is potentially hampering the more established Scrutiny process the council uses for all other decisions.

4.0 Corporate considerations

4.1 Consultation and engagement

4.1.1 This report has been subject to consultation with the Executive Member for Childrens and Families and the Executive Member for Regeneration, Transportation and Planning.

4.2 Equality and diversity / cohesion and integration

4.2.1 The EDCI screening form for the proposal is attached as Appendix C to this report.

4.3 Council policies and the best council plan

4.3.1 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, managed and co-ordinated by Children and Families and City Development, 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 achievement 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 achievement.

4.4 Resources and value for money

4.4.1 A significant amount of endeavour and effort has been put into the delivery of the Learning Places Programme and how it can better achieve value for money. To date a number of changes to the resource structure have taken place to reduce the number of staff working on programme delivery by over a half. The school places build specification used by the Learning Places Team is now the ESFA's own specification (plus insurance) and work is continuing to identify procurement routes and build solutions to bring down the cost per pupil place to meet the ESFA's Action Plan target of a 20% reduction in costs by 2023. All of the measures detailed in the Council's response to the ESFA's Action Plan, the ESFA have confirmed, will sufficiently reduce capital costs to meet their target. Regardless of this confirmation, work continues and will continue to identify value for money opportunities where possible.

4.5 Legal implications, access to information and call-in

4.5.1 There are no legal implications arising from the recommendations identified within this report and the report is subject to call-in. There is no legal requirement to have a SOAB and its dissolution would assist the Council to meet its statutory time limits

for decision making and call in by Scrutiny. Although the dissolution of the SOAB removes one level of scrutiny, the others remain and are robust.

- 4.5.2 The Exempt Appendix (B) is designated as exempt from publication under the provisions of Access to Information Procedure Rule 10.4(3), as it contains commercially sensitive information regarding the potential purchase / valuation of a site and disclosure of this information would potentially prejudice the Council's position. It is considered that the public interest in maintaining the content of the appendix as being exempt from publication outweighs the public interest in disclosing the information at this time.

4.6 Risk management

- 4.6.1 There are a range of risks on projects which are managed by the programme approach to the governance and funding of the schemes. Projects to deliver new places routinely carry a range of risks from their inception and the Council continues to review its approach to ensure risks are effectively managed.

5 Conclusions

- 5.1 The Learning Places Programme is a complex and challenging area of work that year on year is successfully delivered cross Directorate to ensure that the Council's statutory duty to ensure a sufficiency of school places is met. The previous pressure seen across the primary estate is now starting to move across into secondary place requirements and solutions set out in this report have been identified to address part of this demand at a cost per pupil place that will need to reduce by 5 % per year over the next four years. Imperative to the successful delivery of the programme is the need to identify early on, suitable sites in the areas of demand to meet the need and this report sets out site options for the delivery of two new secondary schools over the next five years in east Leeds, an area currently of greatest pressure.

6 Recommendations

6.1 Executive Board is requested to:

- i) Note the progress made over the last 12 months across the Learning Places Programme and the successful delivery of 1600 new school places;
- ii) Approve the Council entering into negotiations with the Arcadia Group Ltd for the purchase of the currently unused playing field land (2.7ha) at Torre Road for the delivery of a new secondary school, with final Heads of Terms to be presented back to Executive Board at a future point in time once a mutually agreed position has been established;
- iii) Approve the recommendation to reset the balance of the Capital Risk Fund to £7.190m, to facilitate effective risk management at programme level which maintains the fund at 10% of the current capital value of schemes in development;
- iv) Approve the dissolution of the School Organisation Advisory Board (SOAB), as a non-statutory function with immediate effect.

7. Background documents¹

7.1 None

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