

## Report of Director of Children and Families

### Report to Executive Board

Date: 7<sup>th</sup> January 2020

Subject: Outcome of statutory notice on the expansion of East SILC – John Jamieson onto two additional sites.

Are specific electoral wards affected?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, name(s) of ward(s):	
Killingbeck and Seacroft, Burmantofts and Richmond Hill	
Has consultation been carried out?	<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
Will the decision be open for call-in?	<input type="checkbox"/> Yes <input checked="" 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

### 1. Main issues

- This report contains details of a proposal brought forward to meet the local authority's duty to ensure a sufficiency of learning 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).
- The number of children and young people living in Leeds has increased over the past decade, which has resulted in the demand for both mainstream and specialist provision places across the city rising. In line with this, there has been a substantial increase in the number of new Education, Health and Care Plan (EHCP) assessments and the need for additional specialist school places across the city. Current projections indicate that there is a need of up to 200 additional specialist

school places each academic year from now to 2022/23. We are now bringing forward proposals to provide the additional specialist places to manage this increase.

- A public consultation on the creation of new specialist places took place between 19 June and 24 July 2019. This included the proposal to expand East SILC – John Jamieson School onto two new additional sites. A total of 97 consultation responses were received and of these the majority (89%) expressed support for the proposal. A further 3% somewhat opposed the proposal and 8% neither supported nor opposed, or were unsure about the proposal.
- A Statutory Notice was published on 14th October 2019 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 11th November 2019 anyone could raise views/ concerns that had not previously been raised or addressed during the public consultation. There were no representations made during the representation period
- This report summarises the consultation responses and seeks approval from Executive Board on the recommendations below.

## **Recommendations**

Executive Board is asked to:

- Approve the proposal to permanently expand specialist provision at East SILC – John Jamieson to 400 places, expanding onto two new additional sites; the former Shakespeare primary school and the Oakwood building, with effect from January 2020;
- Note that implementation of the proposals is subject to funding being agreed based on the outcome of further detailed design work as indicated at section 4.4.1 of this report;
- Approve the recommendation to exempt the decision from call-in for the reasons set out at 4.5.2; and
- Note the responsible officer for implementation is the Head of Learning Systems.

## **2. Best Council Plan Implications**

- This proposed expansion of East SILC would support the achievement of the Best City Priority to help ‘young people into adulthood, to develop life skills and be ready for work’ through providing additional high quality specialist provision places.
- The proposals actively contribute towards achievement of the Child Friendly City aspiration to ‘improve educational attainment and closing achievement gaps for children and young people vulnerable to poor learning outcomes’
- Overall, this proposal offers good value for money through its capacity to support the achievement of the Best Council Plan outcome that states ‘We want everyone in Leeds to do well at all levels of learning and have the skills they need for life’

### **3. Resource Implications**

- At this early stage in the process the cost estimates of the proposed refurbishment schemes at both sites totals £5.5m. Once the further design work is complete, budgets would then be realigned to reflect a more robust cost certainty. The proposed scheme would be funded primarily through the Special Provision Capital Fund and the Basic Need Grant. However, the precise funding packages will be confirmed at the design freeze stage, and detailed in the relevant Design and Cost report (DCR).

#### **1. Purpose of this report**

- 1.1 This report contains details of a proposal brought forward to meet the local authority's duty to ensure a sufficiency of learning places including provision for children and young people with Special Educational Needs and Disabilities (SEND).
- 1.2 This report describes the outcome of a Statutory Notice regarding a proposal to expand generic specialist school provision at East SILC – John Jamieson to 400 places by expanding onto two new additional sites, creating an additional 150 places; 50 primary places at the Oakwood building and 100 secondary places at the former Shakespeare site.

#### **2. Background information**

- 2.1 At its meeting on 18 September 2019 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 14 October 2019 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 11 November 2019 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 11 January 2020. Executive Board is the decision maker for this proposal.
- 2.2 Copies of the Statutory Notice were displayed at the entrance to the SILC and on lampposts in the areas near to the proposed additional sites. The full proposals were posted on the Leeds City Council website and all 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 SILCs were also informed about the proposals along with ward councillors, community groups and other relevant stakeholders.
- 2.3 There were no representations made during the representation period. 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 children and young people living in Leeds has increased over the past decade, which has resulted in the demand for both mainstream and specialist provision places across the city rising. In line with this, there has been a substantial increase in the number of new Education, Health and Care Plan (EHCP) assessments and the need for additional specialist school places across the city. The proposals being brought forward are in-line with the priorities identified within the Strategic Review of Special Educational Need and Disability (SEND) Provision in Leeds 2017-2021. The Leeds SEND strategy is currently under review in light of the recently approved 3As strategy. The strategy has a focus on providing specialist places in the areas and local communities where the demographic need is the highest. Although the increase in demand for SEND places is citywide, the highest growth is within the East and South areas of the city.
- 3.2 In Leeds there are five maintained special schools - Specialist Inclusive Learning Centres (SILCs) which are all generic rather than specialising in just one type of need. South SILC and North West SILC are currently progressing through academy conversions. The SILCs are very popular and demand is greater than the number of places available. Pupils are admitted to specialist provision through their Education, Health and Care Plans. We are therefore planning in the additional places to manage this increase.
- 3.3 All proposals which involve changing or creating new SEND provision must meet the requirements of the SEN Improvement Test. This test has been carried out for the East SILC expansion proposal and it is deemed to be sound. The test involves demonstrating how any proposed changes would improve the range and quality of SEND provision, including access to wider support services and specialist teaching and that these are in line with the local authority's wider strategic plan for SEND provision and also the drive to enable mainstream inclusion.
- 3.4 Current projections indicate that there is a need of up to 200 additional specialist school places each academic year from now to 2022/23. The need in the city continues to grow with particular increases in the areas of complex learning difficulties and complex communication difficulties.
- 3.5 As part of the local authority strategy to establish additional SEND places, a stakeholder engagement event was held in April 2019 to explore and develop the potential options across the city.
- 3.6 The proposal to expand East SILC has been developed through a robust process. All existing SILCs were invited to submit an expression of interest in expanding their provision onto the former Shakespeare site. Submissions were assessed against a selection criteria and East SILC identified as the named partner in taking this proposal forward. This expansion opportunity was extended further to include the Oakwood building at the point the site became available. This enabled a through-school model across the two sites to be proposed; the Oakwood building for primary and the Shakespeare site for secondary provision.
- 3.7 The Oakwood building is within local authority ownership, and is located on Oakwood Lane next to the Fearnville Leisure Centre. It was previously operating as a primary specialist provision which relocated in September 2019. The proposal is to establish this building as an additional site of the East SILC to deliver generic specialist provision for up to 50 primary aged children with SEND.

- 3.8 The proposal also includes creating 100 additional permanent secondary places using the former Shakespeare Primary school building as an additional site of the East SILC. Located on Stoney Lane in Burmantofts, this building and site previously accommodated approximately 460 mainstream pupils before relocating to new larger premises in September 2018. This Private Finance Initiative (PFI) site and building is available for educational use and would be remodelled and adapted to meet the specialist needs of students with SEND. The proximity of this site to several other secondary providers, offers potential for future partnership working and inclusive learning opportunities for students. Being the larger of the two sites it can provide accommodation for a higher number of places to meet the secondary demand for SEND provision.
- 3.9 From September 2019 the former Shakespeare building has provided temporary accommodation for approximately 30 students managed by East SILC, to meet the immediate need for more specialist school places in the new academic year.
- 3.10 East SILC is a popular choice with families and is over-subscribed. The two additional sites are located in areas of high demographic need and population density and the proposal aligns with the council's ambition to educate children within the communities that they live. The proposed 150 additional places forms part of the solution to address anticipated future pressure on specialist provision in Leeds.
- 3.11 East SILC was rated 'Good' by Ofsted at its most recent inspection in February 2017 and is popular with families. The SILC benefits from strong leadership and management and a dedicated skilled staff team who are very positive about the potential permanent expansion onto two additional sites. The executive principal, head teacher and governing body are confident that if the East SILC were to expand, existing high standards of learning could be maintained, resulting in improved outcomes for a greater number of children and young people with SEND.
- 3.12 Informal consultation on this proposal took place between 29<sup>th</sup> June 2018 and 27<sup>th</sup> July 2018. A total of 97 consultation responses were received and of these the majority (89%) expressed support for the proposal. A further 3% somewhat opposed the proposal and 8% neither supported nor opposed, or were unsure about the proposal.
- 3.13 A summary of the respondent comments were included in a report submitted to the Executive Board at its meeting on 18 September 2019.
- 3.14 During the four weeks Statutory Notice representation period, there were no representations made either in support or objection to the proposals.

## **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 14<sup>th</sup> October 2018. Copies of the Statutory Notice were displayed at the entrance to the school and on lampposts in the area near to the proposed additional site. The full proposals were posted on the Leeds City Council website and parents with children

on roll 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 SILCs were also informed about the proposals along with ward councillors, community groups and other key stakeholders.

- 4.1.3 Details of the Statutory Notice were shared with ward members local to the main site and the proposed additional sites. No comments were received.

## **4.2 Equality and diversity / cohesion and integration**

4.2.1 The additional learning places would create more opportunities for more pupils to be supported in a way that meets their individual needs, regardless of gender, religion, ethnicity, disability or sexual orientation, in an inclusive specialist provision environment.

4.2.2 East Leeds as a planning area has experienced extremely high levels of demographic growth over the past decade with a resulting increase in demand for primary and secondary specialist provision. This proposal would ensure that additional places allow for children and young people to be closer to the communities where they live.

4.2.3 The proposal would have a positive impact on promoting choice and diversity for local families who would be applying for a specialist school place. These additional sites, linked to an existing specialist school, provides parents and carers of children and young people with SEND aged 2-19 with more choice when making a preference about which specialist provision they would like them to attend.

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

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

4.3.1 This proposal offers good value for money through its capacity to support achievement of the Best Council Plan outcome that states 'we want everyone in Leeds to do well at all levels of learning and have the skills they need for life'.

4.3.2 This proposal is being brought forward to meet the local authority's statutory duty to ensure that there are sufficient learning places for all the children in Leeds. Providing specialist places closer to where children and young people with SEND live promotes inclusion within their local community.

4.3.3 This proposal contributes to the aspiration for Leeds City Council to be the best council and for Leeds to be the best city in which to grow up in, 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 learning places and environments we can support the priority aims of ensuring children and young people do well in learning and closing achievement gaps for those vulnerable to poor learning outcomes. We want all children and young people in the city to have access to a wide range of opportunities, develop key life skills, and be supported on ambitious pathways to enable them to thrive supporting the council's ambition to produce a strong economy and a compassionate city. A good quality learning place also contributes towards delivery of targets within the Children and Young People's Plan such as the 3A's strategy to improve achievement, attainment and attendance at school.

## Climate Emergency

- 4.3.4 There is an identified need for additional specialist provision in the east of Leeds for children and young people with SEND. This proposal would offer more choice and is local to the demographic need. This would reduce journey times to and from specialist schools which in some cases can be a long distance from where the learner resides.
- 4.3.5 The SILC would support students to undertake 'independent travel training' where appropriate to encourage independence for the young person to safely travel to school on public transport.
- 4.3.6 Any contractors tendering for the proposed refurbishment schemes will need to demonstrate a robust Waste Management Plan, be registered with The Considerate Constructors Scheme, of which, the main consideration of the scheme falls into three categories: The general public, the workforce and the environment. Contractors will also need to be sympathetic to the Leeds Talent and Skills Plan by seeking to employ local trades where possible thus reducing the impact of extended travel.
- 4.3.7 It is intended that the future Design and Cost Report (DCR) to be submitted for these projects will provide greater detail on this matter.

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

- 4.4.1 The costs for Shakespeare and Oakwood are currently based on benchmarking data provided by Educational Building & Development Officers Group (EBDOG) as they are both at an early stage in the process. Once the feasibility stage is completed and the schemes proceed to the detailed design phase, budgets will be realigned to reflect that all parties have agreed the final designs and cost estimates, in accordance with standard project and risk management principles. Schemes would also be subject to relevant stakeholder consultation.
- 4.4.2 The cost estimate of the proposed scheme at Shakespeare is £3,628,832 and for Oakwood £1,840,360 both of which will be funded primarily through the Special Provision Capital Fund and the Basic Need Grant in addition to a combination of other funding streams including: council borrowing and Community Infrastructure Levy. However, the precise funding packages will be confirmed at the design freeze stage, and detailed in the relevant DCR. The above costs are inclusive of internal remodelling/refurbishment works, condition related works, project fees and the necessary furniture and equipment associated with the expansion.
- 4.4.3 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 learning places schemes and it specifically approves individual scheme DCRs, along with any necessary 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. 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.

## **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 and the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.
- 4.5.2 It is recommended that this report should be exempt from Call-In. Executive Board is the decision-maker for this proposal and statutory guidance states that decisions must be made within 2 months of the end of the representation period or be referred to the Schools Adjudicator. The representation period which followed publication of the Statutory Notice ended on Monday 11 November 2019 therefore a decision would need to be made by 10 January 2020. This report and recommendations are being considered at January Executive Board instead of December as originally planned. The impact of this on the Call-In process is that if the decision was called in and referred to Scrutiny Board, Scrutiny Board would have the option of referring the matter back to Executive Board to reconsider its decision, which would be well outside of the 2 month period. In order for Executive Board to remain the decision-maker in this case, exemption from Call-In is recommended. Executive Board is asked to note that consultation on this proposal has been robust with 89% of respondents in support of the proposed expansion and that no objections have been made during the representation period.

## **4.6 Risk management**

- 4.6.1 These proposals have been brought forward in time to allow additional specialist places to be delivered during the academic year 2019/20 to support the current demand for places. The former Shakespeare building is currently accommodating a temporary 30 place cohort from September. A decision not to proceed at this stage may result in fresh consultations on new proposals, and places to meet the immediate need would not be delivered in time. It may also result in further bulge cohorts being delivered in other SILCs which would be more costly in the longer term. The local authority's ability to meet its statutory duty for sufficiency of learning places in the short term may be at risk.
- 4.6.2 There is also a corporate risk associated with failing to provide sufficient learning places in good quality buildings that meet the needs of local communities. Both proposed additional sites were formerly used for education provision and are both currently vacant.
- 4.6.3 In circumstances where a former education site owned by the Local Authority is vacant there could be a risk that the Department for Education take possession of the asset from the Local Authority to facilitate the development of a new free school. Bringing these buildings back into educational use mitigates this risk.

## **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 learning places, including places in specialist provision, is one of our top priorities. These proposals have been brought forward to support learners with SEND in Leeds to benefit from being able to access a local specialist place and so delivering our vision of Leeds as a child friendly city.

- 5.2 The majority of the respondents support the expansion of East SILC. The few concerns raised during consultation have been considered, and on balance, the proposal remains strong and addresses the need for specialist places in the area.
- 5.3 The additional places are required to ensure the authority meets its legal requirement to ensure sufficiency of specialist places. It is therefore recommended that the proposal to permanently expand East SILC on the two new additional sites be approved.

## **6. Recommendations**

Executive Board is asked to:

- Approve the proposal to permanently expand specialist provision at East SILC – John Jamieson to 400 places, expanding onto two new additional sites; the former Shakespeare primary school and the Oakwood building, with effect from January 2020;
- Note that implementation of the proposals is subject to funding being agreed based on the outcome of further detailed design work as indicated at section 4.4.1 of this report;
- Approve the recommendation to exempt the decision from call-in for the reasons set out at 4.5.2; and
- Note the responsible officer for implementation is the Head of Learning Systems.

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

- 7.1 None

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