

Report of Capacity Planning and Sufficiency

Report to School Organisation Advisory Board

Date: 15 October 2014

Subject: Outcome of statutory notice on proposals to expand primary provision in Bramley for 2016

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Bramley & Stanningley	<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 type="checkbox"/> Yes	<input checked="" 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

Executive Summary

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.

In this case the school, Hollybush Primary School is a community school, the proposer is the local authority. The statutory process includes a consultation period and then a statutory notice period, both of which allow for representations to be made from stakeholders. A notice was published on 3 September 2014 and expired on 1 October 2014. One objection was received.

Under the Education and Inspections Act 2006 a final decision must be made within two months of expiry of this notice, therefore by 1 December 2014, or be referred to the School's Adjudicator for a decision.

Any significant change to the proposal at this stage would require the proposal to be rejected, and fresh consultation to begin, precluding the delivery of places for 2016.

1 Purpose of this report

- 1.1 This report describes the representation made during the statutory notice period in relation to the proposal to expansion of Hollybush Primary School and asks School Organisation Advisory Board (SOAB) to consider the response and make a recommendation to Executive Board on a final decision on the proposal.

2 Background information

- 2.1 The proposal has been brought forward as part of a programme of expansion of primary provision to ensure the local authority meets its legal duty to secure sufficient school places.

- 2.2 The proposal :

- lower the age limit of Hollybush Primary School from 3 to 2 with effect from January 2015 and increase the capacity at Hollybush Primary School from 420 pupils to 630 pupils, increasing the admission limit in reception from 60 to 90 from September 2016

- 2.3 A partnership base for eight children with severe learning disabilities was also proposed. The school already has some partnership provision on site and it was proposed that this was extended. Partnership provision provides an opportunity for children on the roll of a Specialist Inclusive Learning Centre (SILC), in this case the West SILC, to access learning and/or inclusion opportunities alongside their mainstream peers for some or all of the school day. The specialist teaching and learning support is provided by the SILC.

- 2.4 Consultation was carried out from 6 May 2014 to 6 June 2014. During the consultation phase on the proposed expansion, 7 written responses were received, all in favour, none against.

- 2.5 No concerns were raised about the proposed expansion of primary places, 2 year old places and SEN provision at Hollybush. Those in favour of primary expansion at Hollybush commented that the additional places at this popular school are required to provide local places for local children.

- 2.6 The governing body of Hollybush expressed their unanimous support for the proposals to expand the school from two to three form entry together with developing provision for two year olds. They also supported in principle an expanded partnership provision on the understanding there was further discussion regarding the location of the accommodation and further discussion with the West SILC regarding the day to day operation of the partnership.

- 2.7 At its meeting on 16 July 2014 Executive Board gave permission to publish a statutory notice to lower the age limit of Hollybush Primary School from 3 to 2 with effect from January 2015 and increase the capacity at Hollybush Primary School from 420 pupils to 630 pupils, increasing the admission limit in reception from 60 to 90 from September 2016. The statutory notice also referred to the intention to further develop partnership provision.

2.8 The notice was published on 3 September 2014 and expired on 1 October 2014. A final decision must be made within 2 months of the expiry of the notice, therefore by 1 December 2014.

3 Main issues

- 3.1 The statutory notice period provided the opportunity for all stakeholders to consider further the expansion of primary provision, the opportunity to deliver FEEE (Free Early Education Entitlement) places for 2 year olds and the further development of specialist provision.
- 3.2 During the statutory notice period the governing body re-iterated their support for the expansion of primary provision and the lowering of the age range of the school to enable it to offer FEEE (Free Early Education Entitlement) places for eligible 2 year olds but they concluded after further consideration and discussion with the SILC that they did not support the expansion of the existing specialist provision.
- 3.3 One objection was received in response to the statutory notice. The issues raised in objection are outlined in the following paragraph. A copy of the representation is enclosed with this report and can also be found at www.leeds.gov.uk.
- 3.4 The concerns that were raised are as follows:
- 3.5 **Concern:** That there was insufficient detail provided as to the nature of the expansion, making it impossible to predict both the impact of the expansion on the learning experience of the children and on the built environment of the school. The respondent suggested that the proposal for this proposed expansion was withdrawn until detailed plans of the nature of the expansion on site were forwarded.
- 3.6 **Response:** At the consultation stage a detailed booklet was provided for stakeholders. The data and rationale for the proposal to expand Hollybush Primary School was outlined in the consultation document, this is attached as an appendix to the report.
- 3.7 At the drop-in sessions held during the consultation period a drawing was made available to stakeholders which showed that the site is sufficiently large to accommodate the additional classrooms, cloakroom and other facilities required for a three from entry primary school. The drop-in sessions were also an opportunity to ask questions about the expansion. Some stakeholders attended these sessions.
- 3.8 The headteacher and governing body are the key partners in the design process for the new accommodation. Initial discussions have taken place over the last month regarding the quantum of accommodation required by the expanded school. A feasibility study has been commissioned and is underway, the detailed design work has not commenced because the proposal has not progressed beyond statutory notice phase. Such detailed work would incur significant costs which would be abortive, and therefore not a good use of public funds if the proposal did not proceed any further.

- 3.9 There is no evidence to suggest that the expansion would have a negative impact upon the education of the pupils. Many of the staff and governors experienced the move from the previous school accommodation to their existing school building and therefore have valuable experience to draw upon.
- 3.10 Whilst it is not always possible to do all building work during school holidays, as far as possible any works that are likely to be very noisy or disruptive would be carried out whilst pupils and staff are away. Any building work carried out while the school is open would be completely segregated from the pupils and staff to ensure safety, disruption to teaching and learning would be minimised. All building projects would be carefully managed to ensure the health and safety of children at all times.
- 3.11 The headteacher and governing body are keen to retain the ethos of the school and are confident that they would manage any changes successfully and that the change will not be detrimental. Support would be provided by the Learning Improvement Team at Leeds City Council to assist the school leadership team in managing the change process. The school would also be able to draw upon the experience of other schools in Leeds who have expanded from 2 to 3 form entry.
- 3.12 Delaying the decision at this stage would mean that the proposal would not proceed and therefore the additional school places required would not be delivered. A delay to the decision making process would not provide the opportunity to carry out the detailed design work requested.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Consultation was managed in accordance with all relevant legislation and local good practice. A brief notice was published in a newspaper, the Yorkshire Evening Post and copies were placed on all the school entrances. The full proposal was placed on the school and council website.
- 4.1.2 Banners were placed on the school gates/fence to raise awareness of this phase in the statutory process. A survey was set up using Leeds City Council's Talking Point to enable stakeholders to make comments about the proposals. Stakeholders also had the opportunity to make comments in writing, by letter or by email.
- 4.1.3 Ward members were formally consulted during the public consultation stage, both individually, and were offered the opportunity to comment at statutory notice phase. No concerns were raised.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 The EDCI impact assessment has been completed and is attached to this report.

4.3 Council policies and City Priorities

- 4.3.1 This proposal has been brought forward to meet the Council's statutory duty to secure sufficient school places. By providing places close to where children live,

these proposals improve accessibility of local and desirable schools, thereby reducing the risk of non-attendance and reducing the length of the journey to school.

4.3.2 A key objective within the Best Council Plan 2013-2017 is to build a child friendly city. The delivery of pupil places through Basic Need is one of the baseline entitlements of a Child Friendly City. A good quality school place contributes to the achievement of targets within the Children and Young People's Plan such as our obsession to 'improve behaviour, attendance and achievement'. In addition, "Narrowing the Gap" and "Going up a League" agenda and is fundamental to the Leeds Education Challenge.

4.3.3 A further objective of the Best Council Plan 2013-2017 is to ensure high quality public services. We want to promote choice and diversity for parents and families and deliver additional school places in the areas where families need them. Meeting this expectation while demonstrating the five values underpinning all we do is key to the basic need programme

4.4 **Resources and value for money**

4.4.1 A high level budget for this project, which will be taken to Executive Board as part of the statutory process, has been set at £2.52m. This figure includes the full construction cost inclusive of design fees. Any required highways / authority works and Public Private Partnerships & Procurement Unit (PPPPU) project management fees associated with the project are excluded from this figure. This budget is subject to the outcomes of the feasibility commission and will be reassessed at the end of RIBA Stage B.

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

4.5.1 Leeds City Council's Executive Board is the decision maker for proposals relating to school organisation. It has established School Organisation Advisory Board (SOAB) to consider proposals if representations are received during a statutory notice period, then make recommendations to the Executive Board.

4.5.2 Under the Education and Inspections Act 2006 a decision must be made within two months of expiry of the notices (therefore by 1 December 2014), or the matter will be referred to the school's adjudicator for a decision. The decision maker can in each case:

- Reject the proposal
- Accept the proposal
- Accept the proposal with a minor modification e.g. change of implementation date
- Approve the proposals subject to them meeting a certain condition e.g. grant of planning permission

4.5.3 The decision maker must give reasons for the decision irrespective of whether the proposals are rejected or approved indicating the main factors/criteria for the decision. SOAB should therefore provide appropriate comment with their recommendations. If the decision maker does not make a decision on the

proposals within 2 months of the end of the statutory notice, the Authority must within one week refer the proposals to the Schools Adjudicator for a decision.

- 4.5.4 Any significant modification to a proposal would require fresh consultation, and prevent places being realised for 2016.

5 Conclusions

- 5.1 These proposals are required to ensure the authority meets its legal requirements to ensure sufficiency of primary provision for September 2016. There is evidence of local need for these places, and they offer choice and diversity to parents. Any significant change to the proposals at this stage would mean alternative solutions would not be secured in time for September 2016, and any delay would affect the deliverability of the physical accommodation in time.

6 Recommendations

- 6.1 Children's Services believe that the issues raised during the statutory phase do not to present a barrier to progress and asks that School Organisation Advisory Board considers the issues raised and recommends to Executive Board that these proposals be approved.

7 Background documents

- 7.1 Public Consultation Booklet
- 7.2 Executive Board report 16 July 2014 – Part B: Basic Need Programme 2016 - Outcome of consultation to increase primary school places in Leeds
- 7.3 Hollybush Primary School Full Proposal
- 7.4 Hollybush Primary School Brief Notice
- 7.5 Copy of objection received – Hollybush Primary School