

Report of Capacity Planning and Sufficiency

Report to School Organisation Advisory Board

Date: 3 September 2014

Subject: Outcome of statutory notices on proposals to expand primary provision in Guiseley for 2015

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Guiseley	<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: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Executive Summary

This report contains details of proposals 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 sets out the process which must be followed when making such changes. The statutory process to make these changes varies according the nature of the change and status of the school. This includes a consultation period and then a statutory notice period, both of which allow for representations to be made from stakeholders. The decision maker in these cases remains the local authority.

In the case of Guiseley Infant and Nursery School (a trust), and St Oswald's Church of England Junior School (a voluntary aided school) the schools are the proposers. In the report to its June 2014 meeting, Executive Board were advised that the governing bodies intended to pursue the publication of statutory notices to convert the existing 3 form entry infant and junior schools into two 2 form entry primary schools, and supported in principle the changes being funded as part of the basic need programme.

Notices were published on 25 June 2014 and expired on 23 July 2014. Representations were received as follows; 35 representations were received in relation to Guiseley Infant and Nursery School, 16 in support and 19 objections. With regard to St Oswald's C of E Junior School, 23 representations were received, 13 in support and 10 objections. This

includes responses in writing, received by email and via Talking Point. The concerns raised were not new, having previously been raised during the initial consultation phase.

Under the Education and Inspections Act 2006 a final decision must be made within two months of expiry of these notices, therefore by 23 September 2014, or be referred to the School's Adjudicator for a decision. Any significant change to the proposals at this stage would require the proposals to be rejected, and fresh consultation to begin, precluding the delivery of places for 2015.

1 Purpose of this report

- 1.1 This report describes the representations made during the statutory notice period in relation to these two proposals and asks School Organisation Advisory Board (SOAB) to consider these responses and make a recommendation to Executive Board on a final decision on the proposals. SOAB is asked to note the relationship between the two proposals and to consider these together.

2 Background information

- 2.1 The proposals have been brought forward as part of a programme of expansions of primary provision to ensure the local authority meets its legal duty to secure sufficient school places. These proposals have been brought forward by the governing bodies of Guiseley Infant and Nursery School and St Oswald's Church of England Junior School. They are:

- To expand Guiseley Infant and Nursery School from a capacity of 270 pupils to 420 pupils and raise the upper age limit from 7 to 11, therefore creating a primary school with an admission number of 60, with effect from September 2015.
- To expand St Oswald's Junior C of E Junior School from a capacity of 360 to 420 and lower the age limit from 7 to 4, therefore creating a primary school with an admission number of 60 in reception, with effect from September 2015

- 2.2 There have been three consultations on increasing school places in Guiseley since 2012 and there has been much debate, discussion and a variety of views expressed. During this time the schools in the area have formed a trust, and the legislation surrounding school organisation changes has also been amended.

- 2.3 During the most recent consultation Guiseley Infant and Nursery school put forward a counter proposal to establish a primary school from the existing infant school. At its meeting in June 2014 Executive Board acknowledged the intention the governing bodies of Guiseley Infant and Nursery School and St Oswald's Church of England Junior School to publish statutory notices to convert both schools into primary schools, effectively revisiting the proposals previously put forward by the local authority. These changes will be funded by the council as part of the basic need programme subject to a decision to proceed.

- 2.4 The notices were published on 25 June 2014 and expired on 23 July 2014. A final decision must be made within 2 months of the expiry of the notice, therefore by 23 September 2014.

3 Main issues

- 3.1 Of those who responded some commented on both proposals and some commented on just one. For the purposes of this report, a response relating to Guiseley Infants and St Oswald's has been counted as two responses. 35 representations were received in relation to Guiseley Infant and Nursery School, 16 in support and 19 objections. With regard to St Oswald's C of E Junior School,

23 representations were received, 13 in support and 10 objections. This includes responses in writing, received by email and via Talking Point. The concerns raised were not new, having previously been raised during the initial consultation phase.

- 3.2 A summary of the issues raised in objection are contained in the following paragraphs. Copies of the representations are enclosed with this report, and can also be found at www.leeds.gov.uk. Previous Executive Board reports are also enclosed in this report.
- 3.3 Those respondents in support of the proposals commented that the establishment of two separate primary schools would provide the opportunity to preference a faith or a community school, and that building on the skills and expertise of two existing schools presented a positive way forward which was preferable to the establishment of a new school. They also commented that the proposals provided a solution in the right location of Guiseley, and provided the correct number of additional places for the area. They also commented that the proposals provided a deliverable solution. The initial design work for building solutions was well received.
- 3.4 In some cases those who responded commented on both proposals. Concerns that raise issues common to both are as follows:
- 3.5 **Concern:** That the proposals which had previously been consulted upon were being brought forward again. At the time there was opposition to these proposals and these concerns have not been fully addressed.
- 3.6 **Response:** The proposals brought forward are those consulted upon in the summer of 2013. At that time the governing body of Guiseley Infant and Nursery School indicated that they did not feel that they could support the proposal. This was a significant reason why the proposals did not progress and work was suspended before some key investigations were concluded. Following on from this, consultation took place on an alternative option and during this time the infant school put forward their counter proposal. The governing bodies of Guiseley Infant and Nursery School and St Oswald's C of E Junior School believe the establishment of primary schools is a workable solution. This statutory notice has provided the opportunity for the community to reflect on the latest situation and raise any concerns they have about the proposals in the current context. The main themes raised previously have been raised again during this notice period and are addressed in this report.
- 3.7 **Concern:** The proposed expansion will not be sufficient to cope with the planned housing developments listed in the site allocations plan
- 3.8 **Response:** These proposals address demand from the existing under 5s population currently living within Guiseley and also provide the places required from housing under construction or housing with planning permission.

They do not provide for the potential new housing developments described in the Site Allocations plan of the Core Housing Strategy. Work has been undertaken to identify possible solutions should these developments progress. Establishing new

school places before they were required would potentially undermine existing provision and make it harder to secure developer contributions towards new housing.

- 3.9 **Concern:** Why not establish larger infant and junior schools?
- 3.10 **Response:** Whilst it is possible to establish four form entry infant and junior schools, the preferred option of both schools is to become primary schools. This is because they believe that the benefits of becoming primary schools including reducing the risks associated with transition at the end of Key Stage 1, providing greater opportunities for socialisation and providing greater opportunities for staff and curriculum development outweigh those of becoming expanded infant and junior schools. There are also concerns about cohort sizes of 120 children at both ends of the primary age spectrum.
- 3.11 **Concern:** That existing wrap around childcare may not be maintained or may be adversely affected.
- 3.12 **Response:** Wrap around will continue to be provided when the schools become primary schools. It is likely that there will be increased demand as the school population increases. The Local Authority's sufficiency duty extends to that of sufficient childcare for working parents and discussions are already underway with providers with a view to increase the level of provision in the area.
- 3.13 **Concern:** Transition arrangements have not been thought through and will have a negative impact on the learning of children at both Guiseley Infants and St Oswald's. Children staying on at Guiseley Infants will be the oldest for 4 years and for children starting St Oswald's in reception in 2015, there will not be older children in Key Stage 1.
- 3.14 **Response:** There has been much attention to the transition arrangements in order to allow as much flexibility as possible and during transition families will be entitled to stay at Guiseley Infants or preference a place at St Oswald's in year 3. There is no evidence to suggest that children's learning will be negatively impacted during these transition years. The Learning Improvement Team at Leeds City Council would also provide support, guidance and assistance to the schools during this time. The schools would also be able to access support from other schools who have successfully completed similar transitions.
- 3.15 **Concern:** Existing traffic and highways issues will be exacerbated by an expanded school.
- 3.16 **Response:** The establishment of two separate primary schools will mean that the existing journey between the two schools which is required each day for families who have children in both the infant and junior school will no longer be required.
- 3.17 It is acknowledged there are traffic issues and inconsiderate parking in the vicinity of the school is an issue for local residents and that this is particularly so at the start and end of the school day. The traffic and parking surveys undertaken will determine the solution required for the school, and would be considered as part of the planning application.

3.18 **Concern:** Children's education will be disrupted due to the amount of building work required

3.19 **Response:** There is no evidence to suggest that education would be disrupted. Building work will need to take place to create additional accommodation and wherever possible very noisy work would be carried out in school holidays. It is inevitable that some work will have to be carried out during term time; however the schools would function as normal during such building work. The local authority has extensive experience of managing building projects on school sites and would draw on this should the proposals progress to ensure minimal disruption.

3.20 **Concern:** Local residents were not informed of statutory notice or drop-in sessions

3.21 **Response:** The notices and drop in sessions were widely advertised. Brief notices were published in the Yorkshire Evening Post and copies were displayed at each entrance to the school. Copies were also placed in the community. The full proposals were placed on the school websites and council website.

Banners were displayed at both schools raising awareness and letters were distributed to parents. Letters were also delivered to residents local to both schools and an email was sent to all persons who had made a response to the previous consultation that had taken place.

Guiseley Infant and Nursery School

3.22 **Concern:** Guiseley Infant and Nursery School is not large enough to cope with an expansion of this size

3.23 **Response:** The site is sufficiently large to accommodate a 2 form entry primary school both in terms of class space and hard outdoor hard and soft play. Additional accommodation would be established by building new classrooms and cloak room facilities, a library creating additional hall space and kitchen space. ICT provision will be established in the new classrooms.

A drop in session was held to share initial design work for the new accommodation which had been developed in conjunction with the Headteacher and governors and the plans were well received by stakeholders. The design work takes account of concerns raised during the consultation conducted in 2013.

St Oswald's Church of England Junior School

3.24 **Concern:** The proposals reduce choice as St Oswald's could establish a admission's policy which prioritises faith.

3.25 **Response:** The proposals provide a different choice than that which currently exists. It is possible that St Oswald's could establish a faith only policy just as they have been able to do in the past, being a voluntary aided school. The governing body of St Oswald's have however stated throughout this and the previous consultation that they would ensure that the admissions policy was aligned very closely with the local authority admissions policy and that they would

seek to provide local places for local children. This will require separate consultation for 2016. The governors acknowledge the need for additional school places in the Guiseley area.

3.26 **Concern:** No nursery provision is to be established at St Oswald's as part of expansion which will put pressure on the nursery at Guiseley Infants.

3.27 **Response:** As part of any proposed school expansion, additional nursery and SEN provision is considered to ensure a holistic approach to planning provision. A recent review in this area indicated that there was sufficient provision, and therefore no expansion of places is proposed. Guiseley has a mixture of private nurseries, child minders and pre-schools as well as the school nursery at Guiseley Infants. All these types of setting offer free early education for 3 and 4 year olds.

Additional housing can put pressure on nursery places and the need for more free early education places will be kept under review.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 The consultations in relation to all the proposals detailed above have been managed in accordance with all relevant legislation and local practice. Brief notices were published in a newspaper, the Yorkshire Evening Post and placed on the school entrances and in the community. The full proposals were placed on the school websites and council website.

4.1.2 Awareness of the statutory notice phase was raised by the schools through letter to parents and the delivery of letters to residents living in the area surrounding the schools. Banners were placed on the school gates/fence. A survey was set up using Leeds City Council's Talking Point to enable stakeholders could make comments about the proposals. Stakeholders also had the opportunity to make comments in writing, by letter or by email. A drop in session was also arranged at each school to provide an opportunity to look at the plans for the additional accommodation which would be required and to answer questions regarding the proposals.

4.1.3 Ward members were formally consulted during the public consultation stages, both individually, and through area committees, where appropriate, to ensure awareness of all proposals city wide and improved understanding of the impact of proposals in neighbouring areas.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 The EDCI impact assessments have been completed and are available on request from the Capacity Planning and Sufficiency Team.

4.3 Council policies and City Priorities

4.3.1 These proposals have 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 The total estimated cost of the project at Guiseley Infant and Nursery School is £2.7m and at St Oswald's C of E Junior School is £1.9 million. These projects will be funded from the education capital programme. The funding provides additional accommodation on each school site for the increased number of pupils.

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 23 September 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 2015.

5 Conclusions

- 5.1 These proposals are required to ensure the authority meets its legal requirements to ensure sufficiency of primary provision for September 2015. 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 2015, 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 throughout the consultation process do not present insurmountable barriers and that these can be addressed. Children's Services asks that School Organisation Advisory Board considers the issues raised and recommends to Executive Board that these proposals be approved.

7 Background documents¹

- 7.1 Executive Board report 9th May 2013 - Part A: Basic Need Programme 2014 – Outcome of consultation on proposals for expansion of primary provision in 2014
Part B: Basic Need Programme 2015 – Permission to consult on proposals for the expansion of primary provision in 2015
- 7.2 Public Consultation Booklet
- 7.3 Report to Executive Board 4 September 2013 - Part B: Outcome of consultation on proposals for the expansion of Pudsey Primrose Hill Primary School from September 2015 and Guiseley Infant and Nursery School and St Oswald's Church of England Junior School
- 7.4 Executive Board report 25 June 2014 – Outcomes of Proposals to increase primary school and Special Education places in Leeds
- 7.5 Guiseley Infant and Nursery School Full Proposal
- 7.6 Guiseley Infant and Nursery School Brief Notice
- 7.7 St Oswald's Junior School Full Proposal
- 7.8 St Oswald's Junior School Brief Notice
- 7.9 Copies of objections received – Guiseley Infant and Nursery School
- 7.10 Copies of objections received – St Oswald's C of E Junior School

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.

