

Outcome of consultation on proposals to expand Broomfield South SILC by 100 places, as part of a school rebuild, and the establishment of a permanent satellite site for post-16 provision.

Date: 18 September 2024

Report of: Director of Children and Families

Report to: Executive Board

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

Brief summary

This report contains details of proposals to expand Broomfield South Special Inclusion Learning Centre (SILC) by 100 places, as part of a school rebuild, and the establishment of a permanent satellite site for post-16 provision. The changes proposed form prescribed alterations under the Education and Inspections Act 2006 and are aligned with the statutory process set out in the Department for Education's guidance document, 'Making significant changes (prescribed alterations) to maintained schools' (January 2023). The Local Authority are the decision maker for implementation.

In March 2024, the Executive Member for Economy, Culture and Education, announced Leeds City Council's ambition to explore a proposal to rebuild and expand Broomfield South SILC to achieve a new purpose-built, state of the art school. This would address the longstanding and ongoing poor condition and suitability issues of the main building and support the growing need for specialist places for children with Education Health and Care Plans. As part of a school rebuild, Leeds City Council are proposing to expand the school by up to 100 places. The proposed opening date for the rebuild of the main site and the additional places would be September 2027.

Leeds City Council are also proposing to formalise Arlington Business Centre, at White Rose, as a permanent satellite site of Broomfield South SILC for Post 16 learners from September 2025 onwards.

The proposal to rebuild the school would need to follow relevant planning processes. The proposals at this stage have the full backing of Broomfield South SILC's governors and leadership team.

A public consultation on the proposals took place between 1 July and 28 July 2024. This report summarises the consultation responses and seeks approval from Executive Board on the recommendations below.

Recommendations

Executive Board is requested to: -

- a) Note the outcome of the public consultation for these proposals.
- b) Approve publication of a Statutory Notice on the proposals to expand Broomfield South SILC by 100 places, as part of a school rebuild, and the establish a permanent satellite site of Broomfield South SILC for post-16 provision at Arlington Business Centre, White Rose.
- c) Note that implementation of the proposals would be subject to the outcome of the proposed Statutory Notice and future decisions by Executive Board.
- d) Note the intention for a further report to be presented to the December 2024 Executive Board meeting detailing the outcome of the Statutory Notice.
- e) Note the implementation of the rebuild and expansion of Broomfield South SILC would be subject to the outcome of further detailed design work and planning applications as indicated in paragraphs 26- 29 of this report.
- f) Note the responsible officer for implementation is the Deputy Director for Learning.

What is this report about?

- 1 The number of children and young people living in Leeds with an Education Health and Care Plan (EHCP) continues to increase each year, resulting in rising demand for specialist provision places across the city, especially so in the South, both in terms of current and long-term need.
- 2 Broomfield South SILC is a Local Authority maintained school rated 'Good' at its last Ofsted inspection and provides specialist provision for pupils with an EHCP who require a specialist environment to support their needs. The school is currently operating at full capacity.
- 3 The school's main building, built in the 1970s, is in extremely poor condition and increasingly becoming unfit to support the complex needs of the children who attend. A nomination submitted by the Local Authority to the DfE's School Rebuilding Programme in 2021 was rejected. With no appeals process offered by the DfE, the school's poor condition needs remain an ongoing strain on Council resources. The condition of the building, along with the restricted site, means expansion without a rebuild is not possible.
- 4 In March 2024, the then Executive Member for Economy, Culture and Education announced Leeds City Council's ambition to explore proposals to rebuild and expand Broomfield South SILC to deliver a new purpose-built, state of the art school which would also address the need for more specialist provision places. The Local Authority have begun to explore options of how a rebuild could be achieved by bringing the former Nesfield Site into the school boundary and utilising and reproviding adjacent green space. A similar proposal was put forward to ward members in 2019, however support from ward members was not granted to progress the scheme further at that time. Leeds City Council officers have engaged with the current local ward members and they have shown their support for the Council to explore such options. Any development would require the usual planning and governance processes to be followed, however, before this is explored further, a Statutory Notice and a formal consultation must be held to seek views on the expansion of numbers at the school.

- 5 A further, related, proposal to formalise the relocation of the majority of the school's Post 16 provision to a satellite site at Arlington Business Centre, next to the White Rose Shopping Centre, is also being put forward. Moving Post 16 learners, for whom it is appropriate, to this satellite site provides them with a tailored curriculum which better prepares them for adulthood by working closely with employers, partners, and the community, and will support them in developing their independence. Post 16 provision is a priority in the city, especially for those young people with SEND, and the Arlington Business Centre provides the possibility of increasing numbers for this type of provision over time. Moving Post 16 learners to the Arlington Business Centre will create additional pre-16 places at the main Broomfield South SILC site to address the immediate pressure for places. Broomfield South SILC will deliver their Post 16 provision at the Arlington Business Centre from September 2024, and have consulted with those learners and their families affected. To establish this as a permanent satellite site the Local Authority is to publish a Statutory Notice and conduct a formal consultation.
- 6 This report seeks approval to move forward with publishing a Statutory Notice which includes both related proposals. A consultation on the proposals has already taken place in addition to that required as part of the Statutory Notice process, as advised by the DfE as good practice, and this report presents Executive Board with the outcome of that consultation.

What impact will this proposal have?

- 7 The proposals are being brought forward to meet the Local Authority's statutory duty, under Section 14 of the Education Act (1996), to ensure there are sufficient schools for primary and secondary education in their areas, including sufficient specialist learning places.
- 8 The Post 16 satellite site proposal supports Post 16 young people with SEND to increase their independence, prepare them for adulthood and support them with employment opportunities. The proposal also helps to address the immediate pressure for additional specialist places in the South.
- 9 An Equality, Diversity, Cohesion and Integration (EDCI) assessment was conducted prior to the consultation which took place between 1 July and 28 July 2024. This is attached as Appendix 1.

How does this proposal impact the three pillars of the Best City Ambition?

Health and Wellbeing

Inclusive Growth

Zero Carbon

- 10 Providing additional specialist places at Broomfield South SILC would 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'. By enabling more children and young people to access suitable provision within a reasonable travelling distance of where they live, mitigates the need for them to be placed in costly out of area provisions, away from their families and communities and avoids long travelling distances. The satellite site at Arlington Business Centre benefits from good transport links to the outer ring road and is in close proximity to the new train station at White Rose. For those Post 16 learners who are eligible and able to travel independently to the Arlington Business Centre, the Council will support them with its award-winning Independent Travel Programme, supporting their health and wellbeing through becoming more independent and supporting the Council's aspiration around sustainable travel. The provision established for learners at the Arlington Business Centre will utilise the strong links the school have with employers at the White Rose Shopping Centre, giving students the opportunity to experience the world of work and improve their independent and preparation for adulthood.

- 11 This proposal contributes to the city's ambition to be the best council, the best city in which to grow up and a child friendly city. The delivery of learning places through the Learning Places Programme is one of the baseline entitlements of a child friendly city. Providing additional good quality specialist places in an already established school, addressing increased and future demand in the south, will contribute towards the achievement of the Child Friendly City aim of 'improving educational attainment and closing achievement gaps for children and young people vulnerable to poor learning outcomes'. In turn, by helping young people into adulthood, to develop life skills, this proposal provides underlying support for the council's ambition to produce a strong economy and a compassionate city and 'ensuring young people and those changing career in later life have the skills and job opportunities which enable them to realise their potential and thrive'.
- 12 Rebuilding and expanding Broomfield South SILC in an area where demand is high, is an efficient use of Council resources. Addressing the condition issues of the school will have a long-term benefit of decreasing the reliance on the Local Authority's capital and revenue resources and ensuring children and young people can learn within a specialist environment which is fit for purpose, meets their needs, and improves their wellbeing.
- 13 A good quality school place also contributes towards delivery of targets within the Children and Young People's Plan such as the 3As strategy to improve attendance, achievement and attainment of children and young people.

What consultation and engagement has taken place?

Wards affected: Middleton Park

Have ward members been consulted? Yes No

- 14 The process in respect of these proposals has been managed in accordance with the relevant legislation and incorporates local good practice.
- 15 A public consultation on these proposals took place between 1 July and 28 July to seek views of parents/carers, staff, governors, local councillors, and other stakeholders. To maximise stakeholder engagement a variety of consultation methods were used, including email communications and an online survey. Two 'drop-in' sessions were held during the consultation period, one at the school and one online. These were for parents/carers and other interested stakeholders, giving attendees an opportunity to discuss the proposals with representatives from the council's Assets and Access Team, City Development and school representatives. Details of the consultation were also sent to all schools across the city. Information was available via the Leeds City Council and Broomfield South SILC websites and promoted through various social media platforms. A leaflet drop to local residents was also undertaken. If Executive Board agree with the recommendation to move forward with a Statutory Notice, leaflet drops to local residents will be carried out inviting them to consultation events during the Statutory Notice period.
- 16 The Executive Member for Children and Families was briefed, and local Ward Members were consulted on the proposed changes.
- 17 The consultation asked for feedback on both related proposals. The online consultation received 95 responses, and following is a summary of those responses.

Consultation Responses: Proposal to expand Broomfield South Special Inclusion Learning Centre (SILC) by 100 places, as part of a school rebuild.

18 Of the 95 responses received:

81 (85%) either strongly supported or somewhat supported the proposal

14 (15%) either strongly opposed or somewhat opposed the proposal.

19 A summary of the views expressed by the respondents who strongly or somewhat **supported** the proposal is set out below:

- a) The numbers of children and young people with SEND is increasing.
- b) There is a need for additional specialist places in Leeds.
- c) The needs of children and young people with SEND cannot be fully met in mainstream education.
- d) More SEND provision is specifically required in South Leeds.
- e) A new building and/or new facilities are required for Broomfield South SILC.

20 A summary of views and concerns expressed by the respondents who somewhat or strongly **opposed** the proposal are below:

a) Concern: Staffing Challenges

A number of respondents raised concerns about current staffing challenges at Broomfield South SILC and that the expansion would exacerbate these issues.

Response: Broomfield South SILC was judged 'Good' by Ofsted at the last inspection in March 2023. Ofsted noted in the published report that "*Teachers teach a rich curriculum that meets the diverse needs of pupils in their classes. Leaders have set out the exact knowledge pupils will learn in all subjects. This builds on what pupils already know and can do...Staff know pupils well and understand their specific needs. They form strong, positive relationships with pupils. Pupils trust the adults who work with them...Staff are knowledgeable about the additional vulnerabilities of their pupils and the implications for keeping pupils safe*".

b) Concern: Traffic and parking

A number of respondents raised concerns about current traffic and parking in the streets around the school. Some respondents who lived in the local area expressed concern that the streets surrounding the school are very busy especially at school drop off and pick up times. It was also mentioned that school staff are parking in the streets adjacent to the school as there is not enough staff car parking available. Respondents were concerned that an expansion of the current site would lead to increased traffic and parking issues in the local area on the already heavily congested roads.

Response: As part of the design and planning process the project team will work closely with highways to determine the number of parking spaces for staff and visitors required at the school to look to reduce on-street parking where possible. Traffic audits will be carried out to assess the existing network to see whether any off-site highways works can be delivered as part of the project. A travel plan will also be required as part of the planning submission.

c) Concern: Disruptive building works

A number of respondents had concerns that the rebuild works would be disruptive to local residents, children and young people currently attending Broomfield South SILC. There were concerns about the noise from the building work and also increased traffic from vehicles bringing building supplies to the site adding to the issues on the currently heavily congested local roads.

Response: A construction management plan would be submitted as part of the planning submission detailing construction access requirements, outlining the route into the site for contractor vehicles and details of when deliveries will take place (the times of which will be set by planning to prevent them taking place too early/too late). The contractor would carry out leaflet drops to residents prior to works commencing on site with details of the site manager should they have any issues they would like to report throughout the build process. Construction projects always present some disruption and noise; however every measure would be taken to ensure disruption/noise is minimised where possible.

d) Concern: Loss of green space

A number of respondents were concerned about the potential loss of green space that the proposed expansion, as part of a rebuild would have locally. There is currently community green space that is accessed from Nesfield View that respondents were worried would be lost as part of a potential rebuild.

Response: This is a constrained site. The plans will aim to re-provide the N1 green space once the existing building has been demolished and the full landscaping works have been carried out. If the proposal is approved by Executive Board and moves into detailed design and planning, Leeds City Council will hold drop in sessions for residents to view and comment on the plans. The issue of green space will also be considered during the planning application process and informal pre-application discussions have taken place.

e) Concern: Local residents informed of consultation late

A number of respondents were local residents who voiced concern that they had not been informed of the consultation in good time, and this meant residents were unable to attend a drop in session, and some of which were not convenient for them due to working hours.

Response: If the decision was to move forward with the Statutory Notice, further drop-in session will be held in the local area for local residents, with leaflets being distributed in advance providing details of all sessions. Sessions will be held at a range of times to accommodate working patterns, along with the opportunity for both face to face and on-line virtual sessions.

Consultation Responses: Proposal to establish a permanent satellite site of Broomfield South SILC for Post 16 provision.

21 Of the 95 responses received:

81 (85%) either strongly supported or somewhat supported the proposal

5 (5%) either strongly opposed or somewhat opposed the proposal.

9 responses (10%) neither supported or opposed the proposal.

22 A summary of the views expressed by the respondents who strongly or somewhat **supported** the proposal is set out below:

a) There is a need for additional Post 16 specialist places in Leeds.

b) There are benefits for the Post 16 learners attending a provision on a separate site including preparing children and young people for adulthood, accessing employment opportunities, and increasing independence.

c) A new building and/or new facilities are required for Broomfield South SILC.

d) Moving the Post 16 provision will enable expansion of the Broomfield site.

23 A summary of views and concerns expressed by the respondents who somewhat or strongly **opposed** the proposal are below:

a) Concern: Separate site and loss of school community

A number of respondents had concerns regarding Post 16 learners being separated from other Broomfield South SILC pupils on a separate site. They were concerned the children and young people attending the new setting would not feel part of Broomfield South SILC. They also thought the school should be all on one site and not split over two sites. There were also concerns that moving to a new setting would be unsettling to children and young people who do not cope well with change.

Response: The provision at the Arlington Business Centre will provide Post 16 young people with a tailored curriculum which prepares them for adulthood by working closely with employers, partners, and the community, and will support them in developing their independence. The School has established a comprehensive transition for those young people attending the new site from September 2024, and have worked with the young people themselves and their families to tailor that transition to their individual needs. This approach of a supportive transition will be taken with all young people who would attend Arlington Business Centre in the future if it was to become a permanent satellite site of Broomfield South SILC. There would be many opportunities for the young people attending the Arlington Business Centre to engaged with extracurricular activities back at the Broomfield South SILC site, sharing their experiences and learning with pre-16 learners, and will remain part of the Broomfield community.

b) Concern: Location of satellite site

A number of respondents had concerns about the location and accessibility of the proposed Post 16 site. They were concerned that the proposed satellite site at the Arlington Business Centre does not have good public transport links and that adding a longer, more complicated journey would make daily commutes to school even more stressful and time-consuming for the children and young people attending. There were also concerns on how children and young people with physical and medical needs would access the site, especially since post 16 SEND transport may not be provided in the future.

Response: The Local Authority will support young people with transport who are eligible under the Children's Transport Policy. Whilst this is a satellite site away from the main school site, it does not necessarily mean it would be a longer journey for the young people attending, depending on where they live. The Arlington Business Centre has had a full accessibility audit to ensure it can meet the needs of children with SEND. This has included an assessment for minibus access to the site. Where young people can travel independently, and are eligible under the Children's Transport Policy, the Local Authority will support them with Independent Travel Training.

24 A document with all the anonymised responses received during the consultation period are included as background documents to this report.

What are the resource implications?

25 Norfolk Property Services (NPS) has been commissioned to explore the potential for re-building the South SILC on its current site and expanding the school by up to a further 100 places. The proposal includes using the existing green space behind the existing school to re-build the SILC so pupils can remain in the current building whilst the rebuild takes place. Due to no other sites being available, this avoids the need for a decant site during the rebuild. The green space would be re-provided as part of the external landscaping works. The former Nesfield site would also be brought within the school's boundary due to the existing site being undersized. The school block built in 2015 would remain and be incorporated into any new design. The high-level budget estimate at feasibility stage is £26m, however this figure will continue to be refined if the proposal

is approved, and as the design moves through RIBA (Royal Institute of British Architects) stages 2-4.

- 26 After the viability/feasibility stage of the construction project is complete, the scheme would proceed to the detailed design phase where budgets would be aligned to reflect that all parties have agreed the final design and cost estimate. This would take account of site investigations and survey information in accordance with standard project and risk management principles. Once design freeze is reached, the precise funding packages would be detailed in the relevant Design and Cost Reports (DCRs) and the Director of Children and Families, in consultation with the Director of Strategy & Resources and Director of City Development, would be asked to approve final Authority to Spend for the proposed scheme along with any necessary risk fund application including optimism bias, in line with the governance arrangements currently in place.
- 27 The rebuild scheme would require a planning application and therefore residents, parents, partners and members of the public will be invited to further drop-in sessions as part of the planning submission where they can view proposed designs of the new school and talk directly to the project delivery team and council officers.
- 28 The rebuild and expansion capital scheme would be funded through a combination of capital grants received from the DfE to address condition needs in schools and for the creation and improvement of high needs learning places. Available S106 developer contributions would also be utilised.
- 29 In respect of the Arlington Business Centre, a 10-year full repairing and insuring lease has been negotiated between Broomfield South SILC's Governing Body and the landlord with the Governing Body taking independent legal advice in this regard. The Governing Body has entered into an Agreement for Lease and, once the conditions for the Agreement for Lease have been met, the Governing Body becomes contractually bound to enter the 10-year lease. Should the requirements change following the outcome of the Statutory Notice, the lease includes a tenant-only break at year five and the Governing Body has the option to terminate the lease at this point and vacate the site.
- 30 The school will meet the costs of occupying the site through their school budgets and, as this expenditure constitutes as borrowing under the relevant guidance (new requirement since April 2024), Secretary of State approvals have been given for the Governing Body to enter the lease. A full accessibility audit and Health & Safety Assessment of the space at the Arlington Business Centre have been completed and adaptations required to the building are being completed by the landlord's contractors.

What are the key risks and how are they being managed?

- 31 There is a corporate risk and legal risk associated with failing to provide sufficient school/learning places in good quality buildings that meet the needs of local communities.
- 32 The Local Authority has created more than 450 specialist learning places across the city since 2020. However, the need for specialist school places continues to grow as a consequence of an unprecedented increase in Education, Health and Care Plan (EHCP) assessments. The need for places in specialist schools is forecast to increase beyond the number of places currently available in Leeds. The 5 SILCs across the city are operating at full capacity, with Broomfield being the only one to yet have any expansion due to building condition issues and its restricted site.
- 33 A decision not to proceed in publishing the Statutory Notice would mean the proposals in this report could not be taken forward due to it being a legal requirement under the Education and

Inspections Act 2006 for the Local Authority to publish a Statutory Notice if expanding a school by more than 20 learners or 10% (whichever is the greatest number) and when establishing a permanent satellite site more than 2 miles from the existing main school building entrance; Arlington Business Centre is approximately 3.5 miles from Broomfield South SILC.

- 34 These proposals have been brought forward in time to allow additional specialist places to be delivered from September 2025, with further pre-16 specialist places becoming available at the main Broomfield SILC site by Post 16 provision moving to Arlington Business Centre, and to meet projected timescales for a rebuild and expansion of Broomfield SILC to create additional places from September 2027. A decision not to proceed at this stage may result in fresh consultations on new proposals. Searches conducted by City Development over recent years has concluded there is no other viable land to expand or create additional specialist places in the South of the city. There is, therefore, the risk places would not be delivered in time to address the local need and may result in alternative temporary measures being put in place which would be more costly in the longer term, in respect of out of area placements, transport costs and temporary buildings.
- 35 Should agreement of the proposals in this report not be secured, the Local Authority will continue to maintain the Broomfield South SILC buildings on the main site via the Council's School Planned Maintenance Programme. Should there be any significant condition failure, requiring part or full building/site closure, temporary buildings would need to be sourced to ensure learning continues. Such buildings and land to accommodate temporary buildings can be difficult and timely to source and are not always able to meet the needs of children with SEND or viable within the local area where they are needed.
- 36 Secretary of State approval has been secured for the Governing Body to enter the lease for the Arlington Business Centre. Should changes be required to the lease in the future, it is possible Secretary of State approval may require to be secured again.
- 37 The rebuild and expansion scheme would be funded through capital grants which have already been secured from the DfE for the purpose of addressing condition needs in schools and the creation and improvement of high needs learning places. Available S106 developer contributions would also be utilised.

What are the legal implications?

- 38 The changes proposed form prescribed alterations under the Education and Inspections Act 2006 and are aligned with the statutory process set out in the Department for Education's guidance document, 'Making significant changes (prescribed alterations) to maintained schools' (January 2023).
- 39 At its meeting in September 2021 Executive Board members agreed that in the future, and in response to the recommendation of the Children and Families Scrutiny Board, anonymised consultation responses be shared in full with Executive Board Members as 'background documents'. These would be published alongside the agenda papers, but not form part of the formal agenda. Executive Board members are asked to consider the summary of responses in this report as part of their decision making, with the full anonymised consultation responses being available for reference by Members as a published background document if needed.

Options, timescales and measuring success

What other options were considered?

- 40 The need for specialist learning places for children with an Education Health and Care Plan is rising and is expected to continue to rise in the medium to long-term. As part of the ongoing sufficiency review of SEND learning places across the city, a range of options have been implemented to establish resourced and partnership provisions within our mainstream schools and academies. The Local Authority has also expanded the specialist school estate by over 450

places since 2020, however, demand continues to rise. Our SILC estate is now operating at maximum capacity, leaving limited options available to meet this unprecedented demand.

41 An SEN Improvement Test has been completed which involves demonstrating how the proposals would improve the range and quality of SEND provision.

How will success be measured?

42 It should be noted that whilst the overall proposals are to expand Broomfield South SILC by 100 places, as part of a school rebuild, and the establishment of a permanent satellite site for Post 16 provision, the recommendation to Executive Board at this point is to approve the publication of a Statutory Notice on the proposals, with a further report to Exec Board in December 2024 with the outcome of the Statutory Notice. The Local Authority are the decision maker for these proposals. If proposals were approved, the rebuild and expansion would create more specialist places and open in September 2027 and the Post 16 satellite site would become a permanent satellite site from September 2025.

43 The Assets and Access Team within Children and Families will lead on managing the process for the Statutory Notice and associated 4-week consultation (representation period), working alongside City Development and local ward members. Engagement in the consultation will be monitored throughout with promotion adapted where necessary to ensure all relevant stakeholders can engage. All responses will be recorded and analysed and shared as part of the report to Executive Board in December 2024.

What is the timetable and who will be responsible for implementation?

44 If the recommendations in this report are agreed by Executive Board, the Statutory Notice would be published and run for a four-week period starting in October 2024. A decision must be made within 2 months of the Statutory Notice period closing, and therefore a final decision on the proposals would be sought at the Executive Board meeting in December 2024.

45 The statutory guidance requests the DfE are to be informed of any Statutory Notice to establish a satellite site, and therefore the proposals will be shared with the DfE for their information.

46 The Local Authority is the decision maker, via the Executive Board, with the Deputy Director for Learning being responsible for implementation.

Appendices

- Appendix 1: Equality, Diversity, Cohesion and Integration (EDCI) screening form.

Background papers

- Broomfield South SILC – Anonymised representations received during initial consultation (expansion proposal)
- Broomfield South SILC - Anonymised representations received during initial consultation (post 16 satellite site proposal)