

**Report of Director of Children's Services**

**Report to Executive Board**

**Date: 9 March 2016**

**Subject: Outcome of Statutory Notice on proposals to expand primary provision and establish Special Educational Needs provision at Carr Manor Community School**



Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Moortown	<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

**Summary of main issues**

- 1 This report contains details of proposals that were being brought forward to meet the local authority's duty to ensure the sufficiency of school places and Special Educational Needs (SEN) places. The changes that were to be 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 these proposals is detailed in this report. The decision maker in these cases remains as the Local Authority (LA).
- 2 At its November 2015 meeting, Executive Board approved the publication of a Statutory Notice to expand primary provision at Carr Manor Community School from a capacity of 210 pupils to 420 pupils with an increase in the admission number from 30 to 60 with effect from September 2017, and to establish provision for pupils with Complex Communication Difficulties including children who may have a diagnosis of ASC (Autistic Spectrum Condition) for approximately 12 pupils (6 primary, 6 secondary) with effect from September 2017.

- 3** A Statutory Notice was published on 14 December 2015 followed by a 4 week representation (formal consultation) period ending on 11 January 2016. During a representation period, any person or organisation can submit comments on the proposal to the LA to be taken into account by the decision maker (Executive Board). A final decision must be made within 2 months of the end of the representation period-in this case by 11 March 2016 or the decision falls to the Schools Adjudicator. Where objections are received, School Organisation Advisory Board (SOAB) must be convened to consider the objections and provide a recommendation to Executive Board. During the Statutory Notice period 9 people responded. There were five objections to the proposal to expand and 3 objections to the proposal to establish SEN provision. There was 1 response in support of the proposal to expand and 3 responses that supported the proposal to establish SEN provision. Further details are provided in the main body of this report.
- 4** The Governing Body of Carr Manor Community School support, in principle, the expansion of primary provision and establishing SEN provision. However the Governing Body have expressed concerns about the footpath (public right of way) which runs between the primary and secondary sites and wish the path to be extinguished. The Governing Body made an independent application to close the footpath and have concerns about the expansion progressing until that application has reached a conclusion. That application is temporarily on hold until further discussions have been held with the school about options for expansion. It is our recommendation that the proposals are withdrawn at this stage. Executive Board is asked to note that a further report may be submitted in due course.

## **Recommendations**

Executive Board is asked to:

- Approve the recommendation to withdraw the proposal to expand Carr Manor Community School and to establish SEN provision at this stage.
- Note that further consultation may be required to ensure that the authority meets its duty to provide primary and SEN places in the Meanwood area and that a further report may be submitted to Executive Board.
- Note that the responsible officers are the Head of Learning Systems and the Head of Complex Needs.

## **1 Purpose of this report**

- 1.1 This report contains details of proposals that were being brought forward to meet the LA's duty to ensure sufficiency of both school and SEN places and describes the outcome of a Statutory Notice regarding proposals to increase primary places and establish SEN provision at Carr Manor Community School. The report notes the reasons why we are unable to recommend that Executive Board approves the proposals and asks Executive Board to approve the recommendation to withdraw the proposals at this stage.

## **2 Background information**

- 2.1 It has been identified that there is a need to increase primary and SEN places in the Meanwood area. A public consultation on proposals to expand primary provision and establish SEN places at Carr Manor Community School took place during the period 14 September 2015 to 9 October 2015. The outcomes of that consultation were considered by Executive Board at its November 2015 meeting and approval was given to publish a Statutory Notice in relation to those proposals.
- 2.2 A Statutory Notice was published in the Yorkshire Evening Post newspaper on 14 December 2015. Copies of the Notice were placed at the entrances of the primary and secondary campuses, on lampposts near the school and in a prominent place on the school premises to ensure that parents, residents and any other interested parties had the opportunity to view the notice and make comments. The school published the Notice on its website and wrote to parents to inform. The Statutory Notice and full proposal were published on the Leeds City Council website and a link to the proposals published on the on-line blog Wordpress. Other local schools and stakeholders including the Diocese were informed. The Statutory Notice and full proposal both included details on how comments (objections or support) may be made either in writing or by email.
- 2.3 During the Statutory Notice period 14 December 2015 to 11 January 2016 comments and objections were received and the Governing Body set out its position in relation to the proposals. Further details are contained in the main body of this report.

## **3 Main issues**

- 3.1 During the public consultation period 14 September 2015 to 9 October 2015 there were 68 responses received via paper form, email, Wordpress and Talking Point. The concerns and responses detailing mitigation were addressed in the report to Executive Board in November 2015. In the report it was noted that the Governing Body had made an independent application to close the footpath and that the application was separate from the proposal to expand the school. Executive Board was asked to note the outcomes of the consultation and approved the recommendation to publish a Statutory Notice.

- 3.2 During the Statutory Notice period 9 people responded. There were five objections to the proposal to expand and 3 objections to the proposal to establish SEN provision. There was 1 response in support of the proposal to expand and 3 responses that supported the proposal to establish SEN provision. Where objections are received, SOAB is normally convened to enable parties to make representations and for SOAB to make its recommendations to Executive Board. Legal advice was sought and as this report is not requesting approval of the proposal to expand primary provision or establish SEN provision at this stage, there was no requirement for SOAB to meet to consider objections.
- 3.3 Concerns and objections made during the Statutory Notice Period in the main, were not new, as most had been raised during the consultation period and related to; traffic, parking, litter, anti-social behaviour, closure of the footpath, safety during construction, impact on learning, impact on facilities/play space, transition, impact on secondary places and closure of other local schools in the past.
- 3.4 Comments in support of expanding primary provision noted that support was reliant on the footpath not being closed as this had not been included in the plans. Comments in support of establishing SEN provision noted that there was not enough provision locally.
- 3.5 During the Statutory Notice Period the Governing Body set out its position in relation to the proposals. It noted that it was committed to working with the authority in order to meet the needs of local children, and that the 'through' nature of the school offers many significant educational opportunities to the children and families locally. It would prefer that the new build is on one level across the primary phase land towards the secondary phase, crossing the path and potentially using some of secondary phase PFI land (which would be subject to the PFI contract being re-negotiated). The Governing Body believes that this would allow for movement of staff, pupils and resources and would allow for the SEN provision to be located between the primary and secondary buildings. It believes that for safeguarding reasons it is unmanageable to have a public footpath cutting through a school site separating pupils and staff and that this limits the educational opportunity and creates unnecessary risk to both pupils and staff. A plan of the Carr Manor Community School primary and secondary sites that shows the location of the public footpath in question is attached as an appendix to this report for information.
- 3.6 The proposal and consultation related to expansion on the existing primary site and did not include closure of the footpath. At the point the consultation was first brought forward Carr Manor had been admitting a cohort of 30 children each year to Reception. In support of the local authority need for additional places the school had admitted a bulge cohort in September 2015, taking in 60 reception children. During the term the school have more clearly recognised the concerns they would have in permanently admitting cohorts of 60, whilst the footpath remains open. In light of the concerns relating to the footpath, and the lack of consultation on any potential closure, Executive Board is asked to approve the recommendation to withdraw the proposals at this stage.

3.7 Discussions will continue to take place with the school on the matter of the footpath and building design. Further consultation on a potential solution may be required prior to a report being submitted to Executive Board in due course.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

4.1.1 The process in respect of the proposals has been managed in accordance with the relevant legislation and with local good practice.

4.1.2 A public consultation on these proposals took place from 14 September 2015 to 9 October 2015. Further details can be found in the report to Executive Board on 18 November 2015.

4.1.3 A Statutory Notice was published in the Yorkshire Evening Post newspaper on 14 December 2015. Copies of the Notice were placed at the entrances of the primary and secondary campuses, on lampposts near the school and in a prominent place on the school premises to ensure that parents, residents and any other interested parties had the opportunity to view the notice and make comments. The school published the Notice on its website and wrote to parents to inform. The Statutory Notice and full proposal were published on the Leeds City Council website and a link to the proposals published on the on-line blog Wordpress. Other local schools and stakeholders including the Diocese were informed. The Statutory Notice and full proposal both included details on how comments (objections or support) may be made either in writing or by email.

### **4.2 Equality and Diversity / Cohesion and Integration**

4.2.1 An Equality and Diversity/Cohesion and Integration (EDCI) screening form for Carr Manor Community School was completed and attached as an appendix to the report to Executive Board on 18 November 2015. The EDCI form is attached as an appendix to this report.

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

4.3.1 These proposals were being brought forward to meet the Council's statutory duty to ensure a sufficiency of school and SEN places for all the children in Leeds. Providing places close to where children live allows improved accessibility to local and desirable school places, is an efficient use of resources and reduces the risk of non-attendance.

4.3.2 As indicated earlier in the report, further consultation may need to be undertaken to ensure that the Council meets its duty to ensure a sufficiency of primary and SEN places. A further report may be submitted to Executive Board in due course.

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

4.4.1 Not applicable at this stage however further details can be found in the report to Executive Board on 18 November 2015.

### **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 as set out in the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007, and amended by School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.

4.5.2 This report is subject to call in.

## **4.6 Risk Management**

4.6.1 Not applicable.

## **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 school and SEN places for the children is one of our top priorities. We want to ensure that all children in Leeds have the best possible start to their learning, and so deliver our vision of a child friendly city.

5.2 Further consultation may need to be undertaken to ensure that the Council meets its duty to provide primary and SEN places. A further report may be submitted to Executive Board in due course.

## **6 Recommendations**

Executive Board is asked to:

- Approve the recommendation to withdraw the proposal to expand Carr Manor Community School and to establish SEN provision at this stage.
- Note that further consultation may be required to ensure that the authority meets its duty to provide primary and SEN places in the Meanwood area and that a further report may be submitted to Executive Board.
- Note that the responsible officers are the Head of Learning Systems and the Head of Complex Needs.

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

7.1 None.

---

<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.