

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

**Report to Executive Board**

**Date: 22 June 2016**



**Subject: Outcome of statutory notices on proposals to expand primary provision in Hyde Park/Headingley, Swarcliffe/Whinmoor and Bramley planning areas.**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s)		
Part A - Headingley, Hyde Park & Woodhouse		
Part B - Bramley & Stanningley		
Part C - Cross Gates & Whinmoor,		
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?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

**Summary of main issues**

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 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 the local authority.

This report is divided into three parts;

**Part A — Outcome of Statutory Notice on a proposal to expand Brudenell Primary School**

Consultation on a proposal to expand Brudenell (Community) Primary School from a capacity of 280 pupils to 420 pupils by increasing the admission number from 40 to 60 with effect from September 2017 took place from 11 November to 8 December 2015. At its

meeting on 10 February 2016 Executive Board gave permission for the local authority, as proposer, to publish a statutory notice in respect of the proposals.

### **Part B –Outcome of Statutory Notice on a proposal to expand Bramley Primary School and establish specialist provision.**

Consultation on a proposal to expand Bramley (Community) Primary School from a capacity of 280 pupils to 420 pupils by increasing the admission number from 40 to 60 with effect from September 2017 took place from 7 January 2015 to 4 February 2015. The proposal includes establishing provision for pupils with Complex Communication Difficulties including children who may have a diagnosis of ASC (Autistic Spectrum Condition) from September 2017 for approximately 6 pupils. At its meeting on 9 March 2016, Executive Board gave permission for the local authority, as proposer to publish a statutory notice in respect of the proposals

### **Part C Outcome of Statutory Notice on a proposal to expand Fieldhead Carr Primary School**

Consultation on a proposal to expand Fieldhead Carr (Community) Primary School from a capacity of 210 pupils to 420 pupils by increasing the admission number from 30 to 60 with effect from September 2018 took place from 7 January 2015 to 4 February 2015. At its meeting on 10 February 2016, Executive Board gave permission for the local authority, as proposer, to publish a statutory notice in respect of the proposals.

The three statutory notices ran concurrently, commencing on 29 March 2016 and concluding on 26 April 2016. They provided opportunities for respondents to make representations regarding the proposals. A final decision on each of the proposals must be made within two months of expiry of the notices, therefore by 26 June 2016. This report gives details about the representations received and seeks a final decision on each of the proposals from Executive Board.

### **Recommendations**

Executive Board is asked to:

- Approve the proposal to expand Brudenell (Community) Primary School by increasing its capacity from 280 pupils to 420 pupils, increasing the admission number from 40 to 60 with effect from September 2017
- Approve the proposal to expand Bramley (Community) Primary School by increasing its capacity from 280 pupils to 420 pupils, increasing the admission number from 40 to 60 with effect from September 2017. To also establish Special Educational Needs (SEN) provision for pupils with Complex Communication Difficulties including children who may have a diagnosis of ASC (Autistic Spectrum Condition) from September 2017 for approximately 6 pupils.
- Approve the proposal to expand Fieldhead Carr (Community) Primary School by increasing its capacity from 210 pupils to 420 pupils, increasing the admission number from 30 to 60 with effect from September 2018.

- Note the responsible officer for implementation is the Head of Learning Systems.

## **1 Purpose of this report**

This report contains details of proposals brought forward to meet the local authority's duty to ensure sufficiency of school places. This report is divided into three parts to describe the outcome of each of the statutory notices and seeks final decisions on each of these proposals.

## **2 Background information**

### **Parts A, B and C**

- 2.1 Executive Board has considered the outcome of the consultations for the three proposals. Permission was given to publish statutory notices on these proposals, which were 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 notices were published on 29 March 2016 and expired on 26 April 2016. A final decision on each proposal must be made within 2 months of the expiry of the notice, therefore by 26 June 2016. Executive Board is the decision maker for these proposals.
- 2.2 The statutory notices were published in the Yorkshire Evening Post on 29 March. Copies of the statutory notices were displayed at each entrance to the respective schools and on notice boards at the schools. The full proposals were posted on the schools' websites and on the Leeds City Council website. Awareness of the publication of the statutory notices was raised by the schools through an email to parents and via the schools' newsletters. Stakeholders had the opportunity to make comments in writing, by letter or email.

## **3 Main issues**

### **Part A – Expansion proposals for Brudenell Primary School;**

- 3.1 During the consultation period there were 28 written responses received and one response submitted via Talking Point. In total there were 29 responses in support of the proposal and no responses objecting to it.
- 3.2 All of the concerns raised during the consultation were addressed in the report to Executive Board in February 2016.
- 3.3 No representations were received during the statutory notice period.
- 3.4 This proposal has been brought forward to meet the projected demand for primary school places across the Hyde Park/Headingley area from September 2017 onwards. The additional places are required in the area to ensure sufficient primary school places are available for local children.
- 3.5 The governing body continues to support the proposed expansion and engage well with the Local Authority regarding the process of planning the additional

accommodation which would be required. No other information has emerged to suggest that the proposals should not proceed.

### **Part B – Expansion proposals for Bramley Primary School;**

- 3.6 During the consultation period there were 27 written responses received via the paper response form, email, Wordpress and Talking Point. In total there were 26 responses in support of the proposal to expand primary provision and one response opposing the proposal to expand primary provision. There were 26 responses in support of the proposal to establish SEN provision, none opposing the proposal to establish SEN provision and one neither supporting nor opposing it.
- 3.7 All of the concerns raised during the consultation were addressed in the report to Executive Board in March 2016.
- 3.8 No representations were received during the statutory notice period.
- 3.9 This proposal has been brought forward to meet the projected demand for primary school places across the Bramley planning area from September 2017 onwards. The additional places are required in the area to ensure sufficient primary school places are available for local children.
- 3.10 The expansion would also meet the growing demand for SEN places for pupils with ASC. This would be a city-wide provision taking into account the growth in all areas, but particularly for children living in the West of the city.
- 3.11 The Governing Body of Bramley Primary School continues to support the proposal to expand primary provision and establish SEN provision. No other information has emerged to suggest that the proposals should not proceed.

### **Part C - Expansion proposals for Fieldhead Carr Primary School**

- 3.12 During the consultation period there were two written responses received and no responses submitted via Talking Point. In total there were two responses in support of the proposal and no responses objecting to it.
- 3.13 All of the concerns raised during the consultation were addressed in the report to Executive Board in February 2016.
- 3.14 During the statutory notice period four representations were received in support of the proposals and none in objection to it. Respondents commented that Fieldhead Carr Primary School is a good school which is popular with local parents. They commented on the likely impact of nearby new housing and stated that more school places are needed in the area as a result of it. One respondent commented that creating additional places at Fieldhead Carr would be welcomed by local families who would prefer not to have to cross York Road to access school provision. One respondent raised road safety concerns relating to the scheme possibly requiring a footpath to be re-routed nearer to the main road. These comments have been passed on to the highways team and will be considered as part of the Transport Statement if the proposal were to be granted final approval.

- 3.15 This proposal has been brought forward to meet the projected demand for primary school places across the Swarcliffe/Whinmoor planning area from September 2018 onwards. The additional places are required in the area to ensure sufficient primary school places are available for local children. The projected need for additional school places, based on children currently living within the Swarcliffe / Whinmoor planning area, is one form of entry to manage demand between 2016 and 2019. In addition to this, the housing developments within the area and in particular the East Leeds Extension will create more demand for school places longer term. With a development of this size, a mixture of new schools plus the expansion of existing schools is planned to meet the demand that will be created year on year for both primary and secondary school places.
- 3.16 Ward members submitted a response to the statutory notice which states their continuing support for the proposal. They stated that Fieldhead Carr Primary School is a good school which serves a diverse community and that an expansion there would address effectively the need for additional school places in the local area. Ward members commented on the good relationships that already exist between the school and its parents and the wider community and stated that the school benefits from having a strong, active and experienced governing body. Ward members fully support the proposal and would like to actively help locally in moving the project forward, were it to be granted final approval.
- 3.17 The governing body at Fieldhead Carr Primary School continues to support the proposed expansion and engage well with the Local Authority regarding the process of planning the additional accommodation which would be required. No other information has emerged to suggest that the proposals should not proceed.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

- 4.1.1 Consultation was managed in accordance with all relevant legislation and local good practice. The notices were published in the Yorkshire Evening Post on 29 March 2016 and copies were placed at all of the school entrances. The full proposals were placed on the schools' and Leeds City Council's websites.
- 4.1.2 Stakeholders had the opportunity to make comments in writing, by letter or by email.
- 4.1.3 For each proposal, local ward members were formally consulted during the public consultation stage and were offered the opportunity to comment at the statutory notice stage. Local ward members continue to give their support to each of the proposals.

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

4.2.1 The EDCI screening forms have been completed and were attached as an Appendix to the previous Executive Board reports. The EDCI forms are also attached as an appendix to this report.

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

4.3.1 The proposals are being brought forward to meet the Council's statutory duty to ensure there are sufficient 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, and is an efficient use of resources. It reduces the risk of non-attendance, supporting the 2016/17 Best Council Plan priority to 'Improve educational achievement and close achievement gaps' and contributes to the achievement of the wider Best Council Plan outcome for everyone in Leeds to 'Do well at all levels of learning and have the skills they need for life'. The SEN provision within Bramley Primary School would support the authority's drive to make Leeds' provision accessible and inclusive. The provision would also allow for some of our most vulnerable learners with ASC, who often have the academic ability but who are displaced from learning as a result of their social difficulties and anxiety, the chance to access mainstream school.

4.3.2 The proposal contributes to the city's aspiration to be the Best Council and the Best City in which to grow up; a Children 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 places that support children and young people to do well at all levels of learning and have the skills they need for life, we can support the priority aim of 'Improving educational achievement and closing achievement gaps', in turn helping to provide the skills needed to deliver on the Council's ambition to produce a strong economy by compassionate means. A good quality school place also contributes to the achievement of targets within the Children and Young People's Plan such as our obsession to 'improve behaviour, attendance and achievement'. It is, therefore, important that when bringing any proposal forward, there is a degree of certainty that any change would not have a negative impact on the teaching and learning in the school. All three Primary Schools were rated 'Good' by Ofsted at their most recent inspections.

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

4.4.1 Indicative budgets, based on high-level calculations, are estimated at £1.46m for the proposed expansion at Brudenell Primary School, £3.06m for the proposed expansion at Bramley Primary School and £4.90m for the proposed expansion at Fieldhead Carr Primary School.

4.4.2 For each scheme, once the feasibility stage is complete and the scheme moves towards the detailed design phase, the budget will be realigned to reflect the design freeze or pre-tender estimate which will take account of site investigations and survey information.

4.4.3 The authority currently funds a number of out of area placements for ASC provision. Developing SEN provision at Bramley Primary School could lead to a considerable cost saving to the authority due to the decreased transport costs.

#### **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 The statutory time limit for final decisions on each of the proposals detailed in this report is 26 June 2016. These proposals to increase primary provision have been brought forward in time to allow for the necessary capital programmes so that places can be delivered for the 2017 & 2018 academic years. Any significant change to the proposals at this stage would preclude the delivery of places for these timescales and the authority's ability to meet its statutory duty for sufficiency of school places in the short term may also be at risk.

4.6.2 If the proposal to expand Fieldhead Carr Primary School did not progress at this time, the authority may not be able to meet its statutory duty of providing sufficient school places in the Whinmoor area. Housing developments within the area, in particular the East Leeds Extension will create more demand for school places and the proposed additional places at Fieldhead Carr Primary School are an important part of the measures required to address this need.

4.6.3 A detailed risk register would be established and would be maintained for each of the projects, if approved. For each proposal it is necessary to progress feasibility design work at risk during the statutory notice phase; however the decision to proceed to detailed design stages would not commence until a final decision has been made. Any delay to the statutory process would increase the risk of delayed delivery of the building solution or financial risk of abortive fees being incurred.

4.6.4 There is a corporate risk associated with failing to provide sufficient school places in good quality buildings that meet the needs of local communities.

### **5 Conclusions**

5.1 Our ambition is for Leeds to be the best city in the country and for Leeds City Council to be the Best Council. As a vibrant and successful city we will attract new families to Leeds, and making sure that we have enough school places for the children is one of our top priorities. These proposals have been brought forward to meet that need, and following the appropriate consultation we now seek to move them to the next stage. They would ensure that children in Leeds would have the best possible start to their learning, and so deliver our vision of a child friendly city.

5.2 The proposals to expand these Primary Schools are strong. They would provide additional school places for local children in the areas they are located. No objections were raised at the statutory notice stage and the concerns raised at the consultation stage were addressed in the reports which previously went to Executive Board.

5.3 It is therefore recommended that the proposals be approved.

## **6 Recommendations**

6.1 Executive Board is asked to:

- Approve the proposal to expand Brudenell (Community) Primary School by increasing its capacity from 280 pupils to 420 pupils, increasing the admission number from 40 to 60 with effect from September 2017
- Approve the proposal to expand Bramley (Community) Primary School by increasing its capacity from 280 pupils to 420 pupils, increasing the admission number from 40 to 60 with effect from September 2017. To also establish Special Educational Needs (SEN) provision for pupils with Complex Communication Difficulties including children who may have a diagnosis of ASC (Autistic Spectrum Condition) from September 2017 for approximately 6 pupils.
- Approve the proposal to expand Fieldhead Carr (Community) Primary School by increasing its capacity from 210 pupils to 420 pupils, increasing the admission number from 30 to 60 with effect from September 2018.
- 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.