

Report of Director of Children's Services

Report to Executive Board

Date: 19th October 2016

Subject: Outcome of consultation to increase learning places 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 type="checkbox"/> Yes	<input checked="" 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 brought forward to meet the local authority's duty to ensure the sufficiency of school places including Special Education Needs (SEN) 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 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.
2. Following a consultation to increase primary places and establish a small number of SEN places at Carr Manor Community School (CMCS), Executive Board approved the publication of a Statutory Notice at its meeting on 18 November 2015. The Statutory Notice was published on 14 December 2015 followed by a 4 week representation (formal consultation) period ending on 11 January 2016.
3. During the Statutory Notice period the Governing Body of CMCS expressed concerns about the footpath (public right of way) which runs between the primary and secondary sites and made an independent application to close the footpath. The Governing Body had concerns that the proposed expansion should not progress until that application had reached a conclusion and/or further discussions had been held with the authority.

In a report to Executive Board in March 2016 we noted the reasons why we were unable to recommend approval of the proposals and sought permission from the Board to withdraw the proposals at that stage. The report noted that discussions would continue to take place with the school on the matter of the footpath and building design.

4. Following extensive discussions the Governing Body has now confirmed that it would like to progress a permanent expansion of primary provision and establish some SEN provision. The Governing Body acknowledges that the proposals will not include extinguishment of the footpath. Further details are contained in the main body of this report.
5. As the original consultation did not include closure of the footpath and the only change to the proposals is the date when they would take effect, it is our recommendation that Executive Board notes the outcome of the consultation and approves the recommendation to re-publish a Statutory Notice which will give anyone a fresh opportunity to formally comment on the proposals during a further four week period.

Recommendations

Executive Board is asked to:

- Approve 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 2018 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 2018.
- Note the responsible officers for implementation 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 brought forward to meet the local authority's duty to ensure sufficiency of both school and SEN places, which support the achievement of the Best Council priority to improve educational achievement and close achievement gaps. This report describes the outcome of the consultation regarding proposals to expand primary school provision and establish SEN provision at Carr Manor Community School, notes why the proposals did not go ahead previously and seeks permission to publish a new statutory notice in respect of these proposals.

2 Background information

- 2.1 A review of local demographics and continuing demand for school places has identified a need for additional primary school places within the Meanwood area. In addition to this, there is a need to increase the Special Educational Needs (SEN) provision for pupils with complex communication needs including those children and young people with a diagnosis of Autistic Spectrum Condition (ASC). This formed part of the consultation to increase primary places at this school.
- 2.2 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 and consideration of the SEN improvement test as set out in the school organisation guidance were considered by Executive Board at its November 2015 meeting and approval was given to publish a Statutory Notice in relation to those proposals. The report to November 2015 Executive Board provides full details of the consultation that was held and is available on request.
- 2.3 A Statutory Notice was published in the Yorkshire Evening Post newspaper on 14 December 2015 and 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. Due to concerns that the Governing Body had in relation to the footpath, which is a public right of way that separates the primary and secondary sites, it made an independent application to close the footpath. It had concerns about the expansion progressing until that application had reached a conclusion and/or further discussions had been held with the authority. In a report to Executive Board in March 2016 we noted the reasons why we were unable to recommend approval of the proposals and sought permission from the Board to withdraw the proposals at that stage. The report noted that discussions would continue to take place with the school on the matter of the footpath and building design.
- 2.4 Following Executive Board's approval to withdraw the proposals, discussions have taken place with the school and advice has been taken from colleagues regarding the location of any expansion and the possible extinguishment of the footpath. The Governing Body is willing to work with the authority on a design that remains within the boundary of the primary site and that does not include extinguishment of the footpath. Further details are contained in the main body of this report.

2.5 The school is admitting a further bulge cohort of 30 children into its Reception class in September 2016 above its published Admission number of 30 (60 children in total) and has agreed to do the same in September 2017. Modular accommodation has been provided to ensure that the school continues to operate effectively. As there have been no material changes to the proposals and a thorough consultation was held previously it is our recommendation that Executive Board approves publication of a new Statutory Notice. Further details about the requirement to publish a new Statutory Notice and what this means for anyone who wishes to respond are contained in the main body of this report.

3 **Main issues**

3.1 During the public consultation held between 14 September 2015 and 9 October 2015 there were 68 written responses received via the paper response form, email, Wordpress and Talking Point with a majority of respondents in favour of the proposals. Concerns raised by respondents were summarised in the report to Executive Board in November 2015 along with our responses to those concerns including how any concerns or issues might be mitigated. The report to November 2015 Executive Board provides full details of the consultation that was held and is available on request.

3.2 A Statutory Notice was published in the Yorkshire Evening Post newspaper and during the notice period of 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. The Governing Body noted that it was committed to working with the authority in order to meet the needs of local children however would prefer that the new build was on one level across the primary phase land towards the secondary phase, crossing the footpath which is a public right of way and potentially using some of secondary phase Public Finance Initiative (PFI) land, which would be subject to the PFI contract being re-negotiated. The Governing Body believed 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.

3.3 The Governing Body made an independent application to close the footpath and indicated its concerns about the expansion progressing until that application had reached a conclusion and/or further discussions had been held with the authority. In a report to Executive Board in March 2016 we noted the reasons why we were unable to recommend approval of the proposals and sought permission from the Board to withdraw the proposals at that stage. The report noted that discussions would continue to take place with the school on the matter of the footpath and building design.

3.4 Following Executive Board's approval to withdraw the proposals, discussions have taken place with the school and advice has been taken from colleagues regarding the location of any expansion and the possible extinguishment of the footpath. It is now clear that approvals to expand onto the PFI land are unlikely to be granted due to the complexities of the contract, associated risks including: implications to fire, security and emergency access arrangements; maintenance and access to the PFI building being compromised; loss of outdoor space to the PFI school; fencing requirements bringing the primary site into even closer

proximity to the secondary site and legal costs. In addition the closure of the footpath is contentious, highly likely to be resisted by the local community and unlikely to be achieved within the required timescales. The Governing Body accepts this position, remains committed to working with the authority in order to meet the needs of local children and is willing to work with the authority on a design that remains within the boundary of the primary site. This will be subject to the usual planning process and approvals.

- 3.5 There have been no material changes to the proposals therefore it is our recommendation that Executive Board approves publication of a new Statutory Notice having previously noted the outcomes of the consultation.
- 3.6 Changes to statutory guidance ('Making 'prescribed alterations' to maintained schools') requires the authority to publish a Statutory Notice setting out the proposal in a local newspaper and on a website. However, in addition, and in order to ensure a robust process that enables people to respond to the proposals, we would ensure that the school informs its parents about how they can respond, displays copies of the notice in a prominent place within school, and at all entrances to the school. We would also place copies of the notice on lampposts near to the school to ensure that local residents are aware. A new Statutory Notice will need to be published in order for the authority to comply with guidance that states 'The local authority must make a decision within a period of two months of the end of the representation (Statutory Notice) period or they must be referred to the Schools Adjudicator'. Following the end of the Statutory Notice period, the outcome including details of any formal responses would be reported back to Executive Board as the decision maker.
- 3.7 The expansion of primary provision and establishment of SEN provision at Carr Manor Community School remains our preferred option as it is a good school in an area of high demographic need (Ofsted rated good with some outstanding features March 2014). It is a through-school therefore increasing primary places could provide greater opportunities for the school to support more local families earlier and to continue that support as the children move from the primary phase into secondary. The school benefits from outstanding leadership and management and the achievement of pupils is good. The school prepares students well for future success and exceptionally well for life in a diverse society. In 2012 Carr Manor Through-School admitted its first cohort of children (30 places in reception) in the primary phase. Since that time there has been a significant increase in births and additional housing has been another factor in attracting families to move in to the area. This has put an additional pressure on local schools to admit more children each year. The school admitted a temporary additional cohort of 30 children in 2015 and 2016 and is expected to do so in 2017 in order to meet the local demand for places.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 The process in respect of all 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. This included use of the WordPress on-line forum and the Council's Talking Point survey system. A number of drop-in sessions were held at Carr Manor Community School to give stakeholders the opportunity to discuss the proposals with council officers. The drop-in sessions were attended by parents, carers and local residents and were supported by officers from Highways and Children's Services (Capacity Planning and Built Environment Teams). Information was distributed widely, including through the school, other local schools, Early Years providers, on the Leeds City Council website, the Family Information Service website, Twitter and Facebook. Meetings were held with the governors, staff and school council of Carr Manor Community School and these were supported by officers from the Capacity Planning, Built Environment and Complex Needs teams. Banners were placed at the entrances of the primary and secondary campuses to advertise the consultation and leaflets were distributed to local residents. To ensure that local residents had the opportunity to comment on any Highways or traffic issues, a letter was delivered to approx. 580 local residents on 8 October extending the deadline for responses on these specific issues to 4pm on Friday 16 October.
- 4.1.3 The views of ward members were sought as part of the consultation process. Members expressed support for the expansion of Carr Manor Community School provided that the Highways and parking issues were addressed to ensure safe drop-off of children. The consultation document for this proposal can be requested from the Capacity Planning and Sufficiency Team at: educ.school.organisation@leeds.gov.uk.
- 4.1.4 Changes to statutory guidance ('Making 'prescribed alterations' to maintained schools') now requires the authority to publish a Statutory Notice setting out the proposal in a local newspaper and on a website. However, in addition, and in order to ensure a robust process that informs and enables people to respond to the proposals, we will ensure that the school informs its parents about how they can respond, displays copies of the notice in a prominent place within school, and at all entrances to the school. We will also place copies of the notice on lampposts near to the school to ensure that local residents are aware. Details of the proposals and how comments can be made will also be sent to parent groups including EPIC (Empowering Parents, Improving Choices), SCOPE and SENDIASS Leeds (Special Educational Needs and Disability Advice and Support service). A new Statutory Notice will need to be published in order for the authority to comply with guidance that states 'The LA must make a decision within a period of two months of the end of the representation (Statutory Notice) period or they must be referred to the Schools Adjudicator'. Following the end of the Statutory Notice period, the outcome including details of any formal responses would be reported back to Executive Board as the decision maker.

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

- 4.2.1 An Equality and Diversity/Cohesion and Integration (EDCI) screening form was completed and included as an appendix to the report to Executive Board on 18 November 2015, however as it is our recommendation that Executive Board approves publication of a new Statutory Notice a new EDCI form has been completed and is attached as an appendix to this report.

4.3 Council policies and Best Council Plan

- 4.3.1 This proposal is being brought forward to meet the Council's statutory duty to ensure there are sufficient school places for all the children in Leeds. Providing places close to where children live allows improved accessibility to local places helping to support good levels of school attendance.
- 4.3.2 This proposal offers good value for money through its capacity to support achievement of the Best Council outcome to give everyone the chance to do well at every level of learning, gaining the skills they need for life.
- 4.3.3 The proposal provides tangible support for the city's aspiration to be the Best Council, the best city in which to grow up and a Child Friendly City. The delivery of pupil places through the Learning Places Programme is one of the baseline entitlements of a Child Friendly City and by creating good quality local places we also offer strong support towards achievement of our priorities to improve educational achievement and close achievement gaps, increase numbers participating and engaging and improve outcomes for children and young people with special educational needs. In turn, this proposal provides underlying support for the Council's ambition to produce a strong economy by compassionate means.
- 4.3.4 A good quality school place also contributes to the achievement of targets within the Children and Young people's Plan, such as our obsessions to improve attendance and reduce the number of young people not in education. It is 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. Carr Manor Community School was rated 'Good' by Ofsted at its most recent inspection and benefits from outstanding leadership and management. The school prepares students well for future success and exceptionally well for life in a diverse society. The Headteacher and Governing Body are confident that the proposed change can be successfully managed without detriment to the education of current and future pupils.

4.4 Resources and value for money

- 4.1 The indicative budget for the proposed Carr Manor Community School expansion and establishment of SEN provision project was originally estimated at £4.8m based on a high-level calculation that considers the amount of new build, external works and associated fees, and was subject to confirmation of associated Highways works and the design for the SEN provision. This indicative cost included a budget of £50k for 'future occupation conditions' for Highways adjustments to be made should the need arise. However, as part of the 2016 Bulge Cohort programme, an additional four classrooms were provided, and these will contribute towards the rationalisation of the overall accommodation solution, therefore the cost of the scheme is estimated to be less than originally reported. An initial estimate will be provided at feasibility stage which will be refined during design development when a robust design freeze or pre-tender estimate can be provided. This will also include any costs for risks associated with further site investigation and survey information provided during detailed design. A Design

and Cost Report will be submitted at the end of this stage to request Authority to Spend based on the latest accurate cost information at that time. The high level cost estimate is comparable with recent 1FE expansions. This figure allows for a cautious risk allocation to cover the number of unknown variables within the scheme which are yet to be quantified, namely the SEN provision and Highways requirements.

4.2 Legal Implications, Access to Information and Call In

4.2.1 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.

4.2.2 This report is subject to call in.

4.3 Risk Management

4.3.1 The proposals to increase primary provision and establish SEN provision at Carr Manor Community School have been brought forward in time to allow places to be delivered for 2018.

4.3.2 A decision not to proceed at this stage would mean fresh consultation on new proposals, and would mean places may not be delivered in time. The authority's ability to meet its statutory duty for sufficiency of school and SEN places in the short term may also be at risk.

4.3.3 It will be essential to have a plan to ensure that children and young people access the SEN provision gradually and over all key stages. There would also need to be good clear communication and monitoring between the school and the authority. A robust Service Level Agreement would be put in place. Access to the resource would be through the placement named in Part 4 of a statement of SEN or in section I of an Education, Health and Care plan.

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

4.3.5 In terms of general highway issues, and recognising the comments received from highway colleagues and local residents, highlighted in the report to Executive Board in November 2015, should planning permission be granted for this proposed development, it is likely that a planning condition will be imposed requiring post occupation highway monitoring. This is to ensure that any potential unforeseen highway impacts, generated directly by the proposal, can be properly addressed. Any additional highway safety issues identified in the post occupation monitoring period will need to be recorded within a further report as well as measures to overcome any of the identified issues together with timescales for their implementation.

5 Conclusions

5.1 Our ambition is to be the best council and 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. These proposals have been brought forward in response to that need, and to ensure that enough places are created from 2018 onwards to meet the demand resulting from a rise in the birth rate. Following the appropriate consultation we now seek to move the proposals to the next stage. 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.

6 **Recommendations**

Executive Board is asked to:

- Approve 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 2018 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 2018.
- Note the responsible officers for implementation are the Head of Learning Systems and the Head of Complex Needs.

7 **Background documents¹**

7.1 None

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.