

**Report of Director of Children and Families**

**Report to Executive Board**

**Date: 13 December 2017**



**Subject: Outcome of consultation regarding a proposal to establish an academy (free school) on a site at Fearnville**

Are specific electoral wards affected?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, name(s) of ward(s): Gipton & Harehills Killingbeck & Seacroft Temple Newsam	
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**

1. This report contains details of a proposal brought forward to meet the local authority's duty to ensure sufficiency of school places. The proposal is to establish a new 8 form entry (1,200 place – 240 pupils per year group) secondary free school for pupils aged 11-16 within the boundary of the current Fearnville playing fields site in east Leeds, to be established from September 2020. The proposal also includes the establishment of a Resourced Provision for children with Autism Spectrum Condition and Moderate Learning Difficulties.
2. Meetings took place with local ward members and City Development to discuss the opportunity to co-locate the new school with a new wellbeing centre being proposed on the site. The new school would be co-located with the proposed new wellbeing centre

allowing pupils, as well as the local community, to benefit from the use of these brand new sports and wellbeing facilities. We are therefore proposing a school with a sports, health and wellbeing ethos. A decision to approve the Fearnville site as the preferred location of the new wellbeing centre was made at September's Executive Board.

3. To open a new school, local authorities must follow the Department for Education's processes through a Free School presumption. This is the only means for a local authority to create a new school. In order to bring forward this proposal, the local authority has followed the guidance set out in the free school presumption departmental advice for local authorities and new school proposers, February 2016, relating to the legislation in The Education Act 2011, The Education and Inspections Act 2006, and The Academies Act 2010.
4. Demographic analysis shows significant growth projected in the need for secondary school places in the east of the city. Inward migration into inner east Leeds has resulted in a significant increase in demand for 'in-year' school places at both Primary and Secondary school phases. Large scale house building will also place further pressure on existing schools within the area.
5. The proposal was established following an initial city wide stakeholder event that included secondary Headteachers, Chairs of Governors, Ward Members, Free School/Multi Academy Trust representatives and council officers from various services. The event allowed a holistic approach to developing a strategy for secondary school place planning across Leeds, and followed up with subsequent localised discussions to establish plans and proposals.
6. During the consultation, residents raised particular concerns over the location of the school at the southern end of the site. These comments related directly to flood risk and highways. Following the receipt of these comments/concerns and responding in addition to the same comments raised by ward members, the feasibility required following the outcome of this paper will review options for the location of the school and will explore other locations within the Fearnville Playing field site, potentially closer to the location of the existing leisure centre.

## **Recommendations**

- Executive Board is asked to:

- i. Note the detail within the report and approve the commencement of a free school presumption process under the terms in the Education and Inspections Act 2006 (section 6a). This would require the local authority to seek a sponsor to establish a new 8 form entry (1,200 place – 240 pupils per year group) secondary free school for pupils aged 11-16, including a Resourced Provision for young people with Autism Spectrum Condition and Moderate Learning Difficulties, within the vicinity of the current Fearnville Leisure Centre site in east Leeds, to be established from September 2020.
- ii. Note the responsible officer for implementation is the Head of Learning Systems.

## **1. Purpose of this report**

- 1.1 This report contains details of a proposal brought forward to meet the local authority's duty to ensure a sufficiency of school 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 a proposal to establish a new 8 form entry secondary free school (1,200 place – 240 pupils per year group) for learners aged 11-16, including a Resourced Provision for young people with Autism Spectrum Condition and Moderate Learning Difficulties, and seeks permission to establish an invitation to bid stage as part of the free school presumption process.

## **2. Background information**

- 2.1 Leeds City Council has permanently increased primary school places across the east of the city in recent years and has also needed to agree bulge cohorts - where a school admits children above its published admission number as a temporary measure - to address the ongoing demand within the area. This increase is now starting to impact on local secondary schools. Demographic data indicates that from 2020, up to an additional 240 Year 7 places will be required to meet the growing demand within the east of Leeds. Without adding any additional secondary places, it is likely that in future years some learners may not be able to access a local school place.
- 2.2 To open a new school, local authorities must follow the Department for Education's processes through a Free School presumption. This is the only means for a local authority to create a new school. In order to bring forward this proposal, the local authority has followed the guidance set out in the free school presumption departmental advice for local authorities and new school proposers, February 2016, relating to the legislation in The Education Act 2011, The Education and Inspections Act 2006, and The Academies Act 2010.
- 2.3 Inward migration into inner east Leeds has resulted in a significant increase in demand for 'in-year' school places at both Primary and Secondary school phases. In 2016/17, 195 children moved into East Leeds requiring a secondary school place outside of the normal admissions round. Future planned housing developments in the

east of the city, including nearly 5,000 houses planned as part of the East Leeds Extension, will add further pressure on school places.

- 2.4 Analysis by the Local Authority's Complex Needs Team has identified east Leeds as an area with a shortfall of provision for children aged 11-16 with Autism Spectrum Condition (ASC) and Moderate Learning Difficulties (MLD). This proposal to create a Resourced Provision will help ensure that there are sufficient places for local children with special educational needs and disabilities (SEND).
- 2.5 Existing secondary schools in the area do not have the capacity to accommodate permanent expansions for the eight forms of entry additional demand that is projected, or the SEND provision that is also needed, from 2020.
- 2.6 Public consultation on this proposal started on 3 October and concluded on 3 November 2017. To maximise stakeholder engagement a variety of consultation methods were used, including: email; an online discussion forum and an online SNAP survey. Several informal drop-in sessions were held at Fearnville Leisure Centre for parents, residents and other interested stakeholders to attend, offering an opportunity to discuss the proposal with Leeds City Council representatives from the Sufficiency & Participation Team, Built Environment, City Development, and Highways. Sufficiency & Participation officers also visited local primary schools to talk to parents about the proposal and obtain their feedback. All stakeholders were also given the opportunity to complete a response form or take the information home and respond at a later date through various methods including an online survey, email or post. As well as distributing approximately 1,300 leaflets to residents that live around Fearnville fields, details of the proposal and the consultation were presented to stakeholders through information emailed to all Leeds schools, ward members, MPs, academy sponsors and other interested parties. Posters and consultation booklets were distributed to Early Years providers in the area and to the leisure centre. Information was also made available on Leeds City Council's website and through various social media platforms and accounts, including Child Friendly Leeds on Facebook and Twitter. A banner was also placed at the leisure centre to advertise the consultation and response forms were available at the reception throughout the consultation period.

### **3. Main issues**

- 3.1 The proposal to establish a new secondary academy free school on the Fearnville site, would create the additional secondary school places needed to meet the future demand in the east of Leeds from 2020. The consultation proposed that the new school could be co-located with the proposed new wellbeing centre thereby allowing pupils, as well as the local community, to benefit from the use of brand new sport and wellbeing facilities.
- 3.2 Part of the proposal to establish a new school and wellbeing centre considered the potential to use part of the southern section of the King George V (Fearnville) playing field land. The playing fields are owned by Leeds City Council, however in 1925 Leeds City Council applied to what was the National Playing Fields Association – now Fields in Trust (FiT) to protect them through a Deed of Dedication. Fields in Trust is a national charity set up in 1925 by King George V, to safeguard recreational spaces, such as sports pitches from development.
- 3.3 Wherever Fields in Trust has a legal interest in protecting recreational land its prior, written consent is required if land is to be disposed of. This consent is necessary irrespective of any other legal requirements such as planning permission for change of use or educational legislation (including the School Standards and Framework Act, 1998). Fields in Trust is responsive to local change and flexible in its dealings with others provided betterment for local communities in terms of outdoor sport, recreation and/or play can be demonstrated. Where facilities are protected by Fields in Trust, land exchanges may be agreed. Normally, Fields in Trust requires the following criteria to be met:
- The quantity of land to be newly protected must be no less than that to be released. This equivalent size criterion normally applies to the replacement land being land newly brought into recreational use. In certain circumstances, land already in recreational use might be acceptable for exchange but it would need to be substantially greater in size than the land being released. This satisfies two of Fields in Trust's objectives, namely (a) the protection of the overall recreational land bank and/or (b) the increase in the amount of recreational land which Fields in Trust itself directly protects for community use;

- The quality of the land and facilities to be acquired should be better than those being released;
- The replacement facilities should serve the same catchment area as those being released. The definition of the catchment area will vary with the specific circumstances of each transaction and the type of facilities provided. For example, those using a local MUGA (multi-use games area) might be far more local than those using an athletics track;
- The replacement land and facilities must be as accessible to the public as those being released.

3.4 Using the above criteria as a guide, consideration is currently being given to what the Council could present to FiT as potential mitigation for any variation of the Deed of Dedication as a consequence of the proposed school and wellbeing centre development. In part this could involve the demolition of the existing leisure centre on completion of the works and its conversion to green space but it could also include the dedication of another park or greenspace area nearby.

3.5 In addition, part of this process requires consultation with the local community, with the outcome to be included as part of the application for a change request. Therefore during the consultation, we asked stakeholders for their comments and opinions about using a section of the playing fields on the southern part of the Fearnville site to build both a school and a wellbeing centre. The feedback from the consultation is listed below and will be fed back to Fields in trust.

3.6 During the consultation period 180 responses were received. 116 online through the SNAP survey, 61 via email/response form and three by letter.

3.7 In total 52 respondents confirmed their support for the proposal to establish a new secondary school on the Fearnville site. 67 supported the proposal to establish a Resourced Provision for children with ASC and MLD. 51 supported the proposal to change the use of part of the Fearnville playing fields to accommodate a school adjacent to the proposed wellbeing centre.

3.8 Overall 52 of the 180 respondents (29% of total) were in support of the proposal, with 125 respondents (69% of total) objecting to the proposal. Two respondents neither agreed nor disagreed with the proposal. Comments made in support or against the proposal, and about the consultation process, on response forms, via the online survey and during drop in sessions are summarised below. A copy of the responses

received can be requested from the Sufficiency & Participation Team at [educ.school.organisation@leeds.gov.uk](mailto:educ.school.organisation@leeds.gov.uk)

3.9 The 52 respondents in support of the proposal commented on the need for a new secondary school in the area. They were also very positive about the potential links with the new wellbeing centre and that the two facilities working together would be beneficial for the area. Other comments made in support of the proposal included the need for the facilities on the Fearnville site to be upgraded and improved and this would be a good opportunity to allow this to happen. Stakeholders were very much in support of the part of the proposal to include SEND provision in the area, saying it was definitely needed.

3.10 A petition was received from 139 local residents opposing the proposal. Their concerns included an increase in traffic and air pollution (due to increased traffic), lack of infrastructure in the area, flooding, loss of green space and the proposed location on the Fearnville fields are protected under Fields in Trust.

3.11 The concerns raised by respondents to the consultation, and those within the petition, are categorised by theme below:

3.11.1 **Concern:** Consultation was poorly advertised and local residents were not informed of the proposal or drop-in sessions.

**Response:** Initially, over 600 emails were sent out providing information about the proposal and consultation to all Leeds schools (primary and secondary), early years providers, children's centres, all ward members and MPs, potential academy sponsors, neighbouring local authorities, tenancy group contacts and community committees. Information was also posted on Leeds City Council's website, WordPress, Twitter and Facebook.

As part of the communications and engagement for this proposal, a local leaflet distribution company was used to post 1,100 leaflets, advertising the proposal and drop-in sessions through letter boxes of residents within a 0.5 mile radius of the Fearnville site. This process has been completed for many school proposal consultations and has been very successful. The volume is also in excess of a usual leaflet drop for a school expansion where we would normally distribute around 300-400 leaflets. The leaflet distribution company has sent in a map of the area covered during the leaflet distribution and this indicates 1,100 were posted. However, as several local residents indicated they had not received a leaflet, a council officer re-distributed leaflets to approximately 200 houses adjacent to the Fearnville site located

on Oakwood Lane and Foundry Lane. Posters and flyers were also distributed by a council officer to various locations including Fearnville Leisure Centre, newsagents, Oakwood Lane Medical Centre, Co-Op, local take-away shops, laundrette and John Jamieson SILC.

Having listened to concerns from residents relating to the lack of publicity, a decision was made to extend the consultation drop-in session on 24 October at Fearnville Leisure Centre from 5pm – 7pm to 5pm – 8pm. We also extended the consultation period from 31 October to 3 November, and included an additional drop-in session on Monday 30 October 5pm-7pm. These extensions and additional session were advertised widely on social media, via Facebook, Twitter, WordPress, LCC webpages, with posters and flyers distributed in the local area to Fearnville Leisure Centre, Gipsil, Oakwood Medical Centre, Shelly's Deli, newsagents and Seacroft One Stop Centre.

In addition to the scheduled drop-in sessions at the leisure centre, officers attended three further sessions held at local primary schools to expand the consultation further. Schools that were willing for us to talk to their parents directly were Oakwood Primary Academy, Seacroft Grange Primary School and Wykebeck Primary School.

**3.11.2 Concern** There will be more traffic in an area that is already heavily congested. It will also cause an increase in pollution, having a detrimental impact of the health of local people.

**Response:** A transport assessment would be carried out to fully assess the existing situation and the impact that the proposed development would have on the surrounding roads. This would include the current bus routes in the area. Following that assessment, a package of measures to mitigate the effects of the development would be put forward. The emphasis being on promoting and encouraging sustainable travel to and from the site such as walking, cycling, use of public transport, and reducing the need for travelling to and from the site by private car. Until the assessment has been completed, specific detail on what those measures may be cannot be provided. However, it would look at providing and improving safe walking/cycle routes and discussions with the local bus companies regarding bus routes in the area.

Should the proposal proceed past the initial consultation stage, the impact of the proposed development on air quality will be assessed.

Planning approval requires officers from Highways to formally comment on all applications. A complete assessment of traffic management measures would be carried out as part of the proposal. Measures identified by highways colleagues as required for approval would be incorporated into any final scheme.

Examples of requirements deemed necessary may include increased parking enforcement, reduced speed limits and other traffic management measures. The scheme would require on-site parking in order to accommodate all school staff as set out in DfE guidance for establishing new school provision.

**3.11.3 Concern:** Why do you need to use the Fearnville fields? What other sites have been considered?

**Response:** Analysis of demographic data shows that Fearnville is in the right location for the need for increasing schools places. There are limited sites in council ownership that would be of sufficient size for a new high school. The national government have introduced the 'Free School Presumption Process' which means that local authorities must provide the land for which any new school should be built. City Development services have completed extensive research into possible land, and Fearnville provides an opportunity to provide a new secondary school in an area where there will be high demand for places, whilst utilising the facilities available from a new wellbeing centre, reducing the size and cost of build compared to a new school being built on another plot of land.

Alternative sites were commented on during consultation with the public, including;

- Harehills Park, Coldcotes Avenue, Leeds. City Development have confirmed that this area would be too small for an 8FE secondary school and the necessary outdoor amenities.
- Soldiers Fields, Princes Avenue, Leeds. City Development have confirmed that this is green belt land and an historic park. Also this site is not in the right location for demographic need for the additional school places.
- Former Foxwood School, Brooklands View, Leeds. City Development have confirmed that this is the site for new SEMH provision.

- Former Asket Hill Primary School, Kentmere Approach, Leeds. City Development have confirmed that this site is earmarked for housing within the Site Allocation Plan.
- Former Seacroft Hospital site, off York Road. This site is not in local authority ownership and would require the Education and Skills Funding Agency (ESFA) to purchase the site.

In September 2017, City Development produced a report for the Council's Executive Board detailing all the other sites in Leeds that have been considered for leisure facilities. The report can be found at

<https://democracy.leeds.gov.uk/documents/s164944/Leisure%20Wellbeing%20Centre%20Cover%20Report%20080917.pdf>

3.11.4 **Concern:** This development would have a negative impact on house prices in the area.

**Response:** The proposal is to provide and upgrade community amenities. There is no evidence that this would negatively impact house prices in the area.

3.11.5 **Concern:** Why are you not considering the land to the side of the existing sports centre?

**Response:** The proposed location is one potential area being considered as it allows the existing leisure centre to remain open whilst the new wellbeing centre and school are being built. It would also provide clear segregation between the construction works and the existing leisure centre. However, if approval to move forward to the next stage is obtained, all potential locations will be explored during the feasibility study.

3.11.6 **Concern:** Is this part of a bigger plan to build houses on the Fearnville site?

**Response:** No this is not the intention. The proposal is to create a new secondary school within East Leeds. There is a separate consultation regarding the wellbeing centre. Neither proposal is linked to any housing development within this site.

3.11.7 **Concern:** There will be a loss of green space and disruption of current nature/environment.

**Response:** The local authority would have to apply to Fields in Trust to request for the protection order to be adjusted. As part of any development proposals related to

a new facility on the site, Fields in Trust would be consulted so that the implications of any proposals are reviewed through the planning process and if acceptable, mitigated through planning conditions as part of the development. If Fields in Trust are supportive of any mitigation proposals and this allowed the development to proceed, the Deed of Dedication could be varied and agreed by both the land owner and Fields in Trust. The proposal would be that once the new wellbeing centre is built, the old leisure centre would be demolished and re-provided as public open space which would partially compensate for loss of any open space from the building of the proposed new school and wellbeing centre.

**3.11.8 Concern:** Will the allotments be affected?

**Response:** The allotments would not be affected by the proposal and would remain as they are.

**3.11.9 Concern:** Flooding is already an issue in the area and building on the site would make it worse.

**Response:** It is recognised that, in the past, there has been flooding within the Wyke Beck catchment. Some of the flooding issues have been addressed by the works carried out by Yorkshire Water on Wykebeck Valley Road. Leeds City Council and the Environment Agency have also carried out flood alleviation works downstream at the Dunhills. The Council's Flood Risk Management Team is currently drawing up plans to construct a flood storage reservoir at Killingbeck Meadows downstream of the Fearnville site; which will further help to reduce flooding within the catchment. The Killingbeck scheme will proceed, even if the proposed Fearnville development does not go ahead.

In order to ensure any future development on Fearnville Fields does not flood from the Wyke Beck or increase flood risk elsewhere in the catchment, the project team has prepared a Flood Risk Assessment (FRA). This would be included with any subsequent planning application. The FRA sets out where any buildings should be located within the site, i.e. outside the flood plain, and establishes correct floor levels to ensure the risk of flooding is very small. The FRA also outlines the surface water drainage strategy for any proposed development and identifies the volume of storage which would be required, on-site, to store any surface water and release it at a controlled (green-field) rate. The Flood Risk Management Team was fully consulted in the preparation of the FRA.

3.11.10 **Concern:** Schools in the area are not of a good standard and are not full so why do you think we need another one?

**Response:** The local authority wants all children and young people to be able to access a good standard of education, therefore work in partnership with all our schools, including academies, where possible, to provide help and support in improving the outcomes for Leeds children. As the local schools are academies, it is the Regional Schools Commissioner who is directly responsible for the improvement in standards in these schools. In this area there has been active intervention where academies have not been performing, with new sponsors being brought in to raise standards. For example, the Bishop Young Academy (formerly David Young Community Academy) has recently changed sponsor to the high performing Abbey Multi-Academy Trust that currently run Abbey Grange Academy. We are supporting the Academy Trust as they make rapid improvements to the school.

Since becoming part of the White Rose Trust, standards at Leeds East Academy are improving: in the latest GCSE results, the school has made significant improvements in the outcomes of children. Progress of children was well above Leeds and national averages in 2017.

The last new secondary school built in the city, that was not a rebuild of an existing school, received an Outstanding Ofsted grade in a recent inspection.

All new schools must be academy free schools. The 'Free School Presumption Process' is the Department for Education's process that is being followed for this consultation. This means that the local authority must provide a specification of the type of school they require and the site for the potential new school. Should the proposal progress, the second phase of the consultation would seek an academy sponsor to run the new school. A local authority panel would assess all proposals and make a recommendation to the DfE on the preferred sponsor.

It is acknowledged that some schools within the east are not full currently, however demographics indicate that from 2020 up to 240 additional children will be requiring a secondary school place in the east in excess of the current capacity within the existing schools. The increase is expected due to the high numbers of children moving up from primary schools, additional housing and an increase in inward migration to the area bringing additional pressure for school places. The modelling of future need makes assumptions that all local schools will start to fill and therefore

there will be limited spare capacity available. With the level of housing planned over the next 5-10 years, and the increase in inward migration, it is likely that more school places via expansions or new schools will be required in addition to this proposal to address the future need.

3.11.11 **Concern:** What will be the admissions arrangements for the new school?

**Response:** As a free school, the Trust would be responsible for determining the admissions policy and oversubscription criteria for the school. The local authority would work in partnership with the Trust when they develop their policy, advising them of the Leeds City Council Policy and the priorities offered by other schools locally.

3.11.12 **Concern:** How will the school share facilities with the wellbeing centre?

**Response:** Details of the facilities and any shared amenities has not been confirmed at this early stage in the process. If both proposals progress the school would access some of the leisure facilities, through a service level agreement with the council-run wellbeing centre. This would enable children at the school to access defined facilities not usually available within a high school setting and would also enable the local community to access sports facilities during school opening times.

A separate consultation for the wellbeing centre is seeking views from the public on what facilities they would like to be included in the wellbeing centre. During the consultation on the new school proposal, we have signposted stakeholders to comment on what facilities they would like to see in the new centre.

3.11.13 **Concern:** Why do you need to put a school next to a leisure centre?

**Response:** Co-locating facilities such as leisure and schools allows the development of 'active lifestyles' from an early age, which has a positive effect on health and wellbeing in the future. Additionally, by sharing some of the facilities, such as a car park, the combined costs of the facilities can be reduced, yet the community still served as this maximises the number of hours the facility is used.

3.11.14 **Concern:** Being in close proximity to the School, how are you going to manage potential safeguarding issues?

**Response:** The two facilities would be designed with the safeguarding of the pupils and the local community as a priority. The local authority's Safeguarding Lead Officer in sport is leading the wellbeing consultation and would be involved the design of the co-location elements of the build, if this proposal is approved. Access into the school for the public would be managed, as it would in any school, and users of the wellbeing

centre would be able to access the wellbeing centre directly. Local schools use the current leisure centre for swimming lessons while it is open to the public and safeguarding is managed through positive programming and the use of defined areas such as changing rooms. All staff in the leisure centre are trained in safeguarding and have a defined reporting system if needed. In Leeds we have examples of these arrangements already in place. At John Smeaton Academy the school is co-located with the leisure centre, and through arrangements such as those outlined above the safeguarding of students and the general public is ensured.

3.11.15 **Concern:** There is not enough detail about the site plans.

**Response:** We are still in the very early stages, with feasibility and viability work to be carried out first before any plans are drawn up. Any plans would have to go through the normal planning process and people would have the opportunity to comment on those plans before they are submitted, if this proposal proceeds to the next stages.

3.11.16 **Concern:** There would be an increase in anti-social behaviour from school children.

**Response:** If this proposal is approved, the school perimeter would be fenced with security facilities. The area would be managed more than it is now in relation to the open fields.

3.11.17 **Concern:** Will the wellbeing centre go ahead if the school does not happen?

**Response:** Although it is the intention to build the new centre adjacent to the proposed school development, it is a separate project and, should funding be approved, then the centre can be built independently if needed.

3.12 During the consultation, residents raised particular concerns over the location of the school at the southern end of the site. These comments related directly to flood risk and highways. Following the receipt of these comments/concerns and responding in addition to the same comments raised by ward members, the feasibility required following the outcome of the this paper will review options for the location of the school and will explore other locations within the Fearnville Playing field site, potentially closer to the location of the existing leisure centre.

## 4. Corporate considerations

### 4.1 Consultation and engagement

- 4.1.1 The process in respect of this proposal has been managed in accordance with the relevant legislation and with local good practice.
- 4.1.2 Originally the consultation period was scheduled from 3 October until 31 October, however, due to some stakeholders stating that they did not know about the consultation, the period was extended until 3 November. Various methods of engagement were used including WordPress (an on-line forum) an on-line SNAP survey, Facebook and Twitter. Four drop-in sessions were held at Fearnville Leisure Centre supported by officers from Sufficiency & Participation, Highways, City Development, Sport & Active Lifestyles, and Built Environment to discuss the proposal. The sessions were attended by ward members, parents/carers, school staff, local residents and other partners. Information was distributed widely to all Leeds schools (primary and secondary), local Early Years providers, on the Leeds City Council website, WordPress, Twitter and Facebook. A banner was placed on the fence outside Fearnville Leisure Centre to advertise the consultation and leaflets highlighting the consultation, were distributed to approximately 1,100 local properties. Officers from the Sufficiency & Participation team also attended three local schools in the area to promote the consultation and seek views from parents.
- 4.1.3 Local ward members from Gipton & Harehills, Killingbeck & Seacroft and Temple Newsam were consulted on the proposal to co-locate a new secondary school and wellbeing centre on the Fearnville site. During the consultation and following concerns raised by both local residents and ward members as to the location of the school at the southern part of the site, the feasibility study to be commissioned after Executive Board will consider the potential to explore other locations within the Fearnville Playing field site for the school, which could be potentially closer to the location of the existing leisure centre.

## **4.2 Equality and diversity / cohesion and integration**

- 4.2.1 The EDCI screening form for the proposal to establish a new secondary school on the Fearnville site 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 local authority's statutory duty to ensure there are sufficient school places for the children in Leeds. A need has been identified for a new school in the east of Leeds and the local authority must follow the

DfE guidance to establish a new school. Strict criteria and specifications would be used to enable the authority to identify the best possible sponsor to operate the school, as good quality school places contribute to the achievement of targets within the Children and Young People's Plan such as our obsession to 'improve behaviour, attendance and achievement'. Linked to this obsession we want to provide school places close to where children live allowing improved accessibility to local and desirable school places, reducing the risk of non-attendance.

4.3.2 One of the objectives within the Best Council Plan 2015-2020 is 'supporting communities and tackling poverty'. This proposal is addressing the needs of local communities, by delivering additional school places in an area where families need them.

4.3.3 This proposal contributes to 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. By creating good quality local school places we can support the priority aim of improving educational achievement and closing achievement gaps. In turn, by providing young people with the skills they need for life, these proposals provide underlying support for the council's ambition to produce a strong economy by compassionate means.

4.3.4 This proposal also supports the ambition in our Best Council Plan in wanting everyone in Leeds to 'enjoy happy, healthy, active lives', through promoting physical activity by providing local sport, leisure and wellbeing facilities co-located with an education provision.

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

4.4.1 The current budget associated with this development is based on a high level estimate of £26 million. If it is agreed to proceed to the feasibility stage, and the scheme proceeds to detailed design, budgets would be realigned 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. The scheme would be subject to planning permission which would need to be granted prior to the commencement of construction works on site. Schemes would also be subject to relevant stakeholder consultation.

4.4.2 Funding for these types of expansions is normally provided from the Learning Places programme through Basic Need allocations. Recent schemes have exhausted the funding currently secured for this programme so may therefore require additional funding from an alternative source such as council borrowing although the further grant allocations for 2020 will be announced next year and may cover the required expenditure. The precise funding packages will be confirmed at the design freeze stage, and detailed in the relevant Design and Cost reports.

#### **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 (section 6a), the guidance set out in the free school presumption departmental advice for local authorities and new school proposers, February 2016, relating to the legislation in The Education Act 2011, and The Academies Act 2010.

4.5.2 This report is subject to call in.

#### **4.6 Risk management**

4.6.1 The proposal to establish a new secondary academy free school on the Fearnville site has been brought forward in time to allow places to be delivered for 2020. A decision not to proceed at this stage may result in a fresh consultation on new proposals, and places may not be delivered in time. It may also result in further bulge cohorts being delivered in other local schools which would be more costly in the longer term. The local authority's ability to meet its statutory duty for sufficiency of school places in the short term may be at risk.

4.6.2 There is also 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 The local authority has the ambition to be the best council and best city in the country. As a vibrant and successful city we want to attract new families to Leeds, and making sure that we have enough school and SEND places for the children is one of our top priorities. This proposal has been brought forward in response to that need, and to ensure that enough places are created from 2020 onwards to meet demand. Following the appropriate consultation we now seek to move the proposal 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.

- 5.2 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.
- 5.3 Although some concerns were received during the consultation period, this report shows that any impact any future build may have on the local area would be mitigated as far as is practicable, and the positive impacts on the area would bring numerous social and economic benefits.
- 5.4 It is our recommendation that the proposal is approved.

## **6. Recommendations**

6.1 Executive Board is asked to:

- i. Note the detail within the report and approve the commencement of a free school presumption process under the terms in the Education and Inspections Act 2006 (section 6a). This would require the local authority to seek a sponsor to establish a new 8 form entry (1,200 place – 240 pupils per year group) secondary free school for pupils aged 11-16, including a Resourced Provision for young people with Autism Spectrum Condition and Moderate Learning Difficulties, within the of the current Fearnville Leisure Centre site in east Leeds, to be established from September 2020.
- ii. 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.