

**Report of Director of Children and Families**

**Report to Executive Board**

**Date: 26 June 2019**

**Subject: Outcome of Statutory Notice to increase learning places at Micklefield Church of England (Voluntary Controlled) Primary School**



Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Kippax and Methley	<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**

This report contains details of a proposal brought forward to meet the local authority's duty to ensure a 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 the proposal is detailed in this report. The decision maker in these cases remains the local authority (LA).

A public 'pre-consultation' on a proposal to permanently expand Micklefield Church of England (C of E) Voluntary Controlled Primary School (PS) from a capacity of 140 pupils to 210 pupils by increasing the admission number from 20 places to 30 places in each year group from September 2021 was held between 28 January 2019 and 4 March 2019. At its meeting on 17 April 2019 Executive Board gave permission for the LA as proposer, to publish a Statutory Notice in respect of the proposal.

A Statutory Notice was published on 6 May 2019 marking the start of a four week formal consultation, known as the 'representation' stage as set out in the 'Prescribed Alterations' Regulations. During this four week period which ended on 3 June 2019 anyone could object to or comment on the proposal. There were no comments or objections received

during the representation period. This report seeks a final decision from Executive Board on the recommendations below.

## **Recommendations**

Executive Board is asked to:

- Approve the proposal to permanently expand primary provision at Micklefield Church of England (Voluntary Controlled) Primary School from a capacity of 140 pupils to 210 pupils with an increase in the admission number from 20 to 30 with effect from September 2021;
- Grant provisional approval for Authority to Spend £2.298m to deliver the proposed permanent expansion at Micklefield Church of England (Voluntary Controlled) Primary School;
- Note that the proposed expansion of primary provision is subject to feasibility and planning permission as indicated at 4.4.1 of this report and that the proposal has been brought forward in time for places to be delivered for 2021; and
- 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 LA's duty to ensure a sufficiency of school places, which supports the achievement of the Best Council priority to improve educational attainment and close achievement gaps for children and young people vulnerable to poor learning outcomes. This report notes the outcomes of the representation period following publication of a Statutory Notice regarding a proposal to permanently expand primary provision at Micklefield C of E PS and seeks a final decision in that respect.

## **2 Background information**

- 2.1 At its meeting on 17 April 2019 Leeds City Council's Executive Board considered the outcome of the pre-consultation on this proposal along with the reasons for it. Permission was given to publish a Statutory Notice, which was published on 6 May 2019 marking the start of a four week formal consultation, known as the 'representation' stage as set out in the 'Prescribed Alterations' Regulations. During this four week period which ended on 3 June 2019 anyone could object to or comment on the proposal. A final decision on a proposal such as this must be made within 2 months of the expiry of the Statutory Notice, therefore by 2 August 2019 or be referred to the Schools Adjudicator. Executive Board is the decision maker for this proposal.
- 2.2 The Statutory Notice was published in the Yorkshire Evening Post on 6 May 2019. Further details about how the proposals were shared with stakeholders is in the 'Consultation and Engagement' section of this report.
- 2.3 During the representation period there were no comments or objections received in relation to the proposal.

## **3 Main issues**

- 3.1 As indicated in the report to Executive Board in April 2019 new housing developments in Micklefield are expected to result in an increased demand for additional primary school places. Although Micklefield has good transport links including a railway station, it has only one primary school, and the expansion of Micklefield C of E PS would ensure that families could access a local school place within a reasonable walking distance.
- 3.2 There are no other schools within a reasonable distance, so no alternative school expansions have been considered. If the admission limit for each year group remained at 20 it is likely that there would be insufficient local places in future years.
- 3.3 As indicated in the report to Executive Board in April 2019 (Minute no.194) Micklefield C of E PS is currently rated 'Requires Improvement' by Ofsted. The school is working closely with the LA which is supporting the new Headteacher and Governing Body with its improvement plans. Although the last Ofsted report identifies areas that require improvement, it does note that governors and school leadership are tackling issues and, as a consequence, the school is now improving. It also notes that behaviour is good at the school and the Early Years

provision is well led and effective. If this proposal were to progress, the school would be able to admit additional children gradually, growing year on year from September 2021 which would enable the school to continue to focus on its improvement journey in a managed way. The school currently has split age classes and the expansion would allow the school to introduce classes in single age groups which is expected to have a positive impact on teaching and learning.

3.4 During the representation period following publication of the Statutory Notice there were no comments or objections received in relation to the proposal.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

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

4.1.2 The Statutory Notice was published in the Yorkshire Evening Post on 6 May 2019. Copies of the Statutory Notice were displayed at the entrance to the school and on lampposts in the area near to the school. The full proposals were posted on the school website and on the Leeds City Council website and parents/carers at the school informed, along with any stakeholder who responded to the pre-consultation where contact details were provided. Other local schools and the Dioceses were also informed about the proposals along with ward and parish councillors and community groups. The proposal was also promoted via the Child Friendly Leeds and Leeds City Council Facebook pages and tweeted via the Family Information Service.

4.1.3 Stakeholders had the opportunity to comment on or object to the proposals either in writing or by email.

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

4.2.1 The EDCI screening form for the proposal is attached as an appendix to this report.

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

4.3.1 This proposal offers good value for money through its capacity to support achievement of the Best Council Plan outcome that states 'we want everyone in Leeds to do well at all levels of learning and have the skills they need for life'.

4.3.2 This proposal is being brought forward to meet the LA's statutory duty to ensure that there are sufficient school places for all 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.

4.3.3 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 attainment closing achievement gaps for children and young people vulnerable to poor learning outcomes. In turn, by helping young people into adulthood, to develop life skills, this proposal provides underlying support for the council's ambition to produce a strong economy and a compassionate city. A good quality school place also contributes towards delivery of targets within the Children and Young People's Plan such as our obsession to improve behaviour, attendance and achievement.

- 4.3.4 It is important when bringing any proposals forward that there is a degree of certainty that any change would not have a negative impact on teaching and learning. The Headteacher and Governing Body are confident that they can manage the expansion of the school which would happen gradually from September 2021 whilst continuing to focus on improving outcomes for both existing and future children attending the school. Colleagues in Leeds City Council's Learning Improvement team are supportive of the expansion, especially since the move towards single age classes is likely to have a positive impact on teaching and learning.

### **Climate Emergency**

- 4.3.5 Due to the increase in new housing developments local to the village of Micklefield and the desire of some families to attend school outside of this area, the provision of additional places at Micklefield C of E primary school has been identified. This proposal would meet the current and future increase in demand and offer more choice so that local families are able to access local places and reduce journey times to and from school.
- 4.3.6 Current information suggests the majority of children attending Micklefield C of E primary school currently walk to school. Any future development would continue to support this trend and indeed promote sustainable methods of travel. As part of any planning application, the school's 'Travel Plan' would be considered and a package of measures would be identified in order to mitigate the potential impact on the highway as a result of the development. Leeds City Council's 'Influencing Travel Behaviour Team' would support these measures and seek to ensure safe routes to and from school by promoting walking, cycling and scooting. Progress on these matters would be monitored and support offered where appropriate.
- 4.3.7 The expansion provides an opportunity to explore exemplary energy efficiency standards that will seek to reduce the schools current energy consumption by introducing renewable energy wherever possible. In parallel with this, the Energy Unit will support the design team to review and implement improvements to the energy efficiency of the existing school, with a target to reduce emissions by 47% in line with the 2025 requirements. Although the proposed energy efficiency standards could increase the capital costs for the proposed development, Leeds City Council promotes an 'Invest to Save' strategy that allows access to funding in order to offset the enhanced capital costs. The improved energy efficiency will strive to reduce the schools over all running costs. To support this strategy, a long term business case will be developed that seeks to demonstrate how ongoing revenue savings can also be used to offset the potential increase in capital costs.

4.3.8 Existing accommodation that is currently owned by the authority and can relocate efficiently will be considered within the design development. The result would potentially see the re-purposing of existing accommodation and reduce the amount of waste generated as a by-product of the construction process. Any contractors tendering for the proposed development will need to demonstrate a robust Waste Management Plan, be registered with The Considerate Constructors Scheme, of which, the main consideration of the scheme falls into three categories: The general public, the workforce and the environment. Contractors will also need to be sympathetic to the Leeds Talent and Skills Plan by seeking to employ local trades where possible thus reducing the impact of extended travel.

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

4.4.1 The funding provided by Central Government for this size of expansion is £1.0m. The current cost estimate of the proposed scheme as a result of a viability study by NPS is in the region of £2.298m. This may not represent the final total cost of the scheme, once the feasibility for this scheme is complete and proceeds to the detailed design phase, budgets would then be realigned to reflect a more robust cost certainty. The feasibility would take account of site investigations and survey information, any 'abnormal' costs, off-site works and fees in accordance with standard project and risk management principles. The proposed scheme would be subject to planning permission which would need to be granted prior to the commencement of construction works and would be subject to relevant stakeholder consultation. The proposed scheme would be funded from the Learning Places Programme. Funding streams would be primarily through Basic Need Grant, council borrowing, and Community Infrastructure Levy. The precise funding packages would be confirmed at the design freeze stage, and detailed in the relevant Design and Cost reports.

4.4.2 This expansion would be funded from the Learning Places Programme, primarily through Basic Need Grant. However, the precise funding requirement would be confirmed at design freeze and detailed in the relevant Design and Cost report (DCR). Additional funding streams such as council borrowing and Community Infrastructure Levy could be incorporated to support the required budget.

4.4.3 School Places Programme Board, chaired by the Director of Children and Families, provides strong cross council and corporate involvement to ensure that appropriate governance is applied to learning places schemes and it specifically approves individual scheme DCRs, along with any necessary Capital Risk Fund applications. Executive Board approved the establishment of a Capital Risk Fund to provide a mechanism which enables timely and proportionate responses to variations which are required to individual project budgets. Decisions by the Director of Children and Families to access the fund must be made with the prior approval of the Director of City Development and the Director of Resources & Housing, both of whom are Board members, and be in consultation with the appropriate Executive Members.

4.4.4 Executive Board is asked to approve 'provisional' Authority to Spend of £2.298m for this scheme. Once design freeze has been reached, School Places Programme Board will be asked to approve Authority to Spend for the scheme

along with any necessary risk fund application, in line with the governance arrangements set out above.

#### **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 2013.

4.5.2 This report is subject to call in.

#### **4.6 Risk Management**

4.6.1 This proposal has been brought forward in time to allow primary places to be delivered for September 2021. A decision not to proceed at this stage may result in places not being available in time for when the new housing begins to be built. It may also result in bulge cohorts being delivered which would be more costly in the longer term. The LA's ability to meet its statutory duty to ensure a 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/learning places in good quality buildings that meet the needs of local communities.

### **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/learning places for children is one of our top priorities. This proposal has been brought forward to meet that need, supporting families to give children the best start in life, and so deliver our vision of Leeds as a child friendly city.

5.2 The majority of responses received previously during the pre-consultation which were summarised in the report to Executive Board in April 2019 were from parents and carers of children attending the school and local residents. Most of those respondents supported the proposal and viewed the expansion as being both necessary and important in terms of the local community being able to access places within its own community. During the representation period following publication of the Statutory Notice there were no comments or objections received in relation to the proposal.

5.3 This proposal addresses the need for school places in an area where there are no other schools within walking distance and where additional housing will increase the numbers of families seeking places. It is therefore recommended that the proposal be approved.

### **6 Recommendations**

Executive Board is asked to:

- Approve the proposal to permanently expand primary provision at Micklefield Church of England (Voluntary Controlled) Primary School from a capacity of 140 pupils to 210 pupils with an increase in the admission number from 20 to 30 with effect from September 2021;
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- 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.