



Report of Head of Governance and Scrutiny Support

Report to Scrutiny Board (Children and Families)

Date: 3rd July 2019

Subject: School organisation proposals and objections procedure

Are specific electoral wards affected? If yes, name(s) of ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has consultation been carried out?	<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
Will the decision be open for call-in?	<input type="checkbox"/> Yes <input checked="" 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

1. Purpose of this report

1.1 This report reflects the Board's recent discussion surrounding the role of Scrutiny as part of the school organisation proposals and objections procedure and seeks ratification on the proposed way forward.

2. Background information

2.1 At its meeting on 12th June 2019, the Scrutiny Board received a detailed report from the Director of Children and Families setting out the process followed when opening, closing or making prescribed alterations to schools and academies. Following the recent dissolution of the School Organisation Advisory Board (SOAB), the following options were considered by the Scrutiny Board in respect of future decisions:

- Option 1: Scrutiny request that an extraordinary meeting be called on the same basis that SOAB would have been convened, on receipt of any objections. In view of the time taken to convene the Scrutiny Board's meeting, the final decision report to Executive Board would include a recommendation to exempt the decision from Call In due to the urgency of the decision within the statutory timeframe.
- Option 2: Scrutiny request that an extraordinary meeting be called when an objection is received that would not reasonably be considered at a more appropriate stage in the future, and has not already been considered in a

previous decision. Specifically where objections are in relation to planning, highways, or building matters they will be considered more fully and completely at the planning application stage, when the development of the built solution is sufficiently well developed that appropriately detailed answers can actually be given. Additionally this would acknowledge that a respondent may continue to hold a viewpoint that differs from that of the local authority, and that the Executive Board has already given due consideration to their points. Consideration of the Scrutiny Board's extraordinary meeting would be included in a paragraph in the Executive Board report when making its final decision. However, in view of the time taken to convene the Scrutiny Board's meeting, the final decision report to Executive Board would also include a recommendation to exempt the decision from Call In due to the urgency of the decision within the statutory timeframe.

- Option 3: The Executive Member for Learning discuss with the Chair of Scrutiny any objections received to gauge the level of the objections and identify situations that would benefit from greater scrutiny ahead of a final decision.
- Option 4: Scrutiny acknowledges that elected members have the opportunity to Call-In decisions where they feel there are sufficient reasons for doing so and that only in exceptional cases is the additional level of scrutiny necessary.

3. Main issues

3.1 In consideration of the above options, the following key points were made:

3.1.1 In principle, the Board felt that it would be beneficial for Scrutiny to have a role during the informal consultation period to investigate any initial concerns being raised at that stage. However, it was highlighted that as concerns are invariably raised as part of any consultation process, this approach could potentially place significant resource pressures on the Scrutiny Board. Linked to this, it was noted that the first report to Executive Board will summarise the informal consultation phase, including responses made to concerns expressed at this stage, and following due consideration may seek approval to progress to the formal stage of consultation, where a statutory notice is published. It was also acknowledged that the Executive Board decision at this stage would be eligible for Call-In.

3.1.2 The Board had received details of the actual formal objections previously received that had triggered a meeting of the former School Organisation Advisory Board (SOAB). Linked to these, it was highlighted that the formal objections received had been similar, or identical, to those received in the first consultation phase.

3.1.3 It was noted that the current arrangement (Option 4) still enabled two opportunities for Elected Members to Call-In a decision of the Executive Board with regard to proposals being made, which was in contrast to the decision-making processes in place for Academies and Free Schools.

3.1.4 In consideration of both Options 3 and 4, the Board had agreed (by majority) to put in place Option 3 but stipulated as part of this option that the full Scrutiny Board should be informed of any discussion being held with the Scrutiny Board Chair. The outcome of that discussion would then be conveyed to all Board Members, with opinions sought on whether or not an extraordinary meeting of the Scrutiny Board is deemed necessary.

- 3.1.5 As part of the Board's deliberations, it was noted that any objections relating to planning or highways issues would not normally need additional scrutiny as these would be addressed through the planning process if the proposals were to progress.
- 3.1.6 In the event of an extraordinary meeting being convened to consider objections, the Scrutiny Board acknowledged that a recommendation would be made in the final report to Executive Board to exempt the decision from Call-In in order to ensure that a final decision was being made within two months of the end of the Statutory Notice period.
- 3.1.7 The decision making process, as set out above, is reflected in Appendix 1 for the Board's consideration.

4. Corporate considerations

4.1 Consultation and engagement

- 4.1.1 There is extensive consultation and engagement that takes place when the local authority are considering bringing forward any proposal and the details of this consultation are reflected within the reports to Executive Board.

4.2 Equality and diversity / cohesion and integration

- 4.2.1 All school organisation proposals are subject to the Council's Equality and Diversity Scheme, and a screening document is completed for every recommendation made to Executive Board.

4.3 Council policies and the Best Council Plan

- 4.3.1 School Organisation proposals contribute 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, managed and co-ordinated by Children and Families and City Development, is one of the baseline entitlements of a child friendly city.

Climate Emergency

- 4.3.2 Whilst consideration will be given to climate issues surrounding individual school organisation proposals, this section is not relevant to this particular report.

4.4 Resources, procurement and value for money

- 4.4.1 Previously the Scrutiny Board noted that two of the difficulties with the former SOAB was securing membership and resources to facilitate the meetings. It was therefore acknowledged that should an alternative group be established then the proportionate use of resource would also require consideration. In the future many decisions will be in respect of Academies, where there are fewer stages of consultation, and decisions taken outside of the local authority. For those decisions which are required to be taken by the local authority, where the process of consultation has been managed in line with legislation and local specification, the

value for money of allocating further resources to additional scrutiny of such decisions should be considered.

4.5 Legal implications, access to information, and call-in

- 4.5.1 One of the stated aims of legislation introduced in 2014 was to give schools more authority over decisions about their size and composition without being unduly restricted by local authority process. The process in Leeds complies fully with guidance and has the oversight of two separate Executive Board decisions to approve any proposal.
- 4.5.2 The Scrutiny Board has been advised that by creating an alternative advisory group to the former SOAB, the final decision reports to Executive Board would include a recommendation to exempt the decision from Call In due to the urgency of the decision being made within the two month statutory timeframe.

4.6 Risk management

- 4.6.1 This section is not relevant to this report.

5. Conclusions

- 5.1 Further to the Scrutiny Board's meeting on 12th June 2019, this report reflects the Board's discussion surrounding the role of Scrutiny as part of the school organisation proposals and objections procedure and seeks ratification on the proposed way forward as set out within this report and in Appendix 1.

6. Recommendations

- 6.1 That the Scrutiny Board formally agrees the proposed way forward in relation to the role of Scrutiny as part of the school organisation proposals and objections procedure.

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.