

**Report of: Director of Children and Families and the Director of City Development**



**Report to: Executive Board**

**Date: 25<sup>th</sup> November 2019**

**Subject: Proposal to acquire the Rose Court site for additional SEN places from September 2021**

Are specific electoral wards affected? If yes, name(s) of ward(s): Headingley & Hyde Park Ward	<input checked="" type="checkbox"/> Yes <input 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, access to information procedure rule number: 10.4(3) Appendix number: 1	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

## Summary

### 1. Main issues

- The number of children and young people living in Leeds has increased over the past decade, which has resulted in the demand for both mainstream and specialist provision places across the city rising. In line with this, there has been a substantial increase in the number of new Education, Health and Care Plan (EHCP) assessments and the need for additional specialist school places across the city. Current projections indicate that there is a need of up to 200 additional specialist school places each academic year from now to 2022/23. We are now bringing forward proposals to provide the additional specialist places to manage this increase.
- In June 2019 Children's & Families consulted on a 200 place SEN Free School to create new specialist places across the city using the former Elmete Behavioural Emotional Social Difficulties Special Inclusive Learning Centre site (BESD SILC) The project is being delivered by the Department for Education (DfE) on behalf of the Local Authority (LA) The dates included within the original funding bid submitted by the LA showed a need for the additional places by September 2022 however the DfE has recently reported a potential delay to the current programme and the free school places will therefore not be available until September 2023.

- As a result of the delay to the Elmete Wood proposal, as reported by the DfE to the free school project team and the need for 200 more specialist places in 2021, additional over and above that reported in the first paragraph, solutions have been explored through an options appraisal process. The timescales for delivering a new build school for 2021 are potentially undeliverable hence options to secure and refurbish an existing facility are achievable. On this basis Rose Court the former Girls Grammar School (GSAL) on Otley Road has been identified as the preferred solution for a new SEN Free School from September 2021. Rose Court is owned by the Grammar School at Leeds (GSAL) who are looking to market the property and in order for the Council to progress, it would need to purchase the site from GSAL. Early communication has taken place between the Council and GSAL to discuss the requirement and proposed draft HOT's have been developed. Site visits are taking place to understand the scope of the potential works required to make it suitable for pupils with special educational needs.

## **Recommendations**

Executive Board is asked to:

- a) Approve the recommendation for the Council to enter into Heads of Terms for the purchase of Rose Court from The Trustees of the Leeds Grammar School and Leeds Girls High School Foundation, as set out in the confidential appendix;
- b) Delegate the final terms of the purchase to the Director of City Development with the concurrence of the Executive Member for Resources and the Executive Member for Learning, Skills and Employment;
- c) Note that a public consultation on the proposal to open a new special free school on the Rose Court site through the free school presumption route, will be required. This will be delivered by the Sufficiency and Participation Team and a report will be submitted to a future Executive Board detailing the outcome of the consultation process.

## **2. Best Council Plan Implications**

- This proposed new special free school on the Rose Court site would support the achievement of the Best City Priority to help 'young people into adulthood, to develop life skills and be ready for work' through providing high quality specialist provision places.
- The proposal actively contributes towards achievement of the Child Friendly City aspiration to 'improve educational attainment and closing achievement gaps for children and young people vulnerable to poor learning outcomes'
- The proposal offers value for money through its capacity to support the 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'

### **3. Resource Implications**

- The proposed scheme would be delivered and funded by LCC as part of the Learning Places Programme and its statutory duty to provide a school place for all children. On completion of feasibility a budget for the associated remodelling and refurbishment works would be determined and detailed in the relevant Design and Cost report (DCR).
- LCC would need to purchase the site from GSAL and a valuation has been undertaken to determine the cost, however it is worth noting that the purchase and repurposing of Rose Court for use as a special school is a more cost effective solution than a new build proposal.

#### **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 learning places including provision for children and young people with Special Educational Needs and Disabilities (SEND).
- 1.2 This report describes the requirement to purchase Rose Court (the former Girls Grammar School site) to deliver a new special free school from September 2021.

#### **2. Background information**

- 2.1 The number of children and young people living in Leeds has increased over the past decade, which has resulted in the demand for both mainstream and specialist provision places across the city rising. In line with this, there has been a substantial increase in the number of new Education, Health and Care Plan (EHCP) assessments and the need for additional specialist school places across the city. The proposals being brought forward are in-line with the priorities identified within the Strategic Review of Special Educational Need and Disability (SEND) Provision in Leeds 2017-2021. The Leeds SEND strategy is currently under review in light of the recently approved 3As strategy. Both strategies have a focus on providing specialist places in the areas and local communities where the demographic need is the highest. The increase in demand for SEND places is citywide, although the highest growth is within the East and South areas of the city.
- 2.2 In Leeds there are five maintained special schools - Specialist Inclusive Learning Centres (SILCs) which are all generic rather than specialising in just one type of need. South SILC and North West SILC are currently progressing through academy conversions. The SILCs are very popular and demand is greater than the number of places available. Pupils are admitted to specialist provision through their Education, Health and Care Plans. We are therefore planning in the additional places to manage this increase.
- 2.3 All proposals which involve changing or creating new SEND provision must meet the requirements of the SEN Improvement Test. This test has been carried out for the special free school proposal and it is deemed to be sound. The test involves demonstrating how any proposed changes would improve the range and quality of SEND provision, including access to wider support services and specialist teaching and that these are in line with the local authority's wider strategic plan for SEND provision and also the drive to enable mainstream inclusion.

- 2.4 Current projections indicate that there is a need of up to 200 additional specialist school places each academic year from now to 2022/23. The need in the city continues to grow with particular increases in the areas of complex learning difficulties and complex communication difficulties.
- 2.5 As part of the local authority strategy to establish additional SEND places, a stakeholder engagement event was held in April 2019 to explore and develop the potential options across the city. The proposed new 200 place special free school at Elmete Wood was included in these discussions.
- 2.6 In addition to the planned special free school on the Elmete Wood site, further specialist places are being developed through expansion proposals on existing SILC sites, to meet the need during the 2020/21 academic year.

### **3. Main issues**

- 3.1 The proposed 200 additional places on the Elmete Wood site forms part of the solution to address anticipated future pressure on specialist provision in Leeds. However due to a potential delay with the programme, reported by the DfE, it is highly likely that the places will now not be available until September 2023 leaving a shortfall for the 2022/23 academic year.
- 3.2 Rose Court provides a solution for the projected demand for specialist places from September 2021. The capacity created at this site would also help address the shortfall expected from a delay to the Elmete Wood site in the academic year 2022/23. As part of a longer term strategy for creating additional specialist provision, both Rose Court and Elmete Wood sites would support this need. Several options have been explored through an options appraisal process and in noting the tight timescales, the repurposing of an existing building is the most achievable route to ensure that these places are available from September 2021. Failure to develop additional specialist provision from 2021 could result in the local authority unable to meet its statutory duty for sufficiency of learning places both in the immediate and longer term. The acquisition of Rose Court is therefore a sound option to meet the demand for September 2021.
- 3.3 Rose Court is owned by the Grammar School at Leeds (GSAL) and is located between Headingley Lane and Buckingham Road in Hyde Park and Headingley ward. The Rose Court site currently provides provision for children aged between 3 to 7 years. GSAL are currently delivering new nursery and primary provision at their existing grammar school site at Alwoodley. Their anticipated delivery timescale for the works is September 2020 opening and they are looking to decant from Rose Court by July 2020 and complete their relocation in time for the start of the academic year in 2020. GSAL were looking to market the Rose Court site imminently in order to realise a capital receipt to assist with the delivery of the new provision at Alwoodley. Dialogue with GSAL has taken place and GSAL are open to progressing a one to one deal with the Council for the purchase of the site. On that basis draft Heads of Terms have been developed and these are attached within the Confidential Appendix.
- 3.4 The refurbishment of the Rose Court site would be the Council's preferred solution for a new 100-150 place special free school from September 2021 as it is deliverable within the timescales and as the building already exists, offers better value for money than the construction of a new special school.

## **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 period will commence on the proposal to run a Free School presumption using the Rose Court site for additional SEN places from September 2021. The Sufficiency and Participation team will lead on the consultation with support from City Development including colleagues from Asset Management, planning and highways. The drop-in sessions forming part of the consultation provide opportunities for academy trusts, parents, carers, and local residents to ask questions and find out more about the proposal. Information about the consultation will be distributed widely, including parents of pupils currently attending a SILC provision, all Leeds specialist providers, schools and academies (primary and secondary), SEND parents support groups, on the Leeds City Council website, the Family Information Service website, Twitter and Facebook. Leaflets highlighting the consultation, and the timings of the consultation drop-in meetings will be sent out to local residents and displayed at a number of prominent locations in the area.
- 4.1.3 The proposal has been consulted on with Hyde Park and Headingley ward members in advance of this board and all are supportive of the proposals.

### **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 the Best Council Plan**

- 4.3.1 This proposal offers 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 local authority's statutory duty to ensure that there are sufficient learning places for all the children in Leeds. Providing specialist places closer to where children and young people with SEND live promotes inclusion within their local community.
- 4.3.3 This proposal contributes to the aspiration for Leeds City Council to be the best council and for Leeds to be the best city in which to grow up in, 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 learning places and environments we can support the priority aims of ensuring children and young people do well in learning and closing achievement gaps for those vulnerable to poor learning outcomes. We want all children and young people in the city to have access to a wide range of opportunities, develop key life skills, and be supported on ambitious pathways to enable them to thrive supporting the council's ambition to produce a strong economy and a compassionate city. A good quality learning place also contributes towards delivery of targets within the Children

and Young People's Plan such as the 3A's strategy to improve achievement, attainment and attendance at school.

### Climate Emergency

- 4.3.4 The Rose Court site is situated in a central location in the city and is considered to be well positioned to meet the wider demographic need in Leeds. This would help to reduce journey times to and from specialist schools which in some cases can be a long distance from where the learner resides.
- 4.3.5 The SILC would support students to undertake 'independent travel training' where appropriate to encourage independence for the young person to safely travel to school on public transport.
- 4.3.6 Existing planning policies seek to address the issue of climate change by ensuring that development proposals incorporate measures to reduce the impact on non-renewable resources. In parallel with this, the Energy Unit will support the design team to identify energy saving measures that can help the new school achieve energy savings comparable to a 47% reduction in average energy consumption levels, in line with the 2025 requirements. The proposed energy efficiency standards are likely to increase the capital costs for the proposed development, however, there is as yet insufficient benchmark data available to provide a reliable estimate of how much these additional measures would be likely to add to the cost of the scheme. 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 also reduce the school's overall running costs, as the building will be more economical to run long-term, eventually paying for the measures put in place.
- 4.3.7 The council's Core Strategy Policy G9 is concerned with the impact of development on biodiversity. The policy states that new development should demonstrate how the design, including landscape, will make a positive contribution to habitat protection, creation and enhancement. Although all the site survey work that would need to be undertaken at the proposed school site is still to be determined, as a minimum an arboricultural impact assessment (impact on existing trees and plants), an arboricultural survey, bat surveys, and ecology appraisals would all be carried out. A ratio of 3:1 for replacement of trees removed would be adhered to and the overall landscaping proposal would need to be cognisant of Leeds mandate to increase overall tree canopy coverage from 19% to 33%. To ensure any landscaping proposals are fully compliant with biodiversity improvement and landscape Core Strategy Policies they would be developed in conjunction with Planning colleagues and via consultation with the Leeds Climate Change Commission.
- 4.3.8 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 striving to employ local trades thus reducing the impact of extended travel.

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

- 4.4.1 The proposed scheme would be delivered and funded by the LA as part of the Learning Places Programme and its statutory duty to provide a school place for all children. On completion of feasibility a budget for the associated remodelling and refurbishment works be determined and detailed in the relevant Design & Cost Report (DCR).
- 4.4.2 LCC would need to purchase the site from GSAL and a valuation has been undertaken to determine the cost.

#### **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 and the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.
- 4.5.2 The information contained in the exempt appendix to this report is proposed to be designated as being exempt from publication under the provisions of Access to Information Procedure Rule 10.4(3) on the basis that it contains commercially sensitive information relating to the financial or business affairs of any particular person or organisation (including the authority holding that information) which, if disclosed to the public, could, or be likely to, prejudice the commercial interests of that person, organisation or the Council. As such, it is felt that the public interest in maintaining the exemption outweighs the public interest in disclosing this information at this point in time.
- 4.5.3 This report is subject to call in
- 4.5.4 The Council may complete the acquisition by virtue of Section 120 of the Local Government Act 1972 which covers acquiring land for “benefit, improvement or development” of the Council’s area, or for the purposes of any of the Council’s functions

#### **4.6 Risk management**

- 4.6.1 These proposals have been brought forward in time to allow additional specialist places to be delivered during the 2021/22 academic year to support the demand for places. A decision not to proceed would result in the places required to meet the need not being available both in the short and long term. It may also result in further bulge cohorts being delivered in other SILCs which would be more costly in the longer term. The local authority’s ability to meet its statutory duty for sufficiency of learning places would be at risk.
- 4.6.2 There is also a corporate risk associated with failing to provide sufficient learning places in good quality buildings that meet the needs of children and young people with special educational needs. The Rose Court site is currently used for education provision and will be vacant from July 2020. The necessary works will be carried out from August 2020 with a completion for September 2021.

4.6.3 There is a risk that the Council does not use the site for a school after it has been acquired. To mitigate this risk, the value of the property for re-sale is sufficient to cover the Council's purchase.

## **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 learning places, including places in specialist provision, is one of our top priorities. These proposals have been brought forward to support learners with SEND in Leeds to benefit from being able to access a local specialist place and so delivering our vision of Leeds as a child friendly city.

5.2 The additional places are required to ensure the authority meets its legal requirement to ensure sufficiency of specialist places from September 2021. The additional site is also required due to the delay with the 200 place special free school on the Elmete Wood site which was expected to open in September 2022 but has now been delayed until 2023. Consequently, to ensure that the Council can meet the identified need, it is therefore recommended that the Rose Court site is purchased to create a new 100-150 place special free school from September 2021.

## **6. Recommendations**

Executive Board is asked to:

- a) Approve the proposal for the Council to enter into draft Heads of Terms for the purchase of Rose Court from The Grammar School at Leeds, as set out in the confidential appendix;
- b) Delegate the final terms of the purchase to the Director of City Development with the concurrence of the Executive Member for Resources and the Executive Member Learning, Skills and Employment;
- c) Note that a public consultation on the proposal to open a new special free school on the Rose Court site through the free school presumption route, will be required. This will be delivered by the Sufficiency and Participation Team and a report will be submitted to a future Executive Board detailing the outcome of the consultation process.

## **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.