

**Report of the Director of Children and Families**

**Report to Executive Board**

**Date: 12th February 2020**

**Subject: Outcome of consultation to establish a new specialist free school in Headingley from September 2021**



Are specific electoral wards affected? If yes, name(s) of ward(s): Headingley & Hyde Park	<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: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**Summary**

**1. Main issues**

- This report contains details of a proposal brought forward to meet the local authority's duty to ensure sufficiency of learning places including provision for children and young people with special educational needs and disabilities (SEND). The proposal would establish a new special school under the free school presumption process, in accordance with the requirements of section 6A of the Education and Inspections Act 2006 and the guidance set out in 'The free school presumption departmental advice for local authorities and new school proposers' (May 2018). The legislation that relates to this guidance includes The Education Act 2011, The Educations and Inspections Act 2006 and The Academies Act 2010.
- The number of children and young people living in Leeds has increased over the past decade, which has resulted in rising demand for both mainstream and specialist provision places across the city. The need for specialist school places continues to grow with particular increases in the areas of complex learning difficulties and complex communication difficulties which are being identified as a consequence of a substantial increase in Education Health and Care Plan (EHCP) assessments. Current projections indicate a need of approximately 200 additional specialist school places each academic year from now until at least 2022/23.

- A consultation on a proposal to establish a new 150-place specialist free school for children and young people aged 4-16 at Rose Court, Buckingham Road, Headingley, took place between 18 November and 19 December 2019.
- A total of 211 consultation survey responses were received during the consultation period of which 92% either strongly supported or somewhat supported the proposal to open a specialist free school in Headingley. 7% either strongly opposed or somewhat opposed the proposal and a further 1% neither supported nor opposed it. Further details about the responses and issues identified by stakeholders and respondents during the consultation period are detailed in the main body of this report.

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

- By providing new high quality specialist places through a competitive process, designed to identify the best available sponsor to run the proposed new school, this proposal would support the achievement of the Best City Priority to help ‘young people into adulthood, to develop life skills and be ready for work’. This proposal also supports the council’s strategy to improve attendance, achievement, and attainment – the 3As.
- This proposal would establish high quality specialist school places, actively contributing 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 good 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**

- In November 2019 Executive Board approved a proposal 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, and delegated authority to the Director of City Development to approve the final terms of the purchase. Leeds City Council subsequently acquired the Rose Court site by entering in to a contract with The Trustees of the Leeds Grammar School and Leeds Girls High School Foundation on 9 December 2019. The full purchase of the Rose Court site will be completed on 20 July 2020 when the site will become vacant.
- Feasibility commenced in January 2020 to identify the scope of works required to make the buildings suitable for use as a special school. Should a planning application be required, the normal planning process would be followed, giving all stakeholders the opportunity to review the proposals and comment on them. Although no adaptations will be made to the exterior of the building, early consultation with planning and Historic England is required to understand any potential risk or implications around the Grade II listed façade.

- During feasibility, cost estimates for any works that will be required will be determined ahead of a request for Authority to Spend. Site acquisition and costs arising from the feasibility study will be funded from the Learning Places Programme.

## **Recommendations**

Executive Board is asked to:

- a) Note the outcome of consultation on the proposal to establish a new 150-place specialist free school for children and young people aged 4-16 at Rose Court, Buckingham Road, Headingley;
- b) Approve the commencement of a free school presumption process under the terms set out in the Education and Inspections Act 2006 (section 6A), allowing the local authority to launch a competition seeking to identify a preferred sponsor to run the new free school;
- c) 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 learning places, which supports the achievement of the Best Council priority to improve educational attainment and close achievement gaps. This report describes the outcome of the consultation regarding a proposal to establish a new 150-place specialist free school for children and young people aged 4-16 at Rose Court, Buckingham Road, Headingley, and seeks permission to launch the competition stage of the free school presumption process in order to identify a preferred sponsor to run the new school.

## **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 rising city-wide. 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 proposal being brought forward is in line with the priorities identified within the Strategic Review of Special Educational Need and Disability (SEND) Provision in Leeds 2017-2021. Projected demand for specialist places has increased over recent years and it is projected that approximately 200 additional specialist school places are required each academic year from now until at least 2022/23.
- 2.2 Leeds currently has a number of different types of specialist provision including five maintained Specialist Inclusive Learning Centres (SILCs), specialist academies and specialist free schools. Pupils are admitted to specialist provision through their Education, Health and Care Plans. The maintained SILCs in Leeds provide generic

specialist places rather than delivering places to address just one type of need. The SILCs are very popular with families and the need for places is forecasted to increase beyond the number of places currently available.

- 2.3 In November 2019 Executive Board considered a proposal to establish a new Department for Education led special free school at Elmete Wood. It is likely that implementation of this new provision will be delayed beyond the planned opening date of September 2022. Proposals to permanently expand East SILC were approved at Executive Board on 7 January 2020. Along with proposals to expand existing SILC's, the proposed new provision at Rose Court would contribute towards addressing the identified additional demand for specialist places across the City. Establishing the provision at Rose Court for September 2021 would also manage a short term need, in light of the potential delay to the free school at Elmete Wood, as well as providing additional specialist places over the longer term.
- 2.4 A consultation on the proposal to establish new specialist provision at Rose Court took place between 18 Nov and 19 Dec 2019. To maximise stakeholder engagement a variety of consultation methods were used, including: email; an online survey and two informal drop-in sessions, one at Rose Court and one at the City Centre Hub in Merrion House. The drop-ins offered attendees an opportunity to discuss the proposal with Leeds City Council officers. Officers attended two events for families who have children with SEND to raise awareness of the consultation. Leaflets advertising the consultation were delivered to residents in the area local to Rose Court and details of the proposal and the consultation drop-in sessions were also given to parents and carers via information sent out by several local primary schools and by existing SILCs. Details about the consultation were sent to all local primary and secondary schools across the City and to other stakeholders. Posters were displayed at a number of locations in the Headingley area and information was available via the Leeds City Council website and through various social media platforms and accounts. A targeted Facebook advertising campaign was also undertaken to reach people aged 25-65+ living in Leeds.
- 2.5 Local ward members for Headingley and Hyde Park received email communications ahead of the consultation period to raise awareness of the proposal. MPs have also received these communications. Principals of existing SILCS were made aware of the proposals before consultation began.

### **3. Main issues**

- 3.1 There is an identified need for additional specialist places across both primary and secondary phases across Leeds. This additional demand cannot be fully addressed by existing provision therefore it is proposed that a new specialist free school should be established at Rose Court, Buckingham Road, Headingley, Leeds to contribute towards addressing the city-wide need.
- 3.2 The proposal would establish a new specialist free school from September 2021, providing approximately 150 generic specialist places for learners aged 4 -16, under the free school presumption process. Additionally, the proposal also includes 50 partnership places to be created in local mainstream schools. The proposal would be

delivered in accordance with the requirements of section 6A of the Education and Inspections Act 2006. If the proposal is approved for delivery the school would be situated within the Rose Court site in Headingley.

- 3.3 During the consultation period there were 211 online survey responses received in total.
- 3.4 195 of the 211 survey respondents (92% of the total) stated that they either strongly supported or somewhat supported the proposal to establish a new specialist free school at Rose Court in Headingley. In comparison there were 15 respondents (7% of the total) who stated they either strongly opposed or somewhat opposed this proposal. A further 3 respondents (1% of the total) stated that they neither supported nor opposed this proposal.
- 3.5 163 of the 211 respondents stated that they found the information provided during the consultation process useful.
- 3.6 Appendix 1 contains a summary of the number of survey responses received by theme. However, a copy of all survey responses received can be requested from the Sufficiency and Participation Team at [educ.school.organisation@leeds.gov.uk](mailto:educ.school.organisation@leeds.gov.uk)
- 3.7 Examples of frequent views expressed by the 211 survey respondents who strongly or somewhat supported the proposal to establish a specialist free school at Rose Court is listed below;
- More specialist school places are needed to meet current and future demand across the city
  - The needs of some children and young people would be better met in SILCs
  - Outcomes for some children and young people who have SEND are better in SILCs
  - Some children and young people wouldn't have to travel as far as they currently do to access SILC places
  - There would be less pressure on teachers and other staff in mainstream settings if some children and young people with SEND who are currently in mainstream were in SILC settings instead
  - Some children and young people with special needs would benefit socially from attending a SILC setting as they would be with other children and young people they could identify with
  - The proposal would mean that the Rose Court site is retained for education use
  - The accommodation at Rose Court site is well suited to the type of provision that is being proposed and the site is in a good location
  - The proposal is more cost-effective than building new provision
  - The proposal would increase parental choice
  - Because the Rose Court site is currently a school, the impact on local residents would be much less compared to establishing a school on a site that has not previously been used for education
- 3.8 The main concerns raised by respondents and responses to those concerns are summarised as follows;

- 3.8.1 **Concern raised that the identified site for the school is in the wrong location to serve a city-wide need for additional specialist places and is too near to existing provision at West Oaks SEN Specialist School and College - Woodhouse Learning.** Concern was raised that if the proposals go ahead for Rose Court there will be too many specialist places in a relatively small geographical area, taking account of the existing SILC places at West Oaks – Woodhouse Learning. More places in this area would do little to improve journey times to and from school for children and young people living on the edge of the city and could negatively impact on pupils' wellbeing if they spend long periods of time travelling to and from school. It was also suggested that having specialist provision located away from the edge of the city makes it unlikely that children and young people from neighbouring local authorities would access it, leading to Leeds not benefitting from potential additional income from providing places for learners from other authorities.

**Response:** It is a priority to plan for and ensure that young people with SEND that are living in Leeds have access to places. Rose Court benefits from a central location in Leeds and is in close proximity to arterial transport routes and the Inner Ring Road. The density of need for specialist places increases towards the city centre from all directions, so developing additional places here should be effective at addressing the identified city-wide need. Adding additional specialist places in to the system should enable more children and young people to be able to access suitable provision within a reasonable travelling distance of where they live.

The specialist provision at West Oaks – Woodhouse Learning is well established and very successful and as such is unlikely to be negatively impacted by new provision at Rose Court.

- 3.8.2 **Concern was raised about the suitability of the accommodation, especially given the relatively high costs of maintaining an historic building in the longer term.**

**Response:** The accommodation at Rose Court has been well maintained by the Grammar School at Leeds and is in good condition. The potential work required to modify existing accommodation to make it suitable for children and young people with SEND offers good value for money when compared against building new accommodation. If the proposal progresses, potential academy sponsors would have the opportunity to familiarise themselves with the building ahead of submitting a bid, and as with any free school proposal, would be expected to account for potential ongoing maintenance costs as part of developing their bid.

- 3.8.3 **Concern that the proposal would have a negative impact on recruitment of staff within existing specialist provision.** Concern was raised that it would become harder for existing (maintained) specialist provision to attract and recruit suitable staff, especially at West Oaks – Woodhouse Learning, if a new special free school, run by an academy sponsor, opened nearby. The pool of suitably qualified and experienced staff would be depleted and this would have a negative impact on children and young peoples' development and learning outcomes.

**Response:** Teaching staff do not necessarily live in the community where they work and are often prepared to travel to get to and from their place of work. Compared to some existing specialist provision elsewhere in the city, Rose Court is located in a high density population area, so there should be a considerable pool of potential staff living within a reasonable travelling distance. However, the challenges of securing staff who have the required qualifications, skills and experience is a national issue which does not justify holding back from seeking to establish new provision in a particular area. Successful recruitment of staff would be a key question for sponsors of any new provision, wherever it was proposed to be located.

#### 3.8.4 **General concerns raised in relation to traffic, highways and the environment.**

There was concern that the proposed special school would contribute to the already high levels of traffic congestion on roads near to Rose Court. Concern was also raised about the potential negative impact of congestion and associated air pollution on pupils at Rose Court. Establishing a drop-off area within the school grounds was suggested as a way of improving pupils' safety.

**Response:** Rose Court is already used as a school, with many pupils travelling to and from it by car each day. If the special school proposals were to go ahead it is possible that there might not be a significant increase in the number of vehicles accessing the site because many children and young people would travel to and from school by minibus rather than by car. There may be opportunities to use electric vehicles or modern Euro 6 diesels for school transport to reduce emission levels and improve air quality. Opportunities to establish a ban on idling vehicles in the vicinity of the school could also be considered.

If the proposal goes ahead, existing traffic issues would be investigated as part of a transport assessment which would be required to support any planning process linked to the refurbishment/remodelling of the site. The transport assessment would include consideration of potential measures such as a drop-off area within the school site. A travel plan would be also required which would include consideration of the provision of improved cycle facilities and electric parking points at the school to support sustainable travel in light of the Council's commitment to carbon reduction. The Rose Court site is very easily accessible by public transport which would provide sustainable transport options for staff and potentially some pupils.

The main outside play space, school field, at Rose Court is situated at the far end of the site compared to the main road, A660 (Headingley Lane). The roads bordering the school field are relatively quiet residential streets, so the impact from traffic pollution on this area will be lower than if children and young people were accessing outside space near to the main road. It may also be possible to undertake some planting on the site to offset some of anticipated emissions from vehicles accessing it.

Public consultation took place in 2018 regarding the potential to deliver a number of highways interventions aimed at improving public transport journey times and reliability on the A660, and thus encouraging modal shift away from private car use. This led to a project to signalise the Otley Road/Holt Lane junction being brought forward, which began construction in November 2019. The potential for the delivery of further interventions on the A660 is currently under review, with responses

received during public consultation being taken into consideration as part of that process.

### **3.8.5 Concern that the new school would be a free school/academy**

Several respondents expressed a view that they did not agree with the new school being a free school/academy, or that the free school should be under the jurisdiction of the local authority. Some respondents expressed a preference for a local authority maintained special school.

**Response:** Local Authorities are no longer able to open new local authority run community schools. The 2011 Education Act introduced the 'free school presumption' meaning that, where local authorities identify a need for a new school, this must be a free school ('free school' is the DfE's term for any new provision academy) established through the 'Free School Presumption' 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 by inviting prospective sponsor's to submit bids to Leeds City Council. A local authority panel would then review all proposals received and provide assessments of each applicant, stating who its preferred sponsor is to run the school, to the Secretary of State. Although the local authority's preference is usually supported, it is the Regional Schools Commissioner, on behalf of the Secretary of State, who will then make the final decision regarding who will run the school.

### **3.8.6 Concern that there doesn't appear to be a coherent strategy towards managing future need for specialist places in Leeds.**

**Response:** The SEND strategy for the city is under review in the light of the recently published 3As strategy with the aim of creating a joint strategy between Education, Health and Social Care. However, the fundamental principal of inclusion and providing a continuum of support to meet all learners needs remains at its centre. A position statement is available that states that: In Leeds we believe that children and young people should be able to receive the provision they need at a level, and in a setting, which is appropriate to their individual needs. Most children and young people with SEND should be included in and be able to enjoy and achieve in mainstream schools. Where mainstream provision is not appropriate, we will place pupils and students in the most appropriate specialist provision closest to home.

### **3.8.7 Concern that the methodology for accurately projecting future demand for specialist places in Leeds is not robust.**

Concern was raised that current projections are over-estimating future demand for specialist places. Rather than demand continuing to grow at the current rate, as suggested in the consultation documentation, it was suggested that demand will start to increase more slowly from 2019 onwards ahead of it levelling off. As a significant number of additional places have already been planned, a small number of respondents suggested that further places are not required at the present time.



**Response:** All projections are estimates based on applying historical patterns to expected future cohorts. They do not try to second guess potential government policy changes, or practices that might result following them. In the case of the specialist need projections, historical patterns of SEND take up are applied to the primary and secondary school population projections.

Primary and secondary school projection methodologies in Leeds have been shown to be amongst the most accurate in the country according to the DfE. A detailed Leeds City Council Internal Audit was also carried out on the methodologies and processes in summer 2018, the result of which was “The control environment for forecasting school places is rated as Substantial Assurance as the processes in place are aligned to government guidance and include the use of relevant internal and external sources of data. The use of this methodology has enabled the Council to accurately predict the number of school places required to meet future needs”.

Due to the reforms introduced by the SEND provisions of the Children and Families Act 2014, special educational needs school census codes changed in the January 2016 school census (with the implementation of the SEND code of practice 2015). This change in census coding, alongside very significant changes in the SEND population has meant that it is prudent to use only the most recent patterns of SEND take up when generating projections of future numbers. Although this risks SEND projections being more volatile, they are unlikely to massively under-estimate the future population. The use of the most recent patterns model has been tested against actual pupil data and has performed very well (January school census 2019 projections model versus October school census 2019 actuals). This will continue to be monitored.

- 3.8.8 Concern that establishing a new SEND free school would negatively impact on inclusive learning opportunities within mainstream settings.** Concern was raised that having more specialist places available may lead to some children unnecessarily being taken out of mainstream settings. One respondent also suggested that investing more money in supporting children with SEND to remain in mainstream settings would be preferable to purchasing the Rose Court site to develop more specialist places.

**Response:** A continuum of provision is required to meet the needs of all learners with SEND. The local authority has a duty to meet these needs and the Children and Families Act 2014 also requires that parental preferences for the type of provision required (mainstream or specialist) is responded to. Specialist provision is very popular with parents and carers and requests for specialist places have risen in the city over recent years and continue to do so. As identified in the SEND Strategy, mainstream and specialist provision is needed to ensure that all children and young people are in the most appropriate setting according to their needs. It is also worth noting that as part of the SEND strategy, Leeds unlike other local authorities already funds children in mainstream school without the need for an EHCP through a system called ‘funding for inclusion’.

- 3.8.9 Concern that the proposed school at Rose Court should cater for specific special needs, for example high-functioning children and young people with complex communication difficulties that may include a diagnosis of ASC.** Concern was raised that there is a gap in provision in the city for some children and young people who are not suited to either a mainstream setting or a SILC. The potential new provision at Rose Court could provide an opportunity to meet this

need thereby improving outcomes for some learners. Questions were posed about why the planned provision at Rose Court is generic when demand for specialist places for children and young people with complex learning difficulties and complex communication difficulties is an identified need in Leeds.

**Response:**

Although the greatest need in the city at the present time is in the area of complex communication, specialist provision is generic to allow for flexibility to meet the needs of all learners. Generic provision is also more responsive than bespoke provision to effectively addressing any changing needs that might emerge across the city in the future.

Providing a school that meets only the needs of only one group of learners could potentially lead to long journeys to and from school for some learners, which is at odds with the SEND strategy aim to place learners within their own community as far as possible. It also conflicts with Leeds City Council's climate emergency agenda. Having specific specialist places could also lead to difficulties in finding a suitable placement for children and young people who have a co-morbidity of needs.

Providing an autism-sensitive environment will be part of the specification for the provision at Rose Court, should it progress to a sponsor competition stage.

**3.8.10 Concern that the proposal does not address the need for specialist places for 16-25 year olds**

**Response:** An Outcomes Based Accountability (OBA) event is planned for this age group for spring 2020 to consider questions around appropriate provision. There is a need to ensure that there are suitable inclusion options available alongside specialist and mainstream provision and following feedback from the OBA, the range of provision for learners aged 16-25 with SEND may need to be reviewed and potentially extended.

**3.8.11 Concern that funding rates for pupils in existing SILCs is lower than it would be for the proposed specialist free school.** Concern was raised that the current funding rates for pupils in existing SILCs is significantly lower than that which has been proposed for the new provision at Elmete Wood. It is anticipated that if the Rose Court proposals progress to a sponsor competition the specification for this provision would include a similar funding model to that for the new free school at Elmete Wood. Further concern was raised that the High Needs Block in Leeds is already in deficit and creating more specialist places beyond those already planned will exacerbate this situation.

**Response:** Existing SILCs have already been consulted on as part of an ongoing funding review. The intention is that the funding review will lead to all SILCs being funded at the same level as the rate proposed for the specialist free school at Elmete Wood. Taking in to account the pressures on funding for SEND provision, Leeds City Council is currently look at ways in which funding can be made equitable across existing, future and proposed SILCs. Although any new funding model may necessitate a phased introduction and protection for exceptional cases, it is

anticipated that by the time the specialist free schools are due to open there would be a consistent funding model for all SILCs.

This proposal has been brought forward as part of a series of measures to address anticipated future demand for specialist places, which is separate to the review of how specialist places are funded.

## **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 Consultation on the proposal took place between 18 November and 19 December 2019. To maximise stakeholder engagement a variety of consultation methods were used, including: email; an online survey and informal drop-in sessions held at Rose Court and the City Centre Hub in Merrion House (for parents, residents and other interested stakeholders) which offered attendees an opportunity to discuss the proposal with Leeds City Council representatives from the Sufficiency and Participation, Highways, and City Development teams. Sufficiency and Participation officers also visited events to talk to parents and carers of children and young people who have special needs about the proposal and obtain their feedback. Leaflets advertising the consultation were delivered to residents in the local area and details of the proposal and the consultation drop-in sessions were also given to parents and carers via information sent out by existing SILCs. Details about the consultation were also sent to all primary and secondary schools across the city and to other stakeholders. Posters were displayed at a number of locations in the local area and information was available via the Leeds City Council website and through various social media platforms and accounts. A targeted Facebook advertising campaign was also undertaken to reach all people aged 25-65+ living in Leeds.

4.1.3 Local ward members for Headingley and Hyde Park received email communications ahead of the consultation period to raise awareness of the proposal. MP's have also received these communications.

### **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 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 local authority's statutory duty to ensure that there are sufficient learning places for all the children in Leeds.

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 learning places we can support the priority aims of improving educational attainment and 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 learning place also contributes towards delivery of targets within the Children and Young People's Plan such as our obsession to improve achievement, attainment and attendance at school.

#### Climate Emergency

4.3.4 There is an identified need for additional specialist school places in Leeds. This proposal would meet some of this increased demand and offer more choice so that families may be able to access places closer to where they live.

4.3.5 The sponsor appointed to run the proposed new free school would need to produce a 'Travel Plan' which would contain a package of agreed measures to mitigate the potential impact on the highways. 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.

4.3.6 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. The council's Executive Board has also mandated that the authority should be carbon neutral by 2030. This will result in sustainable/ green infrastructure being required of all future projects in order for planning permission to be granted. To this end if the proposal progresses, any refurbishment/remodelling scheme would explore the potential use of renewable energy and energy saving technologies, with the aim of increasing sustainability and minimising energy consumption. 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. The Projects and Programmes team will work closely with the planning and landscape officers to understand the requirements for the Rose Court site.

4.3.8 Any contractors tendering for the proposed scheme would 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 In November 2019, Executive Board approved a proposal 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. Subsequently terms were agreed and a deposit on the purchase of the Rose Court site was progressed during week commencing 09/12/19.

4.4.2 Feasibility commenced in January 2020 to identify the scope of works required to make the buildings suitable for use as a special school. Should a planning application be required, the normal planning process would be followed, giving all stakeholders the opportunity to review the proposals and comment on them. Although no adaptations will be made to the exterior of the building, early consultation with planning and Historic England is required to understand any potential risk or implications around the Grade II listed façade.

4.4.3 During feasibility, cost estimates for any works that will be required will be determined ahead of a request for Authority to Spend. Site acquisition and costs arising from the feasibility study will be funded from the Learning Places Programme.

4.4.4 The cost of the scheme will be funded as part of the Learning Places Programme primarily via the use of Basic Need Grant in addition to a combination of other funding streams that may include: School Condition allocation, SEND grant, council borrowing; Community Infrastructure Levy. However, the precise funding package will be confirmed at the design freeze stage, and detailed in a subsequent Design and Cost report (DCR).

4.4.5 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.

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

4.5.1 The proposal would establish a new special school under the free school presumption process, in accordance with the requirements of section 6A of the

Education and Inspections Act 2006 and the guidance set out in 'The free school presumption departmental advice for local authorities and new school proposers' (May 2018). The legislation that relates to this guidance includes The Education Act 2011, The Educations and Inspections Act 2006 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 new specialist free school provision at Rose Court in Headingley has been brought forward in time to allow places to be delivered for 2021. 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 alternative temporary measures being put in place which would be more costly in the longer term. The local authority's ability to meet its statutory duty for sufficiency of learning 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, including SEND places, is one of our top priorities. This proposal has been brought forward to support learners in Leeds to benefit from being able to access specialist provision and so delivering our vision of Leeds as a child friendly city.

5.2 A clear majority of respondents support the proposal to establish a new specialist free school at Rose Court in Headingley. Concerns raised during consultation have been considered, and on balance, the proposal remains strong and addresses the need for specialist school places city-wide.

5.3 The additional places are required to ensure the authority meets its legal requirement to ensure sufficiency of specialist provision for September 2021. There is evidence that an additional 200 specialist places are required every year until 2022/23 and, if implemented, this proposal would contribute towards addressing part of that need. The consultation on this proposal was robust, did not raise any major concerns and was popular amongst those that submitted a survey response. It is therefore recommended that approval for the local authority to launch a competition seeking to identify a preferred sponsor to run the new free school is approved.

## **6. Recommendations**

Executive Board is asked to:

- a) Note the outcome of consultation on the proposal to establish a new 150-place specialist free school for children and young people aged 4-16 at Rose Court, Buckingham Road, Headingley;

- b) Approve the commencement of a free school presumption process under the terms set out in the Education and Inspections Act 2006 (section 6A), allowing the local authority to launch a competition seeking to identify a preferred sponsor to run the new free school;
- c) 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.