

**Report of Director of Children and Families**

**Report to Executive Board**

**Date: 10 February 2021**

**Subject: Outcome of statutory notice on a proposal to permanently increase learning places at West Oaks SEN Specialist School and College from September 2021**



Are specific electoral wards affected?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, name(s) of ward(s): Headingley & Hyde Park, Little London & Woodhouse	
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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If relevant, access to information procedure rule number:	
Appendix number:	

**Summary**

**1. Main issues**

- This report contains details of a proposal brought forward by the governing body of West Oaks SEN Specialist School and College, working in partnership with Leeds City Council, 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.
- For prescribed alterations for maintained schools the Local Authority (LA) is the decision maker.
- Following a public consultation on a proposal to permanently expand West Oaks SEN Specialist School and College from 350 to 500 places for children and young people aged 2-19 with effect from September 2021, the governing body met on 3 December 2020 and unanimously agreed that the proposal should progress to the next formal stage of consultation. A statutory notice was published on 11 December 2020 and expired on 8 January 2021.

- The governing body of West Oaks SEN Specialist School and College published a statutory notice on 11 December 2020 marking the start of a four week formal consultation, also known as the ‘representation’ stage as prescribed in the ‘Prescribed Alterations’ regulations. During this four week period, which ended on 8 January 2021, anyone could raise views/ concerns that had not previously been raised or addressed during the public consultation. There were seventeen representations made during this period. One of the representations received objected on highways related concerns and concerns that the identified need could be met within existing specialist provision in the Boston Spa area. These concerns were not previously raised in the public consultation. The other sixteen respondents made comments in support of the proposals.
- Where formal objections are received in respect of school organisation proposals, the Executive Member for Learning, Skills and Employment will engage with the Chair of Children and Families Scrutiny Board and agree next steps. The outcome of those discussions is conveyed to Scrutiny Board members so that they might express agreement or otherwise. As an objection was received during the representation period, this process was followed and Scrutiny Board members determined that no further scrutiny of the objection received was required.
- This report summarises the representations received during the statutory notice period and seeks approval from Executive Board on the recommendations below.

## **2. Best Council Plan Implications** (click [here](#) for the latest version of the Best Council Plan)

- 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.
- This proposal would establish high quality specialist school places, actively contributing towards achievement of the Child Friendly City aspiration to ‘improve educational attainment and close achievement gaps for children and young people vulnerable to poor learning outcomes’.
- By providing new high quality specialist places at an existing Ofsted rated “outstanding” provider, 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 is being brought forward to meet the LA’s statutory duty to ensure that there are sufficient school places for all the children and young people in Leeds. If the proposal went ahead, West Oaks SEN Specialist School and College would meet learners’ needs as effectively as possible through the utilisation of the increased capacity the additional site provides. This flexibility would benefit the children and young people on roll at the school. Providing specialist places at the former Rose Court site is an efficient use of resources which should enable more children and young people to access suitable provision within a reasonable travelling distance of where they live. The former Rose Court site 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.

- 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'. A good quality school place also contributes towards delivery of targets within the Children and Young People's Plan such as to the 3As strategy to improve attendance, achievement and attainment.

### **3. Resource Implications**

- Feasibility is currently underway to identify the scope of works required to make the buildings suitable for use as a special school.
- Once feasibility and detailed design works are completed, costs for the proposed scheme would be determined. Following design freeze the Director of Children and Families, in consultation with School Places Programme Board would be asked to approve Authority To Spend for the proposed scheme along with any necessary risk fund application, in line with the governance arrangements currently in place.

### **Recommendations**

#### **Executive Board is asked to:**

- a) Approve the governing body's proposal to permanently expand West Oaks SEN Specialist School and College from 350 to 500 places for children and young people aged 2-19 utilising a site on Buckingham Road in Headingley (previously known as Rose Court) with effect from September 2021;
- b) Approve the recommendation to exempt the decision from call-in for the reasons set out in paragraph 4.5.2;
- c) Note that implementation of the proposal is subject to funding being agreed based on the outcome of further detailed design work and planning applications as indicated at section 4.4 of this report and that the proposal has been brought forward in time for places to be delivered for 2021; and
- d) 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 by the governing body of West Oaks SEN Specialist School and College 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 statutory notice regarding a proposal to permanently expand West Oaks SEN Specialist School and College from 350 to 500 places for children and young people aged 2-19 from September 2021 utilising a site at Buckingham Road, Headingley (formerly known as Rose Court) and seeks a final decision on the proposal.

## **2. Background information**

- 2.1 Leeds City Council consulted in November/December 2019 on a proposal to establish new specialist provision at the former Rose Court site on Buckingham Road in Headingley. Following this consultation Executive Board gave approval in February 2020 for a free school presumption process to take place to identify a sponsor to run the provision. The free school competition ran from 4 May to 29 June 2020 but did not result in a successful sponsor being identified. DfE Guidance indicates the next step would be to move to a Section 7 competition. Under section 7(1) of Part 2 of the Education and Inspections Act 2006 (Invitation for proposals for establishment of new schools) a Local Authority can hold a competition to invite applications to establish a new special free school or new special foundation school. By October 2020 the required permission from the Secretary Of State to allow a Section 7 competition to go ahead to establish new specialist provision on the former Rose Court site had still not been received. The governing body of West Oaks SEN Specialist School and College approached the Local Authority with an alternative proposal about utilising the former Rose Court buildings to expand their provision onto a further additional site. The DfE confirmed that West Oaks SEN Specialist School and College, as an Ofsted rated "Outstanding" special school which already delivers successfully across multiple sites, would be acceptable to them as a provider for specialist provision on the former Rose Court site. The governing body subsequently proceeded to consult on the proposal, working in partnership with Leeds City Council.
- 2.2 Public consultation on the governing body's proposal took place between 18 November and 2 December 2020. To maximise stakeholder engagement a variety of consultation methods were used including: email, social media messages, an online survey and two online consultation engagement events. The online events offered attendees an opportunity to discuss the proposal with Leeds City Council officers and representatives/governors from West Oaks SEN Specialist School and College. Details of the proposal and the online consultation sessions were also given to parents and carers via information sent out by the school. Details about the consultation were sent to all primary schools, secondary schools and SILCs across the city and to other stakeholders. Posters were displayed at a number of locations in the Headingley and Woodhouse areas and information was available via the Leeds City Council website, school website and through various social media platforms and accounts.
- 2.3 Local ward members for Headingley & Hyde Park and Little London & Woodhouse received email communications ahead of the consultation period to raise awareness of the proposal as did local MPs. Principals of existing SILCS were made aware of the proposals before consultation began.

- 2.4 Following consultation, the governing body of West Oaks SEN Specialist School and College met on 3 December 2020 and unanimously voted to publish a statutory notice in respect of the proposal. A statutory notice was published on 11 December 2020 which marked the start of a four week formal consultation, also known as the 'representation' stage as prescribed in the 'Prescribed Alterations' regulations. During this four week period, which ended on 8 January 2021, anyone could submit comments or objections.
- 2.5 There were seventeen representations made during this period. One of the representations received objected raising highways concerns at the Boston Spa site and that St John's School for the Deaf could have been considered for expansion in the Boston Spa area. These concerns were not previously raised in the public consultation. The other sixteen respondents made comments in support of the proposals. Where formal objections are received in respect of school organisation proposals, the Executive Member for Learning, Skills and Employment will engage with the Chair of Children and Families Scrutiny Board and agree next steps. The outcome of those discussions is conveyed to Scrutiny Board members so that they might express agreement or otherwise. As an objection was received during the representation period, this process was followed and Scrutiny Board members determined that no further scrutiny of the objection received was required.

### **3. Main issues**

- 3.1 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. The need for places in specialist schools is forecast to increase beyond the number of places currently available in Leeds and the proposed expansion of West Oaks SEN Specialist School and College has been brought forward along with other proposals to address this demand.
- 3.2 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 and they are very popular with families.
- 3.3 In November 2019 Executive Board approved a proposal to establish a new special free school in East Leeds, funded by the DfE. The proposed opening date for this new provision is September 2022. In January 2020 Executive Board also approved proposals to permanently expand East SILC. Along with proposals to expand existing SILCs, the proposed expansion of West Oaks SEN Specialist School and College would address the identified additional future demand for specialist places across the city. Establishing additional places at West Oaks SEN Specialist School and College from September 2021 would also manage a short term need, in light of the potential delay to the special free school, as well as providing additional specialist places over the longer term.

### Summary of additional/proposed new SILC places in Leeds (Sept 2020 onwards)

Opening/expected opening date	Provider	Location	Number of places
Sept 2020	East SILC	Former Shakespeare Primary School site	30
Sept 2020	East SILC	Oakwood site	25
Sept 2020 onwards	West Oaks SEN Specialist School and College	West Oaks – Woodhouse Learning	69
Sept 2021 onwards	West Oaks SEN Specialist School and College	Former Rose Court site	150 (proposed)
Sept 2022	Co-Op Academies Trust	Former Copperfields College site	200
Total			474

- 3.4 West Oaks SEN Specialist School and College was rated ‘Outstanding’ by Ofsted at its most recent inspection (April 2017) and is popular with families. The school benefits from strong leadership and management and a dedicated and skilled staff team who are very positive about the potential permanent expansion. The Principal and Governing Body are confident that if West Oaks SEN Specialist School and College were to expand, existing high standards of learning would be maintained, resulting in improved outcomes for a greater number of children and young people with Special Educational Needs and Disabilities (SEND). The school already successfully operates across two sites (Woodhouse and Boston Spa) and the Principal and Governing Body have prior experience of successfully managing other expansions. They also have a clear vision of what they want to achieve through this proposal.
- 3.5 The proposal would increase the number of specialist places available at West Oaks SEN Specialist School and College from 350 to 500 from September 2021 utilising the former Rose Court site on Buckingham Road in Headingley with the first phase of these places being available within the academic year 2021/22. The phasing plan for the proposed refurbishment is under development and will be focused towards initially providing some critical a53
- 3.6 accommodation subject to the outcome of any Planning / Listed Building applications, technical and logistical limitations and discussions with school leaders to ensure that the measures proposed are conducive to successful operation within an SEN environment. It is anticipated that portions of the newer building could be made available first, with Grade II listed building works being done later due to their complexity and more intensive requirements. Supporting facilities may initially be limited, such as on-site car parking, due to the need to temporarily accommodate the construction compound and works area.
- 3.7 The governing body of West Oaks SEN Specialist School and College, working in partnership with Leeds City Council, undertook a public consultation on this proposal between 18 November and 2 December 2020. A total of 91 consultation survey responses were received during that consultation of which 86 (95%) either strongly supported or somewhat supported the proposal to permanently expand West Oaks SEN Specialist School and College. 3 (3%) either strongly opposed or somewhat opposed the proposal and 2 (2%) neither supported nor opposed the proposal.

3.8 A summary of the main themes from comments submitted during the public consultation period by those supportive of the proposed expansion is included below (individual respondents may have made more than one of these comments);

- 44 of the comments received recognised that additional specialist places are needed in order to address the rising city-wide demand.
- 30 of the comments received highlighted that West Oaks SEN Specialist School and College is a provider of high quality places and many of these referred to its current “outstanding” Ofsted rating.
- 26 of the comments received supported the expansion of the existing provision provided by West Oaks SEN Specialist School and College.

3.9 Concerns raised through the public consultation and subsequently considered by the governing body of West Oaks SEN Specialist School and College are as follows (individual respondents may have made more than one of these comments);

- a lack of transparency about the process that led to West Oaks governing body consulting on this proposal and other providers not having an opportunity to bid to run provision.
- the consultation period being short (2 weeks long) and not well publicised.
- the proposed additional places should be dedicated provision for children and young people with Autistic Spectrum Condition, not generic SEND provision.
- the proposal doesn't address a need for additional post-16 SEND provision.

3.10 By October 2020 the required permission from the Secretary Of State to allow a Section 7 competition to go ahead to establish new specialist provision on the former Rose Court site had still not been received. The governing body of West Oaks SEN Specialist School and College approached the Local Authority with an alternative proposal about utilising the former Rose Court buildings to expand their provision onto a further additional site. The DfE confirmed that West Oaks SEN Specialist School and College, as an Ofsted rated “Outstanding” special school which already delivers successfully across multiple sites, would be acceptable to them as a provider for specialist provision on the former Rose Court site. The governing body subsequently proceeded to consult on the proposal, working in partnership with Leeds City Council.

In their meeting of 3 December 2020 the governing body of West Oaks SEN Specialist School and College considered all of the points raised in response to the public consultation that took place between 18 November and 2 December 2020, including the concerns listed above.

Given that public consultation had previously taken place in November/December 2019 on a proposal to hold a free school presumption to establish new specialist provision on the former Rose Court site, the governors felt that the consultation in November/December 2020 was sufficiently long to give all interested parties an opportunity to respond. All primary, secondary and SILC providers in Leeds were informed about the consultation along with academy trusts, all ward members, dioceses, the local MPs, parents' groups and all respondents to the consultation in Nov/Dec 2019. The consultation was widely publicised via emails to stakeholders including parents/carers, information on the LCC website and West Oaks SEN Specialist School and College website, social media messages and posters displayed in the local area. There were 91 responses to the consultation, 95% of which either strongly or somewhat supported the proposal.

3.11 In terms of the public consultation concerns about the nature of the proposed provision, West Oaks SEN Specialist School and College provides learning places

for children and young people aged 2 to 19, so post-16 provision is already part of their offer. The school already has a large autistic cohort and the governing body and school leaders are aware of the city-wide need for more specialist places for children and young people, particularly those with complex communication difficulties including ASC. If the proposal went ahead the school would work with the Local Authority to deliver the additional places to the children and young people who need them based on their EHCPs.

3.12 During the four week representation period, following publication of the statutory notice, there were seventeen representations made; one of the representations received objected to the proposal on grounds not previously raised during the first stage of public consultation and the other sixteen representations were in support of the proposal.

3.13 A summary of the main themes from comments submitted during the statutory notice period by those supportive of the proposed expansion is included below (individual respondents may have made more than one of these comments);

- 11 of the comments received highlighted that West Oaks SEN Specialist School and College is a provider of high quality places and many of these referred to its current “outstanding” Ofsted rating.
- 10 of the comments received recognised that additional specialist places are needed in order to address the rising city-wide demand.
- 10 of the comments received supported the expansion of the existing provision provided by West Oaks SEN Specialist School and College.

Other comments received in support included the proposal being a good use of the former Rose Court site, reduced journey times for pupils attending the former Rose Court site, improved facilities for pupils attending West Oaks SEN Specialist School and College and the leadership and management of the school having previous experience of managing an expansion and having the capability to manage the proposed expansion.

3.14 **Summary of concerns received during the statutory notice period within representations supportive of the proposal.**

3.14.1 **Concern that greenspace at the former Rose Court site would be built on:** A respondent asked for clarification about the proposed use of the greenspace on the former Rose Court site.

3.14.2 **Response:** There is no plan to construct new accommodation on the former Rose Court site as part of the proposal to permanently expand West Oaks SEN Specialist School and College. The purchase of Rose Court was based upon the utilisation, following adaptation, of the existing facility. There will be some requirements to complete works to the existing external area on the site, in particular the development of the green space to provide sports provision, development of the much needed off-street parking for teaching staff and the establishment of a consistent boundary security fence. These enhancements will be subject to the required planning approval and consultation would take place with local residents prior to the submission of any planning application.

3.14.3 **Concern about the condition of a boundary wall at the former Rose Court site:** One respondent wanted to raise awareness of the condition of the former Rose Court site boundary wall along Victoria Road in terms of graffiti and cracks.

- 3.14.4 **Response:** If the proposal progresses, the condition of the building including the perimeter wall would be surveyed and any essential works undertaken to ensure a safe, secure and suitable provision is created.
- 3.14.5 **Concern about the provision of therapeutic mental health services:** One respondent commented on a perceived lack of therapeutic mental health services for children and young people with SEND and requested that enhanced provision be included in the proposal, were it to go ahead.
- 3.14.6 **Response:** West Oaks SEN Specialist School and College already commissions independent occupational therapy, physiotherapy and speech and language therapeutic support and has plans to review how therapeutic mental health support is offered to children and young people on the roll of the school.
- 3.14.7 **Concern about the future name of the former Rose Court site:** One respondent was concerned that if the site is referred to as “Rose Court” it would cause confusion as the original Rose Court building is elsewhere on Headingley Lane.
- 3.14.8 **Response:** West Oaks SEN Specialist School and College has confirmed that if the proposal went ahead the site would be known as West Oaks – Headingley Learning.
- 3.15 **Summary of objections to the proposal received during the statutory notice period.**
- 3.15.1 **Concern related to highways and transport:** A respondent raised concerns about existing inconsiderate parking in the vicinity of the West Oaks – Boston Spa Learning site and suggested that this would be exacerbated if the proposal was to go ahead. The respondent claimed that there is insufficient parking provision at the West Oaks – Boston Spa Learning site and members of staff and school transport vehicles routinely park on Westwood Way causing disruption and inconvenience to local residents.
- 3.15.2 **Response:** The proposed permanent expansion of West Oaks SEN Specialist School and College would be facilitated through the development of a third site at Buckingham Road in Headingley. This would be in addition to the school’s existing two sites at Woodhouse in Leeds and Westwood Way in Boston Spa. The proposed additional 150 places would be located at the Headingley site, with the first phase of these places operational from September 2021. The governing body and senior leaders at West Oaks SEN Specialist School and College have no plans at the current time to increase the number of learning places at the Westwood Way site.

Buses taking pupils to and from the West Oaks - Boston Spa Learning site on Westwood Way park within the school site and the school issues independent taxi drivers with guidance regarding considerate parking. There is also on-site parking available for members of staff. Recent building work near to the Boston Spa Learning site has potentially put additional parking pressure on roads in the vicinity of the school and at certain times of the day there may be more demand for parking in the area linked to the two other schools that are located on Westwood Way. As the proposed additional places at West Oaks SEN Specialist School and College are due to be delivered at the former Rose Court site in Headingley it is not anticipated that they would have an impact on the parking requirements at the Boston Spa site. If the proposal went ahead the ‘Travel Plan’ of West Oaks SEN Specialist School and

College would need updating to contain a package of agreed measures to mitigate any potential impact on highways.

**3.15.3 Concern that alternative options were not considered:** A respondent suggested that the proposed additional 150 places could have been established at St John's School for the Deaf in Boston Spa and that opportunities were missed to explore this as an alternative option

**3.15.4 Response:** West Oaks SEN Specialist School and College is a maintained Local Authority provider. Although it provides generic SEN places, it has a large autistic cohort and additional places there would address an identified city-wide need. In contrast, St John's School for the Deaf is an independent provider which caters for a specific need and its location in Boston Spa is a considerable distance from areas of the city where the need for generic specialist places is increasing the most.

## **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 The Statutory Notice was published in the Yorkshire Evening Post on 11 December 2020 and the full proposal was posted on the Leeds City Council website and on the West Oaks SEN Specialist School and College website. All parents/carers at the school received notification, along with any stakeholder who responded to the first stage of informal consultation and provided their contact details. Other local schools were also informed about the proposal along with ward councillors, community groups and other relevant stakeholders. Copies of the notice were posted at entrances to the West Oaks-Woodhouse Learning and West Oaks-Boston Spa Learning sites and on the gates of the former Rose Court site on Buckingham Road in Headingley. Information about the statutory notice was also shared on social media platforms.

4.1.3 Details of the Statutory Notice were shared with local ward members

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

4.2.1 The EDCI screening form for this 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 school places for all the children and young people in Leeds. Providing specialist places at the former Rose Court site is an efficient use of resources which should enable more children and young people to access suitable provision within a reasonable travelling distance of where they live. The former Rose Court site 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.

- 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 learning places through the Learning Places Programme is one of the baseline entitlements of a child friendly city.
- 4.3.4 Providing additional good quality specialist places in an already established school, to address increasing demand city-wide, will contribute towards the achievement of the Child Friendly City aim 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.
- 4.3.5 A good quality school place also contributes towards delivery of targets within the Children and Young People's Plan such as to the 3As strategy to improve attendance, achievement and attainment.

#### Climate Emergency

- 4.3.6 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 to families. Because the places at West Oaks SEN Specialist School and College would be delivered across three sites, more children and young people may be able to access places closer to where they live, therefore reducing the distance they have to travel to and from school.
- 4.3.7 The 'Travel Plan' of West Oaks SEN Specialist School and College would need updating to contain a package of agreed measures to mitigate the potential impact on 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.
- 4.3.8 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 would support the design team to identify energy saving measures that could help 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.

- 4.3.9 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 former Rose Court site on Buckingham Road in Headingley.
- 4.3.10 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 the Rose Court site from The Trustees of the Leeds Grammar School and Leeds Girls High School Foundation. Subsequently terms were agreed and the purchase of the Rose Court site was completed in July 2020.
- 4.4.2 Feasibility is currently underway to identify the scope of works required to make the buildings suitable for use as a special school. As part of the building is Grade II listed, there is a need to balance the restoration of historic features with end user requirements, adhere to the demands of the conservation area, conform to Planning, resolve condition issues etc. whilst creating a suitable SEN environment. Once feasibility and detailed design works are complete a cost estimate will be generated, which will in turn be used as the foundation for an 'Authority to Spend' request.
- 4.4.3 The costs of the scheme will be funded as part of the Learning Places Programme. The precise funding package will be confirmed at the design freeze stage, and detailed in a subsequent Design and Cost report (DCR).
- 4.4.4 School Places Programme Board (SPPB) provides strong cross council and corporate involvement to ensure that appropriate governance is applied to learning places schemes. The Director for Children and Families, who chairs SPPB, provides the final approval of individual scheme DCRs, along with any 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 in consultation with the Director of City Development and the Director of Resources & Housing, both of whom are Board members, and in consultation with the appropriate Executive Members.
- 4.4.5 Once feasibility and detailed design works are completed, costs for the proposed scheme would be determined. Following design freeze the Director of Children and Families, in consultation with School Places Programme Board would be asked to approve Authority To Spend for the proposed scheme along with any necessary risk fund application, in line with the governance arrangements currently in place.

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

- 4.5.1 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. The process followed in respect of this proposal is detailed in this report. The decision maker in these cases remains the local authority (LA).

- 4.5.2 It is recommended that this report be exempt from the Call-In process, in line with Executive & Decision Making Procedure Rule 5.1.3. Executive Board is the decision maker for this proposal and statutory guidance states that a decision must be made within 2 months of the end of the representation period following publication of a statutory notice or be referred to the Schools Adjudicator. The representation period ended on 8 January 2021 therefore a decision would need to be made by 7 March 2021. There was no Executive Board meeting in January and February's Executive Board is the earliest that a report could be presented. If the decision was 'called-in' and Scrutiny Board subsequently referred the matter back to Executive Board with a recommendation to reconsider its decision, this would then be outside of the 2 month decision period. In addition, the objection received has been referred to Scrutiny Board following consideration by the Executive Member for Learning, Skills and Employment and the Chair of Children and Families Scrutiny Board as detailed earlier in this report.

## 4.6 Risk management

- 4.6.1 This proposal has been brought forward in time to allow specialist places to be delivered for September 2021. A decision not to proceed at this stage may result in fresh consultations 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 school places in the short term may be at risk.
- 4.6.2 If the proposal does not proceed there is a risk that increased city-wide demand for specialist places will not be met and that more children and young people would not be able to access suitable provision within a reasonable travelling distance of where they live.
- 4.6.3 There is also a corporate risk and legal 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 learning 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 a specialist place and so delivering our vision of Leeds as a child friendly city.
- 5.2 Sixteen out of the seventeen respondents to the statutory notice support the proposal to permanently expand West Oaks SEN Specialist School and College from September 2021 utilising the former Rose Court site in Headingley. Concerns raised during consultation have been considered, and on balance, the proposal remains strong and addresses the need for specialist 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 and beyond. There is evidence of city-wide need for additional specialist places and it is therefore recommended that the proposal be approved.

## **6. Recommendations**

### **Executive Board is asked to:**

- a) Approve the governing body's proposal to permanently expand West Oaks SEN Specialist School and College from 350 to 500 places for children and young people aged 2-19 utilising a site on Buckingham Road in Headingley (previously known as Rose Court) with effect from September 2021;
- b) Approve the recommendation to exempt the decision from call-in for the reasons set out in paragraph 4.5.2;
- c) Note that implementation of the proposal is subject to funding being agreed based on the outcome of further detailed design work and planning applications as indicated at section 4.4 of this report and that the proposal has been brought forward in time for places to be delivered for 2021; and
- d) 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.