

Report of Director of Children and Families

Report to Executive Board

Date: 21 April 2021

Subject: Outcome of statutory notice on a proposal to establish Resource Provision at St Margaret’s Church of England (C of E) Primary School from September 2021



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

Summary

1. Main issues

- This report contains details of a proposal brought forward to meet the Local Authority’s duty to ensure a sufficiency of school places. The changes that are proposed form prescribed alterations under the Education and Inspections Act 2006. The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 and accompanying statutory guidance set out the process which must be followed when making such changes. The statutory process to make these changes varies according to the nature of the change and status of the school. The process followed in respect of this proposal is detailed in this report. The decision maker in these cases remains the local authority (LA).
- An initial public consultation on a proposal to establish a 12 place Resource Provision for pupils with complex communication difficulties including Autistic Spectrum Condition (ASC) at St Margaret’s C of E Primary School in Horsforth with effect from September 2021 took place between 20 November and 18 December 2020. The outcome of this consultation was detailed in a report presented to Executive Board at its meeting on 10 February 2021 who approved the recommendation for the LA as proposer to publish a statutory notice in respect of the proposal.

- A statutory notice was published on 24 February 2021 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 24 March 2021, anyone could submit comments on or raise objections to the proposal. There were six representations received during the statutory period of which three supported the proposal, two did not express support or objection to the proposal and one objected to it. The objection was on grounds not previously raised during the first stage of public consultation. Other points made that did not come forward previously included one respondent who raised concerns about communications and site access, one who raised concerns about secondary SEND provision and one who asked questions about the impact of the proposed additional accommodation and the benefits the proposed provision might offer to pupils of the school who would not be on the roll of the Resource Provision. These concerns and questions are addressed in the main section of this report.
- 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 Resource Provision learning places in a mainstream setting, 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 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. Providing Resource Provision places in an area where demand is high is an efficient use of resources which should enable more children to access suitable provision within a reasonable travelling distance of where they live. 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 the 3As strategy to improve attendance, achievement and attainment.

3. Resource Implications

- Planning permission would need to be granted prior to the commencement of any construction works required. Once the feasibility stage is complete and, subject to the proposal gaining approval to proceed to detailed design stage, budgets would be realigned to reflect that all parties have agreed the final design and cost estimates, which would take account of site investigations and survey information, in accordance with standard project and risk management principles. The scheme would also be subject to relevant stakeholder consultation.
- At its meeting on 10 February Executive Board approved provisional 'Authority to Spend' £1.1m for this scheme. Once design freeze has been reached, School Places Programme Board would be asked to confirm Authority to Spend for the proposed scheme along with any necessary risk fund application, in line with current governance arrangements.

Recommendations

Executive Board is asked to:

- a) Approve the proposal to establish a 12 place Resource Provision for pupils with complex communication difficulties including Autistic Spectrum Condition (ASC) at St Margaret's C of E Primary School in Horsforth 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; and
- 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 LA's duty to ensure a sufficiency of school places, which supports the achievement of the Best Council priority to improve educational attainment and close achievement gaps. This report describes the outcome of a statutory notice published under the Education and Inspections Act 2006 and in accordance with the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 in regard to a proposal to establish a 12 place Resource Provision for pupils with complex communication difficulties including ASC at St Margaret's C of E Primary School and seeks a final decision in respect of this proposal.

2. Background information

- 2.1 At its meeting on 10 February 2021, Leeds City Council's Executive Board considered the outcome of the initial public consultation on this proposal which took place between 20 November and 18 December 2020. Approval was given to publish a statutory notice, which was brought forward under the Education and Inspections Act 2006 and in accordance with the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013. The Notice was published on 24 February 2021 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 24 March 2021 anyone could object to or comment on the proposal. A final decision on a proposal must be made within 2 months of the expiry of the statutory notice, therefore by 24 May 2021. Executive Board is the decision maker for this proposal.
- 2.2 The statutory notice was published in the Yorkshire Evening Post and the full proposal was posted on the Leeds City Council website. All parents/carers at the school received notification, along with any stakeholders who responded to the first stage of informal consultation and provided their contact details. Other local schools were also informed about the proposals along with ward councillors, community groups and other relevant stakeholders.
- 2.3 There were six representations received during the statutory period of which three supported the proposal, two did not express support or objection to the proposal and one objected to it. The objection was on grounds not previously raised during the first stage of public consultation. Other points made that did not come forward previously included one respondent who raised concerns about communications and site access, one raised concerns about secondary SEND provision and one asked questions about the impact of the proposed additional accommodation and the benefits the proposed provision might offer to pupils of the school who would not be on its roll. These concerns and questions are addressed in the main section of this report.

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 places and specialist provision places across the city. The strategic drive to keep pupils in mainstream or with enhanced provision in mainstream school is a key priority for the city. To support this there is an identified need for additional Resource Provision places in mainstream schools, particularly for children and young people with

complex communication difficulties which are being identified as a consequence of a substantial increase in Education, Health and Care Plan (EHCP) assessments. Demand for new Resource Provision places to be developed in key locations across the city has resulted in this proposal being brought forward at this time.

- 3.2 The proposed specialist Resource Provision at St Margaret's C of E Primary School would support children with EHCPs to attend a local mainstream setting providing both a differentiated curriculum and access to mainstream social and wider curriculum activities. The proposed provision would also potentially benefit other pupils who may be able to access some of the resources created through the scheme where appropriate.
- 3.3 Specialist staff with expertise and skills in ASC would lead the provision, better providing for pupils' sensory and learning needs and enhancing the quality of provision for pupils with Special Educational Needs and Disabilities (SEND).
- 3.4 The establishment of Resource Provision at St Margaret's C of E Primary School is proposed as it would provide specialist places at an Ofsted rated "Outstanding" school situated in an area of need for children with complex communication difficulties. The school is inclusive and there are a significant number of children already on roll who have SEND including many with complex communication difficulties including ASC. Existing staff have considerable experience of meeting the needs of these children and there is also a real commitment on the part of the head teacher, leadership team and governors to making a success of the proposed provision by building on what they are already doing to support children with SEND.
- 3.5 Leeds City Council's Learning Inclusion team is supportive of the proposed establishment of Resource Provision places at St Margaret's C of E Primary School and the head teacher, Governing Body and Senior Leadership Team are confident that the dedicated staff team at the school can meet the needs of every child who attends, managing the establishment of Resource Provision whilst maintaining high standards of teaching and learning.
- 3.6 An initial public consultation on a proposal to establish a 12 place Resource Provision for pupils with complex communication difficulties including Autistic Spectrum Condition (ASC) at St Margaret's C of E Primary School in Horsforth with effect from September 2021 took place between 20 November and 18 December 2020. The outcome of this consultation was detailed in a report presented to Executive Board at its meeting on 10 February 2021 who approved the recommendation for the LA as proposer to publish a statutory notice in respect of the proposal.
- 3.7 During the four week representation period, following publication of the statutory notice there were six representations received of which three supported the proposal, two did not express support or objection to the proposal and one objected to it.
- 3.8 A summary of the main themes from supportive comments submitted during the statutory notice period is included below (individual respondents may have made more than one of these comments);
 - Three of the comments received stated that there is a need in the area for the proposed Resource Provision.

- One of the comments received suggested that the proposed provision would be of benefit to all children attending St Margaret's C of E Primary School.
- One of the comments received was complimentary about the existing provision for SEND learners at St Margaret's C of E Primary School and supported the development of it through the establishment of Resource Provision at the school.

3.9 Summary of concerns received during the statutory notice period within representations supportive of the proposal

3.9.1 Concern that local families are unable to find suitable secondary SEND provision. One respondent asked if additional secondary SEND places were being planned for the area as there appears to be a shortage of places.

3.9.2 Response: Proposals were approved at Executive Board's meeting in February 2021 to establish Resource Provision at Bishop Young C of E Academy and to permanently expand West Oaks SEN Specialist School and College from 350 to 500 places for learners aged 2-19 utilising the former Rose Court site in Headingley. These schemes will commence within the academic year 2021-22 and both will result in secondary SEND capacity in Leeds increasing. The expansion of West Oaks SEN Specialist School and College will address a city-wide need for additional specialist places and the Resource Provision at Bishop Young C of E Academy will address a need in the local area and beyond. Resource Provision is also being established at Trinity Academy Leeds which is a new secondary free school that is due to open in the Burmantofts area of Leeds in Sept 2021 and a new special free school catering for ages 4-16 is due to open on the former Copperfields College site in East Leeds in 2023. Further proposals will be brought forward in the future as required to address identified secondary SEND need at both a city-wide and local level.

3.10 Summary of concerns and questions received during the statutory notice period within representations that neither supported nor opposed the proposal

3.10.1 Concern that local residents were not aware of the proposals. One respondent only became aware of the proposal part way through the statutory period despite living in close proximity to the school. The respondent suggested that the communication methods used to raise awareness of the consultation process were focussed too heavily on families with school-aged children.

3.10.2 Response: Initial consultation on the proposal to establish Resource Provision at St Margaret's C of E Primary School was undertaken from 20 November to 18 December 2020. Despite the pandemic restrictions in place at the time a range of activities were undertaken to engage with the local community and other stakeholders.

A delivery company was engaged to distribute leaflets advertising the consultation to approximately 340 households in the local area including the street where the respondent lives. Email communications about the consultation were sent out to local schools, local Early Years settings, ward members, the local MP, Horsforth Town Council, the Catholic and C of E dioceses and various parent support groups.

Information about the consultation was posted on the Leeds City Council and school websites and shared via various social media platforms. Parents and carers of existing pupils at St Margaret's C of E Primary School were informed about the consultation via communications from the school and meetings about the proposal were held with staff and governors of the school. Two online consultation sessions were also held which offered attendees, including members of the public, an opportunity to discuss the proposal with the school leadership team and Leeds City Council officers.

The comments and suggestions made by this respondent about the effectiveness of communications will be considered when future consultation work is being planned.

3.10.3 Concern about disruption from construction works. One resident of Town Close in Horsforth raised concerns about potential disruption during construction works and suggested alternative access to the school site should be established on a permanent basis from Church Road. Concern was also raised about how frequently Town Close is already used for vehicular access to the school site.

3.10.4 Response: Town Close is currently used on an occasional basis for vehicle access to the school field at St Margaret's C of E Primary School for activities such as grounds maintenance and grass-cutting. If the proposal to establish resource provision at the school progresses, additional accommodation would be needed to deliver it. This accommodation would be provided through the installation of a modular building on the school playground/field. Contractor access for the installation of the modular unit would need to be via Town Close as this is the only vehicular access route to the school field and playground.

If the proposal goes ahead, every effort would be made to keep vehicular movements associated with installation of the accommodation to a minimum. As much work as possible would be done off site ahead of delivery of the building which would arrive in sections ready to be craned in to position from Church Road before being assembled on site. It is anticipated that delivery of the units to site would necessitate road closures and the closure of a bus stop for one day. Ahead of installation work starting a letter/flyer would be sent to all residents on Town Close. This would set out details of the construction works including working hours, a brief description of the works, when the modular unit would be arriving and any times when it is likely to be more disruptive, for example when groundworks are being carried out which is hoped should only last for a 2 week period - pending the results of the recent surveys and there being no complications.

The creation of temporary or permanent access from Church Road to the school site would be a matter for the Special Purpose Vehicle (SPV) as St Margaret's is a Private Finance Initiative (PFI) school and this is outside of the scope of this project.

3.10.5 Question about the impact of the proposed Resource Provision on pupils at St Margaret's C of E Primary School. One respondent asked for clarification about how a Resource Provision might be of benefit to pupils attending the school who are not on the roll of the provision.

3.10.6 Response: St Margaret's C of E is an inclusive school which already has a significant number of children on roll who have Special Educational Needs and Disabilities (SEND) including many with complex communication difficulties including ASC. The proposed Resource Provision would enable the school to

provide much-needed specialist resources for children with SEND and the head teacher and leadership team believe that it would be a potential benefit to all pupils and staff in the school.

The Resource Provision would provide additional accommodation, which school leaders intend would be accessed by children from both the mainstream school and the Resource Provision. Having more physical space for SEND pupils within the school would reduce the pressure on existing teaching groups and enable the school to have more flexibility to meet all pupils' identified needs. The establishment of specialist provision would positively contribute to the harmonious environment within school and enhance the learning experience of all pupils.

If the proposal goes ahead the intended staffing structure would include an additional 7 roles. Highly trained and skilled staff would be able to share their areas of expertise, including supporting learners with ASC, with the wider school community.

3.10.7 Question about the impact of the proposed new accommodation. One respondent asked for clarification about how the existing infrastructure and playing fields would be impacted by the new accommodation and when construction work would be carried out.

3.10.8 Response: If the proposal goes ahead new accommodation would be provided in a modular building sited at the edge of the school field/on the playground. The modular building would be located in such a way as to prevent loss of the playing field and to minimise the impact on the playground. Works to install the accommodation are anticipated to commence on site in July 2021 and be completed for the end of October 2021.

3.11 Summary of the objection received during the statutory notice period

3.11.1 From the Headteacher and Governing Body of Bramley Park Academy - concern that there is insufficient demand for the proposed provision and it would have a negative impact on their own Resource Provision

A Resource Provision was established at Bramley Park Academy (BPA) in September 2020. The head teacher and governing body there have raised concerns that the Resource Provision places proposed at St Margaret's C of E Primary School, which are in relatively close proximity to BPA, are not needed and would have a detrimental effect on both the sustainability of their own Resource Provision and on their budget. This in turn would impact negatively on the outcomes of all children attending BPA. The Resource Provision at BPA is undersubscribed and there are concerns from the academy that many of the referrals do not match the type of provision on offer.

3.11.2 Response: Across all pupils within the Education Health Care Plan cohort in January 2020, the most common type of primary need is autistic spectrum disorder. Therefore when making new specialist placements within the city, Resource Provisions (RP) are set up mainly around meeting this need. This is a city wide need and it provides small numbers of much needed placements within local schools. It is important to set the provisions up well with careful consideration regarding the numbers of children per year group. When a new RP is set up,

families are often not aware of the provision and the LA identifies appropriate children to attend in partnership with the school.

There is an identified need for Resource Provision places to address demand in and around Horsforth for children with complex communication difficulties including Autistic Spectrum Condition (ASC). St Margaret's C of E already has a significant number of children on roll who have Special Education Needs and Disabilities (SEND) including many with complex communication difficulties including ASC and this provision would enable the school to meet the needs of both these and more local children. The context for St Margaret's is therefore very important as is expanding the space and including quality provision for pupils with ASC in a school that is in high demand. Other schools in Horsforth have expressed support for the proposal and a number of local parents have told us that more provision is needed in the area.

It is important to note that other primary RPs for autism that have been set up, in the South, Beeston Hill St Luke's and Carr Manor in the North East have all filled with expected number of children. Bramley RP was set up to commence from September 2021, to also meet the demand across the city. Bramley is not yet at capacity and the LA recognises that there have been some challenges around why all children are not attending the provision. This is mainly due to the fact that the LA requires the school to meet the needs of pupils with complex communication, including pupils with autism and also pupils who have social emotional and mental health needs, which is part of their profile. It is important to understand that when children move placements and when they need specialist support, they are very often in crisis and have significant behaviour needs.

The LA has engaged and is continuing to engage with the school to work together to support around the pupils that do need to attend and the LA has agreed a new timeframe around children accessing the RP at Bramley with a review of the school's financial position to ensure that they are fully supported.

4. Corporate considerations

4.1 Consultation and engagement

- 4.1.1 The process in respect of the proposal has been managed in accordance with the relevant legislation and with local good practice.
- 4.1.2 The statutory notice was published in the Yorkshire Evening Post on 24 February 2021 and the full proposal was posted on the Leeds City Council website. All parents/carers at the school received notification, along with any stakeholder who responded to the first stage of public 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 school and information about the statutory notice was shared on social media platforms.
- 4.1.3 Details of the statutory notice were shared with local ward members who are supportive of the proposal proceeding.

4.2 Equality and diversity / cohesion and integration

4.2.1 The EDCI screening form 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 LA's statutory duty to ensure that there are sufficient learning places for all the children and young people in Leeds. Providing Resource Provision places in an area where demand is high is an efficient use of resources which should enable more children to access suitable provision within a reasonable travelling distance of where they live.

4.3.3 This proposal contributes to the city's aspiration to be the best council, the best city in which to grow up and a child friendly city. The delivery of pupil places through the Learning Places Programme is one of the baseline entitlements of a child friendly city.

4.3.4 Providing additional good quality specialist places in an already established setting, to address increasing demand in the area, 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, these proposals provide 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 primary Resource Provision places in and around Horsforth. These proposals would meet some of this increased demand and offer increased choice so that local families are able to access Resource Provision relatively near to where they live, thus reducing journey times to and from school.

4.3.7 If the proposal is approved, St Margaret's C of E Primary School would need to produce an updated '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.

4.3.8 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 build 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 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 any build scheme required, 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 Any contractors tendering for the proposed development 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 would 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 At its meeting on 10 February 2021, Executive Board approved provisional 'Authority To Spend' £1.1m for this scheme which would be funded from the Learning Places Programme, primarily through Basic Need Allocations. After the feasibility stage the scheme would proceed to the detailed design phase when budgets would be realigned to reflect final design and cost estimates. This process would take account of site investigations and survey information, in accordance with standard project and risk management principles. Once design freeze is reached, the precise funding package would be detailed in the relevant Design and Cost Report (DCR) and the Director of Children and Families, in consultation with School Places Programme Board would be asked to confirm Authority To Spend for the proposed scheme along with any necessary risk fund application based on the latest design-freeze cost estimates, and in line with the governance arrangements currently in place.

4.4.2 Proposed works to enable the Resource Provision to be established at St Margaret's C of E Primary School would include the installation of a modular building on site. Implementation of the project would be subject to agreement with the Private Finance Initiative (PFI) provider and there would be fees associated with amending the PFI contract should the proposed installation of additional accommodation go ahead.

4.4.3 The proposed scheme would be subject to planning permission which would need to be granted prior to the commencement of construction works. The scheme would also be subject to relevant stakeholder consultation.

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. Following the decision at Executive Board on 10 February 2021 to publish a statutory notice, this was done following expiry of the call in period on 24 February 2021. The representation period ended on 24 March 2021 therefore a decision would need to be made by 24 May 2021 at the latest. As there is no meeting of Executive Board in May the decision needs to be taken by Executive Board in April. 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 could not be until June Executive Board, which would be outside of the 2 month decision period. The consequence would be that a local decision could no longer be made and the matter would automatically be referred to the Office of the Schools Adjudicator to decide. 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 and Scrutiny Board members determined that no further scrutiny of the objection received was required.

Risk management

- 4.5.3 This proposal has been brought forward in time to allow the Resource Provision places to be delivered for 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. The LA's ability to meet its statutory duty for sufficiency of school places in the short term may be at risk.
- 4.5.4 Initial discussions with the Special Purpose Vehicle about the proposal have been positive however the legal process associated with amending the PFI contract could take up to 6 months so there is a risk that if not approved to move to the next stage, this may not be concluded in time for the accommodation to be delivered ahead of an implementation date of September 2021.
- 4.5.5 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 local Resource Provision place and so delivering our vision of Leeds as a child friendly city.

- 5.2 These 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 need for Resource Provision places in and around the Horsforth area, therefore it is recommended that the proposal be approved.

6. Recommendations

Executive Board is asked to:

- a) Approve the proposal to establish a 12 place Resource Provision for pupils with complex communication difficulties including Autistic Spectrum Condition (ASC) at St Margaret's C of E Primary School in Horsforth 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; and
- c) Note the responsible officer for implementation is the Head of Learning Systems.

7. Background documents¹

- 7.1 None

¹ The background documents listed in this section are available to download from the council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.