

Outcome of statutory notice on a proposal to permanently increase learning places at St Edward's Catholic Primary School from September 2022

Date: 22 September 2021

Report of: Director of Children and Families

Report to: Executive Board

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

What is this report about?

Including how it contributes to the city's and council's ambitions

- This report contains details of a proposal brought forward to meet the local authority'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 expand St Edward's Catholic Primary School to permanently increase the number of places offered at the school in Reception from 20 to 30 places from September 2022 and seeks a final decision in respect of this proposal.
- A statutory notice was published on 09 July 2021 marking the start of a four week formal consultation, as required by the 'Prescribed Alterations' regulations. During this four week period, which ended on 06 August 2021, anyone could submit comments on or raise objections to the proposal. There were 26 representations received during the statutory notice period of which 4 supported the proposal, 5 did not express support or objection to the proposal and 17 objected to it.
- 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 17 objections were received during the representation period, this process was followed and Scrutiny Board members determined that a Children and Families Scrutiny Board meeting would be held to consider the representations received. The meeting took place on Wednesday 8th September 2021 and a statement from Scrutiny Board to the Executive Board is included as an appendix to this report.
- This report summarises the representations received during the statutory notice period and seeks approval from Executive Board on the recommendations below.

Recommendations

- a) Approve the proposal to expand St Edward's Catholic Primary School to permanently increase the number of places offered at the school in Reception from 20 to 30 places with effect from September 2022;

- b) Approve the recommendation to exempt the decision from Call-In for the reasons set out in paragraph 23; and
- c) Note the responsible officer for implementation is the Head of Learning Systems.
- d) To note the conclusions and recommendations of the Scrutiny Board (Children and Families) consideration of the proposal to increase learning places at St Edward's Catholic Primary School.

Why is the proposal being put forward?

- 1 There is an identified need for additional primary school places in the Boston Spa area to meet anticipated demand in future years.
- 2 The demand for primary school places in the Boston Spa area has grown in recent years. Although the birth rate for the area fluctuates, we are not seeing a decline in births as has been seen in other areas of the city. The variation in the cohort size has reduced in recent years and future cohorts are more consistently in the middle of the range. Cohort sizes in this area consistently grow from birth to starting school and there has been an increase in the numbers of children of primary school age arising from new housing developments. There is also some further housing that may come forward in the near future.
- 3 Additional temporary places have been offered at schools in the area to help meet demand for places in recent years and St Edward's Catholic Primary School which is popular and consistently over-subscribed offered an additional 10 places above its PAN for Reception 2020 to ensure sufficient Reception places were available in the local area.
- 4 As the number of primary-aged children living in Boston Spa is expected to increase further over future years, additional permanent places are now required to address the growing need.
- 5 St Edward's Catholic Primary School was rated 'Outstanding' by Ofsted at its most recent inspection and is popular with families. The head teacher and governing body are confident that if the school were to expand, existing high standards of teaching and learning could be maintained, resulting in improved outcomes for a greater number of local children.

What impact will this proposal have?

Wards affected: Wetherby		
Have ward members been consulted?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

- 6 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. Providing places close to where children live allows improved accessibility to local and desirable school places, is an efficient use of resources and reduces the risk of non-attendance.
- 7 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.
- 8 A good quality school 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.
- 9 The Equality, Diversity, Cohesion and Integration Screening (EDCI) form is attached as an appendix to this report.

What consultation and engagement has taken place?

- 10 The process in respect of the proposal has been managed in accordance with the relevant legislation and with local good practice.
- 11 An initial public consultation on a proposal to permanently increase the number of places offered at St Edward's Catholic Primary School in Reception from 20 to 30 places from September 2022 took place between 15 January and 11 February 2021. The outcome of this consultation was detailed in a report presented to Executive Board at its meeting on 23 June 2021 who approved the recommendation for the LA as proposer to publish a statutory notice in respect of the proposal.
- 12 The statutory notice was published in the Yorkshire Evening Post on 09 July 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.
- 13 Details of the statutory notice were shared with local ward members who are supportive of the proposal proceeding.
- 14 During the four-week representation period, following publication of the statutory notice there were 26 representations received of which 4 supported the proposal, 5 did not express support or objection to the proposal and 17 objected to it.
- 15 A summary of the supportive comments submitted during the statutory notice period is included below (individual respondents may have made more than one of these comments);
 - a) An expansion at St Edwards Catholic Primary School is needed to address the rising demand for primary school places resulting from new housing developments.
 - b) St Edwards is a popular school, has strong leadership, provides an excellent quality of education and is an important part of the local community. If the number of places is increased, then more children will be able to benefit from all that St Edwards has to offer.
 - c) The school is fully inclusive and has good SEND provision.
 - d) The school site has the potential for expansion and the car park has recently been expanded, ensuring off road parking is available for all members of staff and they are using it.
 - e) Expansion would have benefits to the school in in terms of curriculum planning and delivery for single age classes.
 - f) The school already has more than 20 pupils in most year groups so the increase in overall numbers at the school will be around 40, not 70, across all year groups by the time the new admission number filters through. It should not be assumed that all additional families will drive to school. Sustainable methods of travel are already, and will continue to be, encouraged by school and the proposed extra 10 places are unlikely to impact significantly on car use.
 - g) The proposed expansion would make the school more viable in the longer term.
- 16 Summary of concerns and suggestions received during the statutory notice period within representations that neither supported nor opposed the proposal (individual respondents may have made more than one of these comments);
 - a) **Concern over the potential increase in traffic on Westwood Way:** Five respondents highlighted that there are three schools on this road and there are existing issues with congestion, hazardous parking and cars blocking driveways at school drop off and pick up times, cars being parked on the road all day which sometimes causes access issues for larger vehicles (such as emergency services and bin wagons) and pedestrian safety issues, all of which would be exacerbated by expanding one of the schools. Some suggestions were also made; creating a 'drop off' zone for all three schools to use as

outlined in the neighbourhood plan; having yellow lines on one side of Westwood Way; implementing a resident only/ permit holder parking area on Westwood Way.

17 Summary of the objections received during the statutory notice period (individual respondents may have made more than one of these comments);

- a) **Concern over the potential increase in traffic on Westwood Way and other nearby residential roads:** 15 respondents highlighted issues on local roads, comments included; that there are three schools on Westwood Way and there are existing issues with congestion and cars parking on pavements / blocking driveways at school drop off and pick up times; cars being parked on the road all day which sometimes causes access issues for larger vehicles (such as emergency services and bin wagons); pedestrian safety issues caused by hazardous/illegal parking and speeding; environmental concerns related to drivers leaving engines running and the volume of traffic; disruption caused to local residents by cars being parked on residential roads for long periods of time by customers and staff of local businesses and schools that are located in the vicinity of Westwood Way. All of which would be exacerbated by expanding the number of places at the school. Some suggestions were also made around creating a 'drop off' zone for all three schools to use as outlined in the neighbourhood plan; implementing a resident only /permit holder only parking area on nearby residential streets; and considering the relocation of St Edwards school.

This concern was also raised and responded to in the report to Executive Board on 23 June 2021.

Response: A full traffic assessment and Transport Statement has been commissioned and if the proposal is approved, the Transport Statement will set out to understand the issues raised by residents and parents and to identify any mitigation measures that might be introduced to the area in order to address or reduce the traffic impact brought by the school. It must be acknowledged that resolving some of the problems raised may be linked to driver behaviour, however, the Transport Statement will aim to promote meaningful and deliverable improvements to accompany the proposed expansion.

Leeds City Council encourages sustainable travel and an updated School Travel Plan would also be commissioned in order to encourage travel by non-car modes by parents/pupils and staff. Leeds City Council's 'Travelwise Team' would support the school and ensure up to date techniques would be incorporated into the Travel Plan to promote sustainable travel modes and reduce reliance on single car occupancy journeys. Realistic targets would be set by the Travel Plan and on-going promotion and survey work would aim to reduce car borne traffic at drop-off and pick-up times, offsetting some or all of the impact brought by the proposed expansion.

The school promotes walking, cycling and scooting to school and runs a "Walk on Wednesdays" initiative, with the children who take part each half-term being entered into a prize draw for a £5 reward voucher. Recent census information shows that the majority of children who attend St Edwards Catholic Primary School live within Boston Spa and currently 54 percent of pupils walk or cycle to school. The school is hoping to increase this number by promoting use of the nearby Churchfields car park for those families that do travel by car.

St Edwards has recently had some improvements made which created a number of additional on-site parking spaces. The school feels that the number of parking spaces would be adequate to accommodate all staff, including catering staff and any visitors' cars in the car park were the expansion to go ahead. As part of any expansion process the

number of parking spaces available would be reviewed to ensure that there was sufficient for all staff.

The increase in pupil numbers would happen gradually over several years so the full impact of increased numbers of pupils would not take place all at once. Although there would be an increase in the admission limit of 10 places per year group for Reception to year 6 it should be noted that the school already has more than 20 pupils on roll in most year groups and the overall number of children on roll at last census was 169. Increasing the Admission number to 30 would eventually see this rise to 210 pupils, a net gain of 41 pupils rather than 70.

To expand St Edwards from 20 places to 30 places one additional teaching space would be required, along with a review of the existing number of toilets and ancillary accommodation, therefore making it a value for money solution. If instead the school were to be relocated, the scheme would be likely to be a multi-million pound development. Given the relatively small increase in places that this would provide, it would not offer good value for money and would not be the best use of public money.

- b) **Concern that expanding a school that has faith-based admissions criteria will draw more children in from outside the local area, thereby increasing car usage:** Five comments received expressed concern that extra places at St Edwards would bring in more children from outside the area as Catholic schools have larger catchment areas than community schools. One respondent also objected to the principal of faith base education providers and suggested that only schools with no faith links should be allowed to expand.

This concern was also raised and responded to in the report to Executive Board on 23 June 2021.

Response: The Education Act 1996 places a duty on local authorities to ensure there are sufficient school places for all children living in its area. The local authority (LA) is also required to promote choice and diversity, and therefore must also ensure that there are a range of options available to parents/carers. Although St Edwards prioritises places based on faith criteria, it is a school that is preferred by both Catholic and non-Catholic families. The majority of pupils attending St Edwards live within the Boston Spa area. The school offered an additional 10 places in Reception in 2020, offering a total of 30 places. 18 places were offered to Catholic families based on faith criteria and 12 places were offered to non-Catholic families based on distance to school. There are 22 children due to start Reception in September 2021, 18 were allocated a place on faith criteria and 4 were allocated places on non-faith criteria. The additional places at St Edward's, which is popular with both Catholic and non-Catholic families in the area, would be anticipated to continue to serve a local need.

- c) **Concern that the proposal to expand the school is not consistent with other Council priorities:** Two respondents commented that the proposal would present challenges to meeting council priorities around the climate emergency and reducing carbon emissions. One respondent questioned what consideration had been given to the sustainability of construction materials that would be used if the expansion went ahead.

Response: The local authority's 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. 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. Full consideration would be given to the use of sustainable materials as part of the detailed design discussion to ensure they

were in line with LCC's planning policies. A travel plan will also be developed in conjunction with the school detailing sustainable methods of transport and targets for increasing the number of children and staff who walk to school or car share.

- d) **Concern about the consultation process:** two respondents commented that the report on the initial consultation did not fully reflect residents' traffic and highways concerns which gave the impression that a decision has already been made that the proposal should progress. Three respondents suggested that the assessment of highways issues should take place before a decision is taken on the proposed expansion and two questioned why a meeting had not taken place with the residents as indicated at one of the online consultation engagement sessions. One respondent reported that not all local residents had received a copy of the public consultation leaflet.

Response: The initial public consultation, that took place between 15 January and 11 February 2021, was the information gathering stage of the process and was an opportunity for people to share their views regarding the proposal and help inform the next steps. The report to Executive Board on 23 June 2021, whilst it did not specifically mention every individual point made within the responses to the initial consultation, provided an accurate summary of the key points made and concerns that were raised at that time.

Concerns outlined by local residents around traffic and highways during the initial consultation and statutory notice period have been shared with colleagues in Highways and mitigation measures would be explored as part of the design development process. Although a decision has not yet been made as to whether this proposal will progress, Leeds City Council has committed to undertaking a highways assessment as part of the design development process (should LCC Executive Board approve the expansion) to establish how the build scheme would be best delivered.

The public consultation period that took place from 15 Jan to 11 Feb was advertised widely via the school and council websites as well as via additional promotion through social media channels. Over 200 leaflets were delivered to residents and, in light of the pandemic, online consultation engagement sessions were held through Zoom for people to find out more about the proposal. Further details of how the consultation and events were communicated were detailed in the report to Executive Board on 23 June 2021 which summarised the outcome of the consultation. The comments made about the effectiveness of communications will be considered when future consultation work is being planned.

- e) **Concern that there is no need for additional school places in the area:** four comments received expressed doubt that future demand would exceed the number of Reception places currently available in Boston Spa.

This concern was also raised and responded to in the report to Executive Board on 23 June 2021.

Response: Boston Spa is an area where cohorts tend to grow from birth which has resulted in additional places being offered in the past two years due to the increase in cohort sizes. This trend is expected to continue and with additional housing planned, a decision to not create these additional places creates a risk of local children being unable to secure a local school place and the council failing in its statutory duty to secure sufficient primary school places.

18 Children and Families Scrutiny Board met on 8th September 2021 to consider the representations received during the statutory notice period and a statement to the Executive Board from that meeting is included as an appendix to this report.

What are the resource implications?

- 19 Based on initial viability, the indicative cost for delivery of a scheme to support an expansion at St Edward's Catholic Primary School is expected to be between £360K and £500K. The Diocese has already undertaken some works to provide an additional classroom and extend car parking facilities at the school and planning permission is in place for a seventh classroom. Viability work is currently underway to confirm if this will meet requirements for the expansion to 1FE and when complete should give a more accurate estimate of the cost of the scheme and whether further planning permission is required.
- 20 The proposed expansion would be funded from the Learning Places Programme, primarily through Basic Need Allocations. Along with Basic Need funding there are some Section 106 contributions available arising from local housing development, some of which could be used to part fund the expansion at St Edward's. The precise funding package would be confirmed at the design freeze stage and detailed in the relevant Design and Cost report (DCR).
- 21 Once the viability/feasibility stage was complete and the scheme proceeded to the detailed design phase, budgets would be aligned to reflect that all parties have agreed the final design and cost estimate, which would take account of site investigations and survey information, in accordance with standard project and risk management principles. Once design freeze was reached, the precise funding packages would be detailed in the relevant Design and Cost Reports (DCRs) and the Director of Children and Families, in consultation with School Places Programme Board would be asked to approve final Authority To Spend for the proposed scheme along with any necessary risk fund application, in line with the governance arrangements currently in place.

What are the legal implications?

- 22 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 for making the proposed 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 LA is the decision maker in this case.
- 23 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 final decision must be made within 2 months of the end of the statutory notice period, therefore by 6 October 2021, or be referred to the Schools Adjudicator.

Following the decision at Executive Board on 23 June 2021 to publish a statutory notice, this was done following expiry of the call-in period on 09 July 2021. The representation period ended on 06 August 2021 and as there is no Executive Board meeting in August the earliest a report could go to Executive Board was September. If the decision was then 'called-in' and Scrutiny Board subsequently referred the matter back to Executive Board with a recommendation to reconsider its decision, this could not be done until October 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 objections received were considered by Scrutiny Board on 8th September 2021 as detailed in Appendix B. As ratified by Scrutiny Board at its meeting in July 2019, if Scrutiny Board was convened to consider objections for these types of proposal, a recommendation would be made in the final report to Executive Board to exempt the decision from call-in to ensure that a decision was made within 2 months of the end of the Statutory Notice period.

What are the key risks and how are they being managed?

- 24 This proposal has been brought forward in time to allow additional primary places to be delivered for 2022. 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 further bulge cohorts being delivered in other local schools which would be more costly in the longer term.
- 25 In response to growing demand for Reception places in recent years, some schools in the Boston Spa area have admitted over their PANs. This includes St Edward's Catholic Primary School which offered an additional 10 places in Reception in 2020. As the number of primary pupils living in the Boston Spa area is anticipated to increase further in future years, additional permanent places are required to address the growing need. A decision not to proceed with the expansion of St Edward's Catholic Primary School could result in insufficient school places being available to meet local demand and the Local Authority's ability to meet its statutory duty for sufficiency of school places in the short term may be at risk.
- 26 There is also a corporate risk associated with failing to provide sufficient school places in good quality buildings that meet the needs of local communities.

Does this proposal support the council's three Key Pillars?

Inclusive Growth

Health and Wellbeing

Climate Emergency

- 27 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'.
- 28 Providing additional school places in an already established, Ofsted rated 'Outstanding', school in an area where demand for places is increasing 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.
- 29 There is an identified need for additional primary school provision in the Boston Spa area due to changes in the birth rate, increases in the numbers of children of primary school age and several new housing developments. This proposal would help meet the current and future increase in demand and help ensure that local families are able to access local places and reduce journey times to and from school. St Edward's Catholic Primary School's close proximity to residential areas which have experienced population growth means that walking to school would be a viable option.
- 30 If the proposal is approved St Edward's Catholic 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 highway as a result of the expansion. Leeds City Council's 'TravelWise team' would support school to identify measures that could be incorporated into the travel plan that ensured safe routes to and from school and promote walking, cycling and scooting.
- 31 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. 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.

Options, timescales and measuring success

What other options were considered?

32 There are five schools in the Boston Spa planning area. Bramham Primary School has already been expanded from 20 to 30 places, Primrose Lane Primary School already has a PAN of 30 and cannot be expanded further due to site constraints, and Lady Elizabeth Hastings C of E Primary School is also on a constrained site that could not support expansion. St Mary's C of E Primary (voluntary controlled) and St Edward's Catholic Primary (voluntary aided) both have a PAN of 20 and there is potential to expand to 30 on these sites. It is possible that we will need to expand both schools to 30 in future years dependent upon general growth and further housing coming forward in the area and at present an additional 10 places is anticipated to be sufficient to meet anticipated demand. St Edward's has already undergone recent changes to add a sixth classroom and additional car parking facilities and it would be a simpler and more affordable expansion scheme to undertake to add the 7th classroom already approved through planning if proved feasible and approval to expand is given.

How will success be measured?

33 If the proposal is approved the places will be delivered for September 2022 and this will allow local families to access a local school place.

What is the timetable for implementation?

34 This proposal has been brought forward in time to allow additional primary places to be delivered for September 2022.

Appendices

35 Appendix A: Equality, Diversity, Cohesion and Integration Screening (EDCI) form.

36 Appendix B: Children and Families Scrutiny Board Statement to the Executive Board.

Background papers

37 None.