Leeds CITY COUNCIL

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Report of the Director of Children's Services

Report to Executive Board

Date: 7 September 2011

Subject: Primary Basic Need Programme - Outcome of statutory notices for the expansion of primary provision in 2012.

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	X Yes Roundhay	☐ No
Are there implications for equality and diversity and cohesion and integration?	X Yes	☐ No
Is the decision eligible for Call-In?	X Yes	☐ No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number:	☐ Yes	X No

Summary of main issues

1. Leeds City Council has a statutory duty to ensure sufficiency of school places. The basic need programme represents the Council's response to the demographic pressures in primary school provision. Through this programme it has delivered over 500 new reception places since 2009. In December 2010 the Board agreed to progress a number of proposals, including one to change the age range of Roundhay School from 11-18 to 4-18 and expand the accommodation using land off Elmete Lane for the primary provision. The statutory process involves first a public consultation, and then a statutory notice, both of which allow for representations to be made from stakeholders. Executive Board approved publication of a statutory notice for the proposal in May 2011, and the statutory deadline requires that a final decision be made at the September 2011 meeting of Executive Board. The report describes the representations made, and recommends the proposals be approved.

Recommendations

2. Executive Board is asked to make a final decision to change the age range of Roundhay School Technology and Language College from 11-18 to 4-18 years, with a reception admission limit of 60, and expand the school's capacity using land off Elmete Lane for the primary provision.

1 Purpose of this report

1.1 At its meeting on 18 May 2011, the Executive Board considered a report on the outcome of consultation on proposals for expansion of primary provision from September 2012, and approved the publication of a statutory notice for the Roundhay proposal. This report describes the representations made to those notices, and asks the Executive Board to make a final decision on the proposals.

2 Background information

2.1 The proposal was brought forward as part of a range of measures to ensure the authority meets its statutory duty to ensure sufficiency of school places. The consultation was conducted from January 5 2011 to February 18 2011 in line with government guidance, and all ward members were consulted during the formal consultation period. Following consultation there was a pause to allow further analysis of demand data to address some of the concerns raised, and subsequently Executive Board approved publication of a statutory notice at its May 2011 meeting. The notice for the expansion and change of age range of Roundhay School Technology and Language College expired on 8 July 2011. Under the Education and Inspections Act 2006 a final decision must be made within two months of expiry of the notices, or be referred to the school's adjudicator for a decision. Any significant change to the proposal at this stage would require the proposal to be rejected, and fresh consultation to begin, precluding the delivery of places for 2012.

2.2 The Executive Board has convened the School Organisation Advisory Board (SOAB) to consider proposals where objections are received. Thirty eight representations were received, including nineteen objections. SOAB therefore sat on 11 August 2011 to consider the Roundhay proposal, and the minutes of their meeting are attached in Appendix 1. At that meeting two of the three SOAB members felt unable to make a recommendation as they felt they had insufficient demographic information on the potential impact on other local schools particularly to the East and South of the proposed site. This additional information has been provided in Appendix 2.

3 Main issues

3.1 The proposal is to change the age range of Roundhay School Technology and Language College 11-18 to 4-18, and expand the capacity from 1503 to 1923 to accommodate primary provision with an admission number of 60 into the Reception class. Additional accommodation would be provided on land off Elmete Lane and Wetherby Road for the primary provision. Thirty eight representations were received with nineteen objections and nineteen in support. The governing body of Roundhay School Technology and Language College reaffirmed their support for the proposal. A further two representations in support were received after the closing time on the final day. A summary of the issues raised in objection are contained in the following paragraphs. Copies of the statutory notice, verbatim representations and a copy of the report to SOAB can be found on: www.educationleeds.co.uk/schoolorganisation , or from the school organisation team via educ.school.organisation@leeds.gov.uk .

3.2 **Issues regarding pupil numbers, local need, sustainability and impact on other schools formed the bulk of the objections.** Concerns were raised that the provision was not justified based on pupil projections, and that it would undermine

other neighbouring schools. In particular that it would draw from the Seacroft area, and was not well situated to serve the Roundhay area it was designed to serve. This was a particular concern because of the automatic right to a year seven place at Roundhay high, the so called 'golden ticket' which could help to make the provision popular, and reduce access to year 7 for other local pupils. There were comments that there was not enough evidence of demand locally, and that the summary presented to May 2011 Executive Board was misleading as it suggested there would be no impact on other local schools.

3.3 **Response:** When bringing forward proposals a range of information is considered. Birth data, projections based on past behaviour, and maps describing the pre school populations in regard to their nearest school under the authority's admission policy were all used to develop the proposals. These show insufficient places in the Roundhay area for local children. Whilst the authority aims to provide local schools for local children, parental preference is a factor which must be considered, as the authority also has a statutory duty to promote choice and diversity.

3.4 These concerns were raised during the consultation stage, and as a result the proposal was paused and preference and allocation data for reception in September 2011 was analysed and considered before the statutory notice was approved. The May 2011 Executive Board report acknowledged that the areas each school draws from would be impacted, but that there was sufficient overall need for the places to not have an adverse impact on the existing schools, and the need for the extra 60 places was noted by many respondents. The site distances to other schools quoted by various respondents were inaccurate, and are : Kerr Mackie – 1.05 miles, Grange Farm – 0.64 miles, Talbot – 1.42 miles, Gledhow – 1.37 miles, Hovingham – 1.33 miles. This demonstrates that the site is well located within a reasonable distance of the most intense pressure.

3.5 Any change to provision will result in changes to the distribution of pupils as parents express their own preferences for their children. Whilst this site may not be located in the area of most intense pressure, it is sufficiently close that we believe it will have the effect of releasing capacity in the area of highest demand. In the representations in support of the proposal most noted the attractiveness of the proposed provision, and it is therefore likely to draw mainly from its immediate locality. This will limit the impact on other schools. Many also commented on the need for more places.

3.6 There remains a sufficient local population to fill Grange Farm Primary School, notwithstanding parental preference. Residents in the Barncrofts and Boggart Hill area will not gain priority for the new provision as Grange Farm will remain their nearest school. Grange Farm often find that even if they are full at initial allocation they are often not full by the start of the school year, as those who do not achieve their first choice seek to move elsewhere. With fewer and fewer surplus reception places each year in the whole school system it is becoming increasingly hard for families to move, and this effect will almost certainly reduce. There were six children placed in Grange Farm this year, suggesting most were happy to attend the school.

3.7 Roundhay St John's also currently draws its pupils from the local area around the proposed new provision. However, it offers a similarly attractive priority for a place at the city's only CE high school at Abbey Grange, and whilst it may be affected by the proposal to draw from a slightly wider area, this would allow church goers from

slightly further afar to attend the school. Whilst it may see a change, there is no reason to suppose that the choice it offers parents, alongside a high quality of provision, will not remain attractive. The school had 69 first preferences for 30 places and a waiting list of 34 at 14 July, and 154 first preferences refused in the whole area suggest it would continue to fill.

3.8 The sibling rule would apply to pupils in all year groups at the school. Reception pupils would therefore provide a priority link to siblings already in other primary schools applying for year 7 places, and older siblings in year 7 or above would provide a link for reception pupils. Since the school has often been unable to accommodate nearest children in year 7, this will only serve to reinforce the priority for local children. The impact is likely to be that Roundhay School would draw pupils from a similar area to before the David Young Community Academy adopted the nearest priority used by community schools. The admissions arrangements for all schools are reviewed annually, and there is opportunity to review the policy for 2013 onwards. The proposal does not assume any expansion to the overall year 7 capacity, however it will be 2019 before the first cohort progresses into year 7, and by this time many other changes will almost certainly have changed the pattern of provision in the area. Some of these are outside of local authority control, such as Free Schools, or national funding arrangements for sixth form provision. The authority will reflect on the need for any increase to year 7 capacity in due course, and manage the associated processes accordingly.

3.9 **Concerns that other options were not fully explored**. Concerns that other options were not fully explored, in particular that expansion at Gledhow was feasible and better placed, and that expansion of Roundhay St John's using the site would be a better solution, or a smaller new school. Reopening of Fir Tree school was also suggested.

3.10 **Response** All the other schools in the Roundhay area were considered for expansion, but were ruled out for a range of reasons, including site constraints, standards issues, or opposition from the governing body.

3.11 Gledhow Primary School are opposed to expansion to a three form entry 630 place school. They feel this would not be attractive to parents, and would alter the management and ethos of the school in an undesirable manner. Whilst the authority has a number of such large primary schools, and believes they can offer excellent standards as evidence by recent inspections as Westerton and Bankside Primary Schools, the authority believes the best outcomes for children will be achieved where the governing body that will be responsible for delivering the provision is supportive of proposals. Further, whilst land is available adjacent to the school it does not present a simple option for expansion due to access issues, current use as green space, and the layout of the overall site. Whilst the authority does not rule out the future possibility of provision, and has earmarked the land for future school use, it is unable to bring forward a proposal at this time.

3.12 The possibility of relocating Roundhay St John's was considered. If the vacated site was then used for new provision this could also create 60 places. Even if the land valuation and transfer issues could be resolved, this would not allow sufficient time to run a competition for the new school on the current Roundhay St John's site, meaning again the authority would be in breach of its statutory duty for sufficiency.

There was no interest in running the school as a split site 630 place school. The issue of proportionality was raised by the diocese, but there has been no erosion of the proportion of Church of England provision.

3.13 Any significant change to the proposal at this stage would require the proposal to be rejected, and fresh consultation to be started. This would include a change of size, or for a different provider to use the site. At this stage that would prohibit any places being realised for 2012.

3.14 Opening a new school on the old Fir Tree site would be out of the area of immediate area of demand, and there remains sufficient capacity in the Alwoodley area that the school is located in. It would also require a competition, which would preclude realising places until at least 2013.

3.15 **Other process concerns**. There were comments that the proposal had been rushed and was hasty. There was concern that misleading and inaccurate information had been presented, in particular that Roundhay St John's had not been identified in the consultation materials and this may have influenced people's responses. There were concerns about how consultation had been conducted, and lack of direct response to concerns raised in consultation, and lack of discussion of the specific proposal.

3.16 **Response:** The proposal was brought forward in line with statutory guidance. Preliminary informal consultation was held with all Roundhay schools, which failed to identify any other solutions, except the use of land adjacent to Allerton Grange High School which was also consulted on. Discussions were held with Kerr Mackie's head and chair of governors as those immediately adjacent to Roundhay School about the specific proposal, but all other schools had a full opportunity to participate and make their views known through the formal consultation process. All schools within two miles were formally consulted. The consultation document did omit the label for Roundhay St John's school in the map for nearest schools, an oversight due to Aided schools not having a nearest priority under the authority's admissions policy, but it was fully recognised and included in the data tables. This error was apologised for and clarified during consultation. These issues were raised during the initial consultation phase.

3.17 Responses received during consultation and statutory notice periods are customarily responded to through reports to Executive Board, who also have access to the verbatim responses. It is not possible to respond on an individual basis to all respondents, however it is a requirement that all the issues raised be considered.

3.18 **Educational concerns.** There were challenges as to the educational merits of a through school, and whether the authority had researched the issue. There was concern that primary and secondary phases require different teaching skills and practices, and the school's capacity to deliver this.

3.19 **Response:** The school improvement team have provided advice and precedent on through schools, looking at their potential to deliver good quality provision based on evidence of existing schools. The model is in widespread use in the private sector, and increasingly common in the maintained sector. A large proportion of Free School proposers are also developing the model.

3.20 If the proposal is approved, it will be for the governing body of the school to determine its staffing structure and leadership posts. It has demonstrated a clear commitment to specialist posts, and to early years, and already has several members of staff with primary experience. This proposal creates a new and different type of career development opportunity for primary leaders, potentially with a greater teaching focus and less facilities and administration elements. It is in the interests of the school to secure a positive start to every child's education if it is to deliver the best possible outcomes for its children at every stage. The current strength of the school and its governance, and the opportunity to improve transition, made the proposal attractive to many respondents who did not share this worry and trusted the school to deliver. One noted this was far more secure than inviting unknown providers through competition. The school have reaffirmed their commitment to building primary expertise.

3.21 **Traffic and road safety issues**. Concerns were raised about site traffic volumes and parking, on section of road which has recently been narrowed to calm traffic.

3.22 **Response:** The new provision will require new buildings, which in turn require planning permission. Highways and road safety issues will need to be addressed as part of this process, and will need to consider the full impact of the complete project from the outset. The provision is intended to meet local demand, and these children will need to travel to school somewhere, so will form part of the overall traffic in the area whatever their eventual destination. Local provision maximises the opportunity to walk to school. A number of respondents commented in favour that this proposal would have a lesser traffic impact than other uses of the site, and would help improve the site from its current state.

3.23 **Resource issues:** Some respondents challenged the value for money presented by the proposal

3.24 **Response:** All proposals are costed based on modular accommodation. A whole new school may entail greater cost per place than an expansion due to the requirement for infrastructure such as hall and dining facilities; however economies of scale mean that a new 60 place 2FE provision can provide a lower cost per place than a new 30 place provision. The proposal has been costed at £4.430m, and a one form entry new provision at Carr Manor at £2.574m, exclusive of site specific risk or abnormals. Expansions of existing provision have been costed on a project by project basis due to their differing needs.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 The consultation and notices have been managed in accordance with all relevant legislation. All ward members were formally consulted at the public consultation stage.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 The EDCI assessment was completed and is available from the School Organisation Team.

4.3 Council Policies and City Priorities

4.3.1 The proposal is brought forward to meet the Council's statutory duty to secure sufficient school places.

4.4 Resources and Value for Money

4.4.1 The high level estimated cost delivery of the proposal is £4,430,000, which will be funded through the education capital programme. This is based on modular accommodation and will be subject to significant development through detailed design. It does not include site acquisition costs or provision for any site specific conditions, risk or abnormals.

4.5 Legal Implications, Access to Information and Call In

4.5.1 The consultation and notices have been managed in accordance with all relevant legislation. Leeds City Council is the decision maker for these proposals. Under the Education and Inspections Act 2006 they must make a decision within two months of expiry of the notices, or the matter will be referred to the school's adjudicator for a decision. The decision maker can in each case:

- Reject the proposal
- Accept the proposal
- Accept the proposal with a minor modification e.g. change of implementation date
- Approve the proposals subject to them meeting a certain condition e.g. grant of planning permission

4.5.2 Any significant modification to a proposal would require fresh consultation, and prevent places being realised for 2012.

4.6 Risk Management

4.6.1 Should the proposal be rejected there would be insufficient time to reconsult and deliver a solution for 2012, thus risking breach of the council's statutory duty for sufficiency of provision. Short term measures would need to be identified to address any shortfall of places.

4.6.2 Should the proposal be approved, the delivery risks will be managed through a risk register by the project officer.

5 Conclusions

5.1 The issues raised during the statutory notice period have been addressed, and Children's Services are of the view the proposal should be approved.

6 Recommendations

6.1 Executive Board is asked to make a final decision to change the age range of Roundhay School Technology and Language College from 11-18 to 4-18 years, with a reception admission limit of 60, and expand the school's capacity using land off Elmete Lane for the primary provision

7 Background documents

Executive Board Reports

7.1 17 June 2009 Expanding Primary Place Provision

7.2 22 July 2009 Proposed increases in Admissions Limits for September 2010

7.3 19 May 2010 Outcome of statutory notices for changes to primary provision for September 2010, 2011 and 2012

7.4 21 July 2010 Outcome of statutory notices for proposals for expansion of primary provision for September 2011, and

7.5 Outcome of statutory notices for changes to primary age provision in Horsforth for September 2011

7.6 15 Dec 2010 Primary provision for 2012

7.7 30 March 2011 Basic Need Programme 2012 – Part A Outcome of consultation on proposals for primary provision for 2012 and Part B Request for Authority to spend.

7.8 18 May 2011 Basic Need Programme 2012 – Outcome of consultation on proposals for primary provision in 2012

Officer reports

7.9 21 May 2010 and 5 November 2010 SIB reports

7.10 7 May 2010 and 17 September 2010 AMB reports

7.11 EDCI impact assessment: Roundhay Through School

Consultation Documents and Statutory Notices

7.12 Consultation Document: Proposal to create additional primary provision in the Roundhay area at Elmete Lane from September 2012 to be run by Roundhay School Technology and Language College.

7.13 Statutory Notices: Proposal To Increase Primary Provision In The Roundhay Area By Change Of Age Range And Enlargement Of Roundhay School Technology and Language College By Using Additional Land At Elmete Lane From September 2012. Available on www.educationleeds.co.uk/schoolorganisation and follow links for Primary reviews and consultations.

Appendix 1: Minutes of the School Organisation Advisory Board, held 11th August 2011