

Report of Director of Children's Services

Report to Executive Board

Date: 24 April 2013

Subject: Primary Basic Need Programme – Outcome of statutory notices for the expansion of primary provision in 2014



Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Hyde Park and Woodhouse, Otley and Yeadon, Middleton Park	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Is the decision eligible for Call-In?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary 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. In December 2012 Executive Board considered the outcome of a public consultation to expand Little London Community Primary School, Rufford Park Primary School and Sharp Lane Primary School and Tranmere Park Primary School, and gave permission to publish statutory notices in respect of Little London, Rufford Park and Sharp Lane.
2. These proposals have been brought forward as part of a programme of expansions of primary provision to address the growing school population and would create an additional 105 permanent reception places from September 2014. The statutory process involves a two stage process, public consultation followed by a statutory notice period, both provide the opportunity for stakeholders to make representations. The statutory notice was published on 8 February 2013, and the statutory deadline requires that a final decision be made at the April 2013 meeting of Executive Board. This report describes the representations made, and recommends that the proposals be approved.

Recommendations

Executive Board is asked to approve the proposal to:

- 3 expand the physical capacity of Little London Community Primary School from 210 to 630 pupils, with an admission number increasing from 30 to 90 with effect from September 2014 on the adjacent site at Oatland Green.
- 4 expand the physical capacity of Rufford Park Primary School from 210 to 315 pupils, with an admission number increasing from 30 to 45 with effect from September 2014 on its existing site.
- 5 expand the physical capacity of Sharp Lane Primary School from 420 to 630 pupils, with an admission number increasing from 60 to 90 with effect from September 2014 on its existing site.

1 Purpose of this report

- 1.1 At its meeting on 12 December 2012, Executive Board considered a report on the outcome of consultation on proposals for primary expansion from September 2014, and approved the publication of statutory notices for the expansion of Little London Community Primary School, Rufford Park Primary School and Sharp Lane Primary School. This report describes the representations made to those notices, and asks Executive Board to make a final decision on the:
- 1.2 **Expansion of Little London Community Primary School** from 210 to 630 pupils, with an admission number increasing from 30 to 90 with effect from September 2014.
- 1.3 **Expansion of Rufford Park Primary School** from 210 to 315 pupils, with an admission number increasing from 30 to 45 with effect from September 2014.
- 1.4 **Expansion of Sharp Lane Primary School** from 420 to 630 pupils, with an admission number increasing from 60 to 90 with effect from September 2014.

2 Background information

- 2.1 The proposals have been brought forward as part of a range of measures to ensure the sufficiency of school places across the city. The first stage of the process, public consultation was conducted from 10 September 2012 to 19 October 2012 in line with statutory guidance and local good practice, and all ward members were consulted during the formal consultation period. Meetings were also held with school staff, governing bodies and school councils of the affected schools.
- 2.2 At its meeting on 12 December 2012, Executive Board considered a report describing the outcome of consultation on four proposals for expansion of primary provision from September 2014. It approved the publication of statutory notices for Little London Community Primary School, Rufford Park Primary School and Sharp Lane Primary School. The proposal relating to Tranmere Park Primary School was not progressed at that time and further work is being carried out in the area to determine whether any alternative solutions were available.
- 2.3 Under the Education and Inspections Act 2006, the proposal constitutes a prescribed change requiring a statutory process, of which a statutory notice is the final step. The notice was published on Friday 8 February and expired on Friday 8 March. A final decision must be made within 2 months of the expiry of the notice i.e. by Tuesday 7 May 2013.
- 2.4 This report describes the representations made to those notices, and asks Executive Board to make a final decision on the proposals.
- 2.5 The Executive Board convenes the School Organisation Advisory Board (SOAB) to consider proposals where objections are received. In this case, a total of 5 representations were received, including 2 formal objections. SOAB was therefore convened. A representation from the governing body of Sharp Lane Primary School was referred to SOAB and considered by them as an objection in order

that full consideration could be made of the issues raised. SOAB met on 21 March 2013 to consider the proposals, and their recommendation is attached to this report, as Appendix 1. Copies of the statutory notice, verbatim representations and a copy of the report to SOAB can be found on www.leeds.gov.uk or can be requested from the Capacity Planning and Sufficiency Team via educ.school.organisation@leeds.gov.uk.

3 Main issues

- 3.1 **Proposal One: Expansion of Little London Community Primary School** from 210 to 630 pupils, with an admission number increasing from 30 to 90 with effect from September 2014. 1 representation was received in support and 1 against. The governing body reaffirmed their support for the proposal.
- 3.2 **Concern: that in principle schools of over 600 pupils are wrong, particularly in areas of social disadvantage and that the needs of pupils should be put first rather than avoiding the need to go out to tender for a new school.**
- 3.3 **Response:** Little London Community Primary School is a successful primary school. There are many examples of successful 3 form entry primary schools across the country, including those in areas of disadvantage. Leeds has several 3 form entry primary schools, including at least one currently rated as outstanding by Ofsted – Westerton Primary School in the south of the city.
- 3.4 Research indicates that size is not the determining factor as regards to those schools which are successful but that the quality of teaching and learning and the quality of leadership and management are the key drivers for success. Little London Community Primary School benefits from both of these.
- 3.5 Larger schools can offer a greater range of activities, staff expertise and career development for staff. One respondent noted during the consultation phase that the creation of a larger school was a positive benefit where it enabled whole local communities to remain together.
- 3.6 One respondent during the representation phase commented in support of the proposal emphasising the many benefits to the community from the expansion of the school including employment opportunities, regeneration of the area as well as the creation of additional places for children at a local, popular and successful school.
- 3.7 The opportunity to expand Little London Community Primary was not taken by the Local Authority in order to avoid opening a new school. The proposal to expand a local successful primary school was brought forward to meet rising demographics in the area and at the same time recognising the regeneration requirements for the area adjacent to the school known as the 'community hub, including the shops, a housing office, play space and a community centre. The community hub project seeks to maintain and improve community facilities in the locality and explore how the local retail offer can be refreshed and improved.
- 3.8 **Proposal Two: Expansion of Rufford Park Primary School** from 210 to 315 pupils, with an admission number increasing from 30 to 45 with effect from

September 2014. 2 representations were received, 1 in support and 1 against. The governing body confirmed that they welcomed and supported the proposed school expansion to accommodate the growing number of primary school aged children in the area.

- 3.9 Whilst a high percentage of children attending Rufford Park Primary School walk to school (around 70%), the governing body acknowledged the concerns of residents expressed at the public meeting in October 2012 relating to increased nuisance from traffic in Rufford Avenue and requested that officers from Highways take note of these concerns and devise solutions to minimise this nuisance.
- 3.10 Highways colleagues have indicated that initial measures would include a 20mph speed limit on Rufford Avenue and other adjacent roads to the school including Henshaw Avenue and Henshaw Oval. These would probably require physical traffic calming measures within the 20mph areas; and amendments, where necessary of existing Traffic Regulation Orders and the possible promotion of new Traffic Regulation Orders.
- 3.11 Traffic and Highways issues would be considered in detail as part of the planning process should the proposal move forward. Any recommendations from Highways would be addressed in the final design solution.
- 3.12 **Concern: that in principle one and half form entry schools are wrong, that they cause the need for mixed age classes making the curriculum harder to deliver.**
- 3.13 Response: There are 11 good and 1 outstanding 1.5 FE primary schools in Leeds. Whilst the expansion would lead to mixed age teaching, the school is confident that this would be well managed. The proposal was put forward by the school to meet the need for rising demographics in the area closest to the school, in the knowledge that it would expand the school from 1 to 1.5 form entry and create mixed age classes.
- 3.14 Larger schools can offer other benefits such as wider range of staff expertise, increased curricular and extra curricular activities, flexibility in managing classes and greater staff development.
- 3.15 **Proposal Three: Expansion of Sharp Lane Primary School** from 420 to 630 pupils, with an admission number increasing from 60 to 90 with effect from September 2014. 1 representation was received. The governing body put in writing their request that issues relating to the expansion of the school, namely relating to the field adjoining the school, road safety and the new school build were fully considered during the decision making process and these are detailed below. It should be noted that design work commences at risk in proposals to ensure that a project can be delivered at the school but that the detailed design work and planning approvals are not sought until the decision is taken to expand the school.
- 3.15 **Issues relating to the acquisition by the school of the field adjoining the school.** Concern was expressed that the field would not be acquired providing

secure access to the additional play space required due to the expansion of the school build on the school site.

- 3.16 **Response:** The inclusion of the field within the secure school site is a core element of the project brief. The field is owned by the Council and currently vested with Parks and Countryside. The process of formally transferring responsibility for the maintenance and management of the field such that it becomes part of the school site is underway and the LA remains committed to ensuring the successful completion of this process. The LA recognises that the support of the governing body is conditional upon the acquisition of the field and the development of a whole school building solution.
- 3.17 **Issues relating to road safety.** Concern was expressed that existing traffic conditions at the beginning and end of the school day would be exacerbated by the increase in pupil numbers. In addition concern was expressed that there would also be increased traffic in the vicinity of the school due to the planned Asda Superstore adjacent to the school site.
- 3.18 **Response:** Whilst it is customary for the off site design works to commence after planning approval has been sought, in this case colleagues in the Highways Design department have been engaged at an early stage at risk in order that a Highways design and building design may be submitted at the same stage, on the understanding that the decision has not yet been taken to expand the school. It is expected that the planning application submitted for the school expansion project would include details of off-site highways work and that any planning approval would be conditional upon this work being completed. This element of the design would take into consideration developments in the local area and their impact upon the local road network.
- 3.19 **Issues relating to the new school build.** Governors expressed concern that the building design may compromise the existing provision and that temporary accommodation may be provided rather than permanent accommodation due to financial constraints. The governing body expressed the view that they had not been sufficiently involved in the design process for the new school.
- 3.20 **Response:** In response to the issues raised by the governing body, regular design team meetings have been arranged with the school to provide updates on key issues e.g. the building design, highways issues, access to the field. Whilst the design process has not been concluded at this stage, options under consideration do not include a series of stand alone modular buildings. The school will be involved in the sign off of all stages of the design and Children's Services will ensure that no key design decisions are made without full consultation with the school.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 The consultation and notices have been managed in accordance with all relevant legislation and local good practice. All ward members were formally consulted at the public consultation stage and they have indicated their support for expansion.

4.2 **Equality and Diversity / Cohesion and Integration**

4.2.1 The EDCI impact assessments have been completed and are attached at appendix 2-4.

4.3 **Council policies and City Priorities**

4.3.1 These proposals have been brought forward to meet the Council's statutory duty to secure sufficient school places. By providing places close to where children live, these proposals improve accessibility of local and desirable schools, thereby reducing the risk of non attendance and reducing the length of the journey to school.

4.4 **Resources and value for money**

4.4.1 The estimated cost of delivery is £9.4 million which would be funded from the education capital programme. The funding would provide additional accommodation on each school site for the increased number of pupils. Where the school buildings are not all available until September 2014, solutions would be agreed with the schools to deliver the additional places until all the new accommodation is delivered.

4.5 **Legal Implications, Access to Information and Call In**

4.5.1 The proposed changes constitute a prescribed change under the Education and Inspections Act 2006 (EIA2006). The consultation process has been managed in accordance with relevant legislation and local good practice. Leeds City Council is the decision maker for these proposals. Under the Education and Inspections Act 2006, a decision must be made within two months of expiry of 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 proposal subject to them meeting a certain condition e.g. grant of planning permission.

4.5.2 Any significant modification to a proposal would require a new round of consultation and prevent places being made available for September 2014.

4.6 **Risk Management**

4.6.1 Due to the complex nature of each of these projects and the tight delivery timeframe to deliver the solutions required, a detailed risk register has been started and if approved, this will be maintained until completion. Project managers have been allocated and initial design work has been started at risk.

- 4.6.2 Should the proposals be rejected, there would be insufficient time to consult again on these proposals and deliver a solution for 2014, thus risking breach of the Council's statutory duty for sufficiency of provision. Short term measures would need to be provided in the areas identified to address the shortfall of places.

5 Conclusions

- 5.1 The proposals to expand Little London Community Primary School, Rufford Park Primary School and Sharp Lane Primary School remain strong ones. The issues raised during the statutory notice period have been addressed, and Children's Services are of the view that the proposals should be approved.
- 5.2 The additional places are required to ensure the authority meets its legal requirement to ensure sufficiency of primary provision for September 2014. There is evidence of local need for places, and they would offer choice and diversity of provision.
- 5.3 The School Organisation Advisory Board have met to consider each of the proposals and have indicated their support for them.

6 Recommendations

Executive Board is asked to approve the proposal to:

- 6.1 expand the physical capacity of **Little London Community Primary School** from 210 to 630 pupils, with an admission number increasing from 30 to 90 with effect from September 2014 on the adjacent site at Oatland Green.
- 6.2 expand the physical capacity of **Rufford Park Primary School** from 210 to 315 pupils, with an admission number increasing from 30 to 45 with effect from September 2014 on its existing site.
- 6.3 expand the physical capacity of **Sharp Lane Primary School** from 420 to 630 pupils, with an admission number increasing from 60 to 90 with effect from September 2014 on its existing site.

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.