

# **Children, Young People and Family Support Scrutiny and Policy Development Committee (Special Meeting)**

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**Wednesday 3 August 2016 at 2.00 pm**

**To be held at the Town Hall, Pinstone Street, Sheffield, S1 2HH**

**The Press and Public are Welcome to Attend**

## **Membership**

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Councillors Ian Saunders (Chair), Steve Ayris (Deputy Chair), Andy Bainbridge, Olivia Blake, John Booker, Terry Fox, Craig Gamble Pugh, Kieran Harpham, Karen McGowan, Mohammad Maroof, Abtisam Mohamed, Josie Paszek, Colin Ross, Alison Teal and Cliff Woodcraft

## **Education Non-Council Members**

Gillian Foster and Alison Warner

## **Healthwatch Sheffield**

Clive Skelton and Alice Riddell (Observer)

## **Substitute Members**

In accordance with the Constitution, Substitute Members may be provided for the above Committee Members as and when required.

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Sheffield

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## **PUBLIC ACCESS TO THE MEETING**

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The Children, Young People and Family Support Scrutiny Committee exercises an overview and scrutiny function in respect of the planning, policy development and monitoring of service performance and other general issues relating to learning and attainment and the care of children and young people within the Children's Services area of Council activity. It also scrutinises as appropriate the various local Health Services functions, with particular reference to those relating to the care of children.

A copy of the agenda and reports is available on the Council's website at [www.sheffield.gov.uk](http://www.sheffield.gov.uk). You can also see the reports to be discussed at the meeting if you call at the First Point Reception, Town Hall, Pinstone Street entrance. The Reception is open between 9.00 am and 5.00 pm, Monday to Thursday and between 9.00 am and 4.45 pm. You may not be allowed to see some reports because they contain confidential information. These items are usually marked \* on the agenda.

Members of the public have the right to ask questions or submit petitions to Scrutiny Committee meetings and recording is allowed under the direction of the Chair. Please see the website or contact Democratic Services for further information regarding public questions and petitions and details of the Council's protocol on audio/visual recording and photography at council meetings.

Scrutiny Committee meetings are normally open to the public but sometimes the Committee may have to discuss an item in private. If this happens, you will be asked to leave. Any private items are normally left until last. If you would like to attend the meeting please report to the First Point Reception desk where you will be directed to the meeting room.

If you require any further information about this Scrutiny Committee, please contact Diane Owens, Policy and Improvement Officer on 0114 27 35065 or [email diane.owens@sheffield.gov.uk](mailto:diane.owens@sheffield.gov.uk)

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## **FACILITIES**

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There are public toilets available, with wheelchair access, on the ground floor of the Town Hall. Induction loop facilities are available in meeting rooms.

Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

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**CHILDREN, YOUNG PEOPLE AND FAMILY SUPPORT SCRUTINY AND POLICY  
DEVELOPMENT COMMITTEE AGENDA  
3 AUGUST 2016**

**Order of Business**

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- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**  
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest** (Pages 1 - 4)  
Members to declare any interests they have in the business to be considered at the meeting
- 5. Public Questions and Petitions**  
To receive any questions or petitions from members of the public
- 6. Call-in of the Cabinet Decision on Primary School Places in Ecclesall** (Pages 5 - 26)  
Report of the Policy and Improvement Officer
- 7. Date of Next Meeting**  
The next meeting of the Committee will be held on Monday, 19<sup>th</sup> September, 2016, at 1.00 pm, in the Town Hall

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## ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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If you are present at a meeting of the Council, of its executive or any committee of the executive, or of any committee, sub-committee, joint committee, or joint sub-committee of the authority, and you have a **Disclosable Pecuniary Interest (DPI)** relating to any business that will be considered at the meeting, you must not:

- participate in any discussion of the business at the meeting, or if you become aware of your Disclosable Pecuniary Interest during the meeting, participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

You **must**:

- leave the room (in accordance with the Members' Code of Conduct)
- make a verbal declaration of the existence and nature of any DPI at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent.
- declare it to the meeting and notify the Council's Monitoring Officer within 28 days, if the DPI is not already registered.

If you have any of the following pecuniary interests, they are your **disclosable pecuniary interests** under the new national rules. You have a pecuniary interest if you, or your spouse or civil partner, have a pecuniary interest.

- Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner undertakes.
- Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period\* in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

\*The relevant period is the 12 months ending on the day when you tell the Monitoring Officer about your disclosable pecuniary interests.

- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority –
  - under which goods or services are to be provided or works are to be executed; and
  - which has not been fully discharged.

- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) –
  - the landlord is your council or authority; and
  - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.
- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -
  - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
  - (b) either -
    - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
    - if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

If you attend a meeting at which any item of business is to be considered and you are aware that you have a **personal interest** in the matter which does not amount to a DPI, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent. You should leave the room if your continued presence is incompatible with the 7 Principles of Public Life (selflessness; integrity; objectivity; accountability; openness; honesty; and leadership).

You have a personal interest where –

- a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing (including interests in land and easements over land) of you or a member of your family or a person or an organisation with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the Authority's administrative area, or
- it relates to or is likely to affect any of the interests that are defined as DPIs but are in respect of a member of your family (other than a partner) or a person with whom you have a close association.

Guidance on declarations of interest, incorporating regulations published by the Government in relation to Disclosable Pecuniary Interests, has been circulated to you previously.

You should identify any potential interest you may have relating to business to be considered at the meeting. This will help you and anyone that you ask for advice to fully consider all the circumstances before deciding what action you should take.

In certain circumstances the Council may grant a **dispensation** to permit a Member to take part in the business of the Authority even if the member has a Disclosable Pecuniary Interest relating to that business.

To obtain a dispensation, you must write to the Monitoring Officer at least 48 hours before the meeting in question, explaining why a dispensation is sought and desirable, and specifying the period of time for which it is sought. The Monitoring Officer may consult with the Independent Person or the Council's Standards Committee in relation to a request for dispensation.

Further advice can be obtained from Gillian Duckworth, Director of Legal and Governance on 0114 2734018 or email [gillian.duckworth@sheffield.gov.uk](mailto:gillian.duckworth@sheffield.gov.uk).

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## Report to Children, Young People & Families Scrutiny & Policy Development Committee Wednesday 3<sup>rd</sup> August 2016

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**Subject:** Call in of decision on “Primary School Places in Ecclesall”

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**Author of Report:** Diane Owens, Policy & Improvement Officer  
0114 2735065, [diane.owens@sheffield.gov.uk](mailto:diane.owens@sheffield.gov.uk)

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**Type of item:** The report author should tick the appropriate box

Reviewing of existing policy	
Informing the development of new policy	
Statutory consultation	
Performance / budget monitoring report	
Cabinet request for scrutiny	
Full Council request for scrutiny	
Community Assembly request for scrutiny	
Call-in of Cabinet decision	X
Briefing paper for the Scrutiny Committee	
Other	

### 1.0 Background

1.1 On the 20<sup>th</sup> July 2016 Cabinet took the following decision, to:

- i. *Approve the proposal to increase the capacity and upper age range at Ecclesall Infant School as described in the statutory proposals. The lower age range would remain and would not change. This approval is conditional on the granting of planning permission before 1<sup>st</sup> July 2017.*
- ii. *Agree the commitments and actions outlined at 4.2 in the report (see below)*

4.2 *There were some very strong feelings aired during the consultation. The most common overall response was to raise issues and many of these were around how the proposals would be implemented. Many called for further opportunities to understand, comment on, and shape the proposals if they are to proceed. In order to address the specific issues raised during consultation and to allow for that further consultation, we would propose the following:*

- *Transition: that Cabinet makes a commitment that the Local Authority will support work led by the three governing bodies and the Diocese to come together during the Autumn Term, in partnership with families, to put together*

*clear transition plans to address the issues raised during this consultation, including consideration of a 2019 start for transition and the extent to which Ecclesall CE Junior classes could be taught in the new buildings, whilst taking into account the implications for the Junior school and the future children from Clifford who would transfer.*

- *Traffic & parking around Ecclesall Infant: in acknowledging the strength of feeling around existing issues relating to traffic and parking it is proposed that agreement to proceed is subject to the scheme being acceptable in planning terms, following further engagement and consultation, including work around traffic impact.*
- *Design: further work would be required working towards detailed design, with further opportunities for residents and parents to engage, contribute and see what is planned before designs are finalised as well as engagement around ensuring that construction is undertaken considerately*
- *Ecclesall Junior site: that Cabinet makes a commitment that the Local Authority will support Governors and the Diocese to ensure that work takes place on the Ecclesall Junior site to create a good environment for a smaller number of pupils, within the constraints of the current financial position facing the Local Authority, school, and the Diocese.*
- *Clifford I & Ecclesall J: that Cabinet makes a commitment that the Local Authority will support work led by the two governing bodies and the Diocese to come together during the Autumn Term in partnership with families to put together clear plans around future leadership and timing.*
- *Sustainability: the Council's commitment to supporting the long-term success and sustainability of these three local schools and their neighbours*
- *Early Years: there was little support for this development during the consultation, the need in terms of places is currently unclear, and we would not wish to destabilise existing local provision. Should the need develop in the future then this could be a possibility and would be subject to fresh consultation*

1.2 The original report is attached as Appendix A.

1.3 As per Part 4, section 16 of Sheffield City Council's Constitution, this decision has been called in, preventing implementation of the decision until it has been considered by this Scrutiny Committee.

1.4 The Call-In notice is attached at appendix B, stating that the reason for the call-in is *"to give further consideration to other options"*.

## **2.0 The Scrutiny Committee is being asked to:**

As per the Scrutiny Procedure rules, scrutinise the decision and take one of the following courses of action:

- (a) refer the decision back to the decision making body or individual for reconsideration in the light of recommendations from the Committee;

- (b) request that the decision be deferred until the Scrutiny Committee has considered relevant issues and made recommendations to the Executive;
- (c) take no action in relation to the called-in decision but consider whether issues arising from the call-in need to be fed back to the decision maker or added to the work programme of an existing Scrutiny Committee;
- (d) if, but only if (having taken the advice of the Monitoring Officer and/or the Chief Finance Officer), the Committee determines that the decision is wholly or partly outside the Budget and Policy Framework, refer the matter, with any recommendations, to the Council after following the procedures in the Budget and Policy Framework Procedure Rules

(If a Scrutiny Committee decides on (a), (b) or (d) as its course of action, there is a continuing bar on implementing the decision).

2.2 The Scrutiny Procedure rules state that if a decision is referred back, it is referred back to the individual or body that made the decision. In this case the decision maker is Cabinet.

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### **Background Papers**

- Appendix A - Cabinet Report: Primary School Places in Ecclesall
- Appendix B – call in notice

**Category of Report:** OPEN

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**Author/Lead Officer of Report:** Joel Hardwick

**Tel:** ext 35476

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**Report of:** Jayne Ludlam  
**Report to:** Cabinet  
**Date of Decision:** 20<sup>th</sup> July 2016  
**Subject:** Primary School Places in Ecclesall

Is this a Key Decision? If Yes, reason Key Decision:-	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
- Expenditure and/or savings over £500,000	<input checked="" type="checkbox"/>	
- Affects 2 or more Wards	<input type="checkbox"/>	
Which Cabinet Member Portfolio does this relate to? <i>Children, Young People &amp; Families</i>		
Which Scrutiny and Policy Development Committee does this relate to? <i>Children &amp; Young People</i>		
Has an Equality Impact Assessment (EIA) been undertaken?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If YES, what EIA reference number has it been given?	<i>n/a</i>	
Does the report contain confidential or exempt information?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

**Purpose of Report:**

Consultation has taken place on proposals to increase the number of primary school places in the Ecclesall area. This report provides feedback on the consultation and seeks a decision on whether to proceed with the proposals in light of the issues raised during consultation.

**Recommendations:**

Cabinet is recommended to:

- i. Approve the proposal to increase the capacity and upper age range at Ecclesall Infant School as described in the statutory proposals. The lower age range would remain and would not change. This approval is conditional on the granting of planning permission before 1<sup>st</sup> July 2017.
- ii. Agree the commitments and actions outlined at 4.2 in the report

Lead Officer to complete:-	
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.
	Finance: Paul Schofield
	Legal: Nadine Wynter
Equalities: Bashir Khan	
<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>	
2	<b>EMT member who approved submission:</b> Jayne Ludlam
3	<b>Cabinet Member consulted:</b> Cllr Jackie Drayton
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Decision Maker by the EMT member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.
	<b>Lead Officer Name:</b> Joel Hardwick
	<b>Job Title:</b> School Organisation Manager
<b>Date:</b> 20 <sup>th</sup> July 2016	

## **1. PROPOSAL**

- 1.1 Consultation has taken place on proposals to increase the number of primary school places in the Ecclesall area. This report provides feedback on the consultation and seeks a decision on whether to proceed with the proposals in light of the issues raised during consultation.
- 1.2 Demand for primary school places in the southwest of Sheffield has risen in recent years. This has followed the local and national trend of rising births but is also the result of a significant movement of young families into the area. This trend is a particular feature of the demographics in this part of the city.
- 1.3 Broader consultations around primary and secondary school places in this part of the city were held during Summer and Autumn 2015. Following this, in February 2016, Cabinet agreed to consult on proposals to increase places in the Ecclesall area. The proposal was to grow Ecclesall Infant to become a 90-place per year 'through' primary school, with Clifford Infants and Ecclesall Junior remaining as local linked Church of England schools.
- 1.4 The schools involved have different legal statuses. Ecclesall Infants is a Community School; the Local Authority is the admissions authority, owns the buildings, and appoints a minority of governors. Both Clifford and Ecclesall Junior are Church of England (CE) schools, but with some differences. Clifford is a Voluntary Aided school, meaning that the governors are the admissions authority, the CE Diocese owns the buildings, and a majority of governors are appointed by the Diocese. Ecclesall Junior is a Voluntary Controlled School; the CE Diocese owns the buildings, the Local Authority is the admissions authority, and a minority of governors are appointed by the Diocese. At present governors across Ecclesall Infant and Ecclesall Junior have opted to work together in a partnership called a 'soft federation'. This means both schools have their own governing body, but those governors work together on some aspects. This governance arrangement helps support the Executive Headteacher arrangement that is currently in place.
- 1.5 The key responsibility of the Local Authority that underpins these proposals is to ensure that there are sufficient places. The leadership, governance, and day-to-day management arrangements of each school are the responsibility of their individual governing body and school leadership, and the Church of England Diocese where appropriate. The consultation process and responses are outlined at section 3 below. The conclusions and recommended next steps are described at section 4.

## **2. HOW DOES THIS DECISION CONTRIBUTE?**

- 2.1 The proposals contained within this report are an essential part of ensuring that there are enough school places for every school age child

in Sheffield. This is a fundamental statutory responsibility of local government and it is essential to Sheffield City Council's focus on enabling children to have a great start in life, achieve their full potential, and contribute to the success of the city. At the heart of the vision for increasing school places in Sheffield is the Council's role in enabling excellent education outcomes and equitable access for all to high quality education.

- 2.2 The outcome would be to ensure that there are enough primary school places in an area that has seen sustained increases in the pupil population over a long period. The proposals would leave sustainable schools for the long term serving this part of the city.

### **3. HAS THERE BEEN ANY CONSULTATION?**

- 3.1 The statutory requirement is for a 4-week consultation. In this case consultation ran for five weeks to allow for the half-term holiday that fell during the period. Consultation started on 19<sup>th</sup> May 2016. As required, statutory notices were placed at the school, on the Council website, and in the local paper and the proposals were sent to the governing bodies and the diocese. Information was also distributed through the schools to all families and posted to over 700 local households. Five meetings were held across the three local schools and were well-attended. In total, 220 responses were received to the consultation in addition to the comments collected at meetings and a petition was received opposing the proposals that had 235 signatures.

- 3.2 Cabinet Members had access to all consultation responses in full through the Council Leader's office prior to the Cabinet meeting. Consultation responses mainly focussed around four areas: (i) the implications for Clifford Infants and Ecclesall Junior (ii) the phased transition (iii) the impact on local residents, particularly around traffic, and (iv) the consultation process. A numerical analysis of responses is contained at Appendix 2 to support the summary below.

#### **3.3 Implications for Clifford Infants & Ecclesall Junior**

- 3.3.1 The long-term vision outlined was for Clifford CE Infant and Ecclesall CE Junior to work together in the next period to look at joint leadership and governance arrangements. The main issues raised were:

- Certainty & detail: a number of people felt strongly that more certainty and detail are required in describing the future for Clifford Infant and Ecclesall Junior
- Leadership & governance: some wanted the Clifford leadership and governors to manage the junior site at the first opportunity, whilst others sought reassurance that the current leadership across the Ecclesall schools would be staying on during this period.
- Size of the junior school: some Clifford families expressed concern about the future of a smaller junior school, either because they see



benefits in the current arrangement of a larger school or more general concerns over the sustainability and success of a smaller school. This led some to express a preference for retaining a larger junior school.

- Capital investment at the Ecclesall Junior site: There was general consensus throughout the consultation that the junior site is relatively constrained and responses were keen for a commitment of capital funding as part of maximising the opportunity of accommodating a smaller number of pupils.

3.3.2 Ultimately many of the concerns expressed in this area were seeking reassurances or more detail about how the proposal is implemented.

### 3.4 Phased transition

3.4.1 The proposal put forward during consultation, worked up with Governing Bodies and the Diocese, outlined a transition period from the current arrangement. It would mean the current infant school growing over a four-year period to become a 'through' primary school and the junior school reducing its size over the same period. The main alternative discussed was to move all children across from the junior school in one go once the buildings at the infant site were ready, leaving the junior school to build from a single year intake to capacity over a four year period. The main issues raised were:

- Support for moving all the junior children to new buildings at Ecclesall Infant: a variety of reasons were given, including having siblings in the same school, taking advantage of the new buildings and playspace, and some from Clifford felt this gave an earlier opportunity for Clifford to develop the junior school under the Clifford leadership.
- Support for the phased approach: there was also support from some around the benefits of phasing in terms of the short-term sustainability of the junior school and guarding against any negative impact on children of leaving the junior school to grow from a single year intake. Some parents noted their preference for remaining in a church junior school, having opted for the school for that reason.
- Lack of elder peers: there was concern about either model from parents around children being the first to move into a junior phase who would be the eldest year group throughout that 4-year period.

3.4.2 Although moving all children at once did have some very clear support, ultimately there was a variety of concerns raised that would need to be addressed individually.

### 3.5 Impact on local residents

3.5.1 The most frequently cited concern across the consultation was from local residents around traffic and parking. It is important to acknowledge the strength of feeling around this subject. The proposal would involve an increase from the current infant capacity of 180 pupils, to 630 pupils as a 'through' primary. Residents noted the existing issues relating to the

infants, juniors and High Storrs Secondary. The concerns covered the volume of traffic, parking on local residential roads, and access for emergency vehicles. Some residents also raised concerns around the loss of green space and access for construction traffic.

### 3.6 Consultation Process

- 3.6.1 Those opposing the proposals often criticised the consultation process and suggested that the consultation ought to be lengthened or restarted. Some felt that there had not been sufficient time or opportunity to respond to the consultation. Further comments suggested that the detail was insufficient to understand fully and comment on the proposal.

### 3.7 Other

- 3.7.1 The majority of responses related to the issues noted above. Some people offered a view on adding early years provision at the infant school, with no clear overall support for this element and some concerns raised about the further addition of numbers on the site as well as the impact on existing local provision. The reduction of places at the junior school was also noted by some as an overall reduction in church school places, although this concern did not feature often and did not appear to be an issue for local families.

### 3.8 Summary of responses to the consultation

- 3.8.1 Support for the existing school leadership and governance at all three schools came across strongly from families throughout the consultation. Overall, there was broad support for providing additional places in this area. Some people simply supported the proposals as stated, the most common overall response was to express concerns or raise issues. Others felt that an alternative option would be preferable, and others, particularly local residents, opposed the proposal as stated. The most common alternative option suggested was to create junior places at Clifford through purchasing the house next door on Psalter Lane. The main reason given during this process for supporting that alternative was in order to allow a smaller expansion at Ecclesall Infants.
- 3.8.2 The concerns raised around transition and around the implications for Clifford and Ecclesall Junior were varied and did not form a clear single response. Ecclesall Infant parents commonly wanted to see all children on the Ecclesall Infant site at the first opportunity, whilst other parents were concerned at having smaller numbers at the juniors or having chosen church provision and being asked to move to a community school. Some responses were looking for the Clifford leadership to become the leadership across Ecclesall Junior at the first opportunity, whilst others were keen to ensure that the current leadership remains at least during transition.

## 4. **CONCLUSION & NEXT STEPS**

4.1 In terms of the consultation process, the Council remains satisfied that not only were the basic legal duties of consultation fulfilled, but that they were in many ways exceeded. The number of public meetings and letters surpasses the requirements of the Secretary of State's guidance and matches or surpasses previous school reorganisation projects. The documentation described the proposals and their implications as far as possible at this stage, ahead of detailed design, a planning application process, and ahead of governing bodies making decisions about future leadership. The meetings were well attended, everyone who wished to attend was offered a place at one of the workshops, and the discussions were detailed and engaging. The number of, and detail contained within, responses also gives confidence that people were able to consider and respond to the proposals.

4.2 There were some very strong feelings aired during the consultation. The most common overall response was to raise issues and many of these were around how the proposals would be implemented. Many called for further opportunities to understand, comment on, and shape the proposals if they are to proceed. In order to address the specific issues raised during consultation and to allow for that further consultation, we would propose the following:

- Transition: that Cabinet makes a commitment that the Local Authority will support work led by the three governing bodies and the Diocese to come together during the Autumn Term, in partnership with families, to put together clear transition plans to address the issues raised during this consultation, including consideration of a 2019 start for transition and the extent to which Ecclesall CE Junior classes could be taught in the new buildings, whilst taking into account the implications for the Junior school and the future children from Clifford who would transfer.
- Traffic & parking around Ecclesall Infant: in acknowledging the strength of feeling around existing issues relating to traffic and parking it is proposed that agreement to proceed is subject to the scheme being acceptable in planning terms, following further engagement and consultation, including work around traffic impact.
- Design: further work would be required working towards detailed design, with further opportunities for residents and parents to engage, contribute and see what is planned before designs are finalised as well as engagement around ensuring that construction is undertaken considerately
- Ecclesall Junior site: that Cabinet makes a commitment that the Local Authority will support Governors and the Diocese to ensure that work takes place on the Ecclesall Junior site to create a good environment for a smaller number of pupils, within the constraints of the current financial position facing the Local Authority, school, and the Diocese.
- Clifford I & Ecclesall J: that Cabinet makes a commitment that the Local Authority will support work led by the two governing bodies and the Diocese to come together during the Autumn Term in partnership with families to put together clear plans around future leadership and timing.

- Sustainability: the Council's commitment to supporting the long-term success and sustainability of these three local schools and their neighbours
- Early Years: there was little support for this development during the consultation, the need in terms of places is currently unclear, and we would not wish to destabilise existing local provision. Should the need develop in the future then this could be a possibility and would be subject to fresh consultation

4.3 On the basis of the above, the recommendation in this report is to proceed with the proposals subject to the mitigation outlined above. A number of the elements above are for the governing bodies and the Diocese to decide. The Council is not in a position to pre-empt their decisions either as part of the consultation just finished or in the immediate decision-making that follows. It can however commit to supporting the partnership work necessary to address the issues raised and secure a positive implementation and transition period. All three governing bodies have committed to working together in the next phase. This would be key to providing families across all three schools with the reassurance that they need.

## **5. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION**

### **5.1 Equality of Opportunity Implications**

5.1.1 The proposal would ensure that there are enough local places available in this area and would therefore avoid local children being disadvantaged by having to travel outside of their local area to attend school. The further work identified around the transition process should ensure that a faith-based place is available for all pupils from Clifford and Ecclesall Junior who currently access one and wish to have one in the future.

### **5.2 Financial and Commercial Implications**

5.2.1 If approved, the proposal would require a capital project to provide additional accommodation. If proceeding, all capital approvals would be sought separately through Cabinet at the appropriate time with detailed costs and set in the context of the overall capital strategy. A provisional estimated cost of providing the extra places is £4.9m. This would be prioritised from the Basic Need grant. This is a high level estimate based on the number of additional places and a true budget for providing these places would be established through detailed feasibility work. Further work would also be undertaken to understand the needs of the Ecclesall Junior site and the Council would work with partners to identify resources to support this aspect.

### **5.3 Legal Implications**

5.3.1 Local Authorities have a duty under section 14 of the Education Act 1996 to secure sufficient schools in their area. The proposals described in this report are defined as prescribed alterations, meaning they require a legal

process to bring them about. Proposals to reorganise school provision are governed by the procedures set out in the The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013. Local Authorities are also required to have regard to the statutory guidance when exercising functions under the Prescribed Alterations Regulations. A copy of the guidance is attached to this report at Appendix 1.

- 5.3.2 In relation to the consultation process, the following statutory requirements are set out in Schedule 3 to the 2013 Regulations: *‘Any person may send objections or comments in relation to any proposals to the local authority within four weeks from the date of publication. The representation period starts on the date of publication of the proposals and ends four weeks later’.*
- 5.3.3 The following requirements are also set out in the statutory guidance. *‘The decision-maker will need to be satisfied that the appropriate fair and open local consultation and/or representation period has been carried out and that the proposer has given full consideration to all the responses received. If the proposer has failed to meet the statutory requirements, a proposal may be deemed invalid and therefore should be rejected. The decision-maker must consider **ALL** the views submitted, including all support for, objections to and comments on the proposal.’*
- 5.3.4 Providing that Cabinet is so satisfied then it is acting lawfully and within its powers should it decide to approve the proposal set out in this report.
- 5.3.5 In relation to the alternative option suggested, in response to the consultation, to create junior places at Clifford through purchasing the house next door on Psalter Lane, there is no suggestion that the property is currently available for purchase. Negotiations could take place with the owners of the property, but there is no guarantee that they would be willing to sell. There is the possibility that compulsory purchase powers conferred on the Council by virtue of the provisions of Section 530 of the Education Act 1996 could be used to acquire the property. In order to justify the exercise of compulsory purchase powers it would be necessary to satisfy the public interest test i.e. it must be established that the public interest in making the compulsory purchase order outweighs the detriment to the persons who are being deprived of their property interests. This can be a heavy burden in cases such as this where the interest is a private residence, particularly where there are alternative proposals that are capable of implementation. Whether the property was acquired by agreement or compulsorily the cost of purchasing the property would result in a significant increase in the cost of the proposals. In either scenario, the Council would have to pay the full market value for the property and the owner’s professional fees in relation to the sale. Also, if a compulsory purchase order were to be required, the costs of making the order and processing it through to confirmation would need to be factored in, as would the resulting delay, with an uncontested order likely to take in the region of six months and a contested order in the region of 12 months. Given that Clifford is a voluntary aided school, the

Council would be under a statutory obligation to transfer ownership of the property to the Diocese as owners of the remainder of the school site.

## **6. ALTERNATIVE OPTIONS CONSIDERED**

- 6.1 The most common alternative option suggested was to create junior places at Clifford through purchasing the house next door on Psalter Lane. This proposal would address the need for places. However, the expansion would require the purchase of a house that is not currently for sale and would leave the Clifford site extremely constrained with little prospect of addressing this in the future. It would not address the current constraints of the Ecclesall Junior site and therefore would not be the best long-term use of the Council's available capital and assets.
- 6.2 Overall there was broad support for providing additional primary school places in this area and it is anticipated that the places are needed for the foreseeable future.

## **7. REASONS FOR RECOMMENDATIONS**

- 7.1 Providing sufficient primary school places is a statutory duty of the Council. This will mean that Sheffield children reaching primary school age in 2017 and beyond will continue to have a school place in the area of the city in which they live. The option outlined is the best use of capital and sites in this part of the city and the best way to provide great local primary school places for the long term.

## Appendix 1: Statutory Guidance

### 2: Factors relevant to all types of proposals

#### Related proposals

Any proposal that is 'related' to another proposal must be considered together. A proposal should be regarded as 'related' if its implementation (or non-implementation) would prevent or undermine the effective implementation of another proposal. Decisions for 'related' proposals should be compatible.

Where a proposal is 'related' to another proposal to be decided by the Regional Schools Commissioner (RSC) (e.g. for the establishment of a new free school established under the presumption route) the decision-maker should defer taking a decision until the RSC has taken a decision on the proposal, or where appropriate, grant a conditional approval for the proposal.

#### Conditional approval

Decision-makers may give conditional approval for a proposal subject to certain prescribed events<sup>1</sup>. The decision-maker must set a date by which the condition should be met but can modify the date if the proposer confirms, before the date expires, that the condition will be met later than originally thought.

The proposer should inform the decision-maker (and the Secretary of State via [schoolorganisation.notifications@education.gsi.gov.uk](mailto:schoolorganisation.notifications@education.gsi.gov.uk) for school opening or closure cases) when a condition is modified or met. If a condition is not met by the date specified, the proposal should be referred back to the decision-maker for fresh consideration.

#### Publishing decisions

All decisions (rejected and approved – with or without modifications) must give reasons for such a decision being made. **Within one week** of making a decision the decision-maker should arrange (via the proposer as necessary) for the decision and the reasons behind it to be published on the website where the original proposal was published. The decision-maker must also arrange for the organisations below to be notified of the decision and reasons:

- the LA (where the Schools Adjudicator or governing body is the decision-maker);
- the governing body/proposers (as appropriate);
- the trustees of the school (if any);
- the local Church of England diocese;
- the local Roman Catholic diocese;
- for a special school, the parents of every registered pupil at the school;
- any other organisation that they think is appropriate; and
- the Secretary of State via [schoolorganisation.notifications@education.gsi.gov.uk](mailto:schoolorganisation.notifications@education.gsi.gov.uk) (in school opening and closure cases only).

### **Consideration of consultation and representation period**

The decision-maker will need to be satisfied that the appropriate fair and open local consultation and/or representation period has been carried out and that the proposer has given full consideration to all the responses received. If the proposer has failed to meet the statutory requirements, a proposal may be deemed invalid and therefore should be rejected. The decision-maker must consider **ALL** the views submitted, including all support for, objections to and comments on the proposal.

### **Education standards and diversity of provision**

Decision-makers should consider the quality and diversity of schools in the relevant area and whether the proposal will meet or affect the needs of parents; raise local standards and narrow attainment gaps.

### **A school-led system with every school an academy,**

The 2016 White Paper *Education Excellence Everywhere*, sets out the department's aim that by the end of 2020, all schools will be academies or in the process of becoming academies. The decision-maker should, therefore, take into account the extent to which the proposal is consistent with this policy.

### **Demand v need**

Where a LA identifies the need for a new school, to meet basic need, section 6A of EIA 2006 places the LA under a duty to seek proposals to establish a free school via the 'free school presumption'. However it is still possible to publish proposals for new maintained school outside of the competitive arrangements, at any time, in order to meet demand for a specific type of place e.g. places to meet demand from those of a particular faith.

In assessing the demand for new school places the decision-maker should consider the evidence presented for any projected increase in pupil population (such as planned housing developments) and any new provision opening in the area (including free schools).

The decision-maker should take into account the quality and popularity of the schools in which spare capacity exists and evidence of parents' aspirations for a new school or for places in a school proposed for expansion. The existence of surplus capacity in neighbouring less popular schools should not in itself prevent the addition of new places.

Reducing surplus places is not a priority (unless running at very high levels). For parental choice to work effectively there may be some surplus capacity in the system as a whole. Competition from additional schools and places in the system will lead to pressure on existing schools to improve standards.

### **School size**

Decision-makers should not make blanket assumptions that schools should be of a certain size to be good schools, although the viability and cost-effectiveness of a proposal is an important factor for consideration. The decision-maker should also consider the impact on the LA's budget of the need to provide additional funding to a small school to compensate for its size.



### **Proposed admission arrangements**

In assessing demand the decision-maker should consider all expected admission applications, not only those from the area of the LA in which the school is situated.

Before approving a proposal that is likely to affect admissions to the school the decision-maker should confirm that the admission arrangements of the school are compliant with the School Admissions Code. Although the decision-maker cannot modify proposed admission arrangements, the decision-maker should inform the proposer where arrangements seem unsatisfactory and the admission authority should be given the opportunity to revise them.

### **National Curriculum**

All maintained schools must follow the National Curriculum unless they have secured an exemption for groups of pupils or the school community.

### **Equal opportunity issues**

The decision-maker must have regard to the Public Sector Equality Duty (PSED) of LAs/governing bodies, which requires them to have 'due regard' to the need to:

- eliminate discrimination;
- advance equality of opportunity; and
- foster good relations.

The decision-maker should consider whether there are any sex, race or disability discrimination issues that arise from the changes being proposed, for example that where there is a proposed change to single sex provision in an area, there is equal access to single sex provision for the other sex to meet parental demand. Similarly there should be a commitment to provide access to a range of opportunities which reflect the ethnic and cultural mix of the area, while ensuring that such opportunities are open to all.

### **Community cohesion**

Schools have a key part to play in providing opportunities for young people from different backgrounds to learn with, from and about each other; by encouraging, through their teaching, an understanding of, and respect for, other cultures, faiths and communities. When considering a proposal, the decision-maker must consider its impact on community cohesion. This will need to be considered on a case-by-case basis, taking account of the community served by the school and the views of different sections within the community.

### **Travel and accessibility**

Decision-makers should satisfy themselves that accessibility planning has been properly taken into account and the proposed changes should not adversely impact on disadvantaged groups.

The decision-maker should bear in mind that a proposal should not unreasonably extend journey times or increase transport costs, or result in too many children being prevented from travelling sustainably due to unsuitable walking or cycling routes.

A proposal should also be considered on the basis of how it will support and contribute to the LA's duty to promote the use of sustainable travel and transport to school.

Further information is available in the statutory Home to school travel and transport guidance for LAs.

### **Funding**

The decision-maker should be satisfied that any land, premises or necessary funding required to implement the proposal will be available and that all relevant local parties (e.g. trustees or religious authority) have given their agreement. A proposal **cannot** be approved conditionally upon funding being made available.

Where proposers are relying on the department as the source of capital funding, there can be no assumption that the approval of a proposal will trigger the release of capital funds from the department, unless the department has previously confirmed in writing that such resources will be available; nor can any allocation 'in principle' be increased. In such circumstances the proposal should be rejected, or consideration deferred until it is clear that the capital necessary to implement the proposal will be provided.

### **School premises and playing fields**

Under the School Premises Regulations all schools are required to provide suitable outdoor space in order to enable physical education to be provided to pupils in accordance with the school curriculum; and for pupils to play outside safely.

Guidelines setting out suggested areas for pitches and games courts are in place although the department has been clear that these are non-statutory.

## **Factors relevant to prescribed alteration proposals:**

### **Enlargement of premises**

When deciding on a proposal for an expansion on to an additional site (a 'satellite school'), decision-makers will need to consider whether the new provision is genuinely a change to an existing school or is in effect a new school (which would trigger the free school presumption in circumstances where there is a need for a new school in the area).

Decisions will need to be taken on a case-by-case basis, but decision-makers will need to consider the following non-exhaustive list of factors which are intended to expose the extent to which the new site is integrated with the existing site, and to ensure that it will serve the same community as the existing site:

#### **The reasons for the expansion**

What is the rationale for this approach and this particular site?

#### **Admission and curriculum arrangements**

How will the new site be used (e.g. which age groups/pupils will it serve)?

What will the admission arrangements be?

Will there be movement of pupils between sites?

**Governance and administration**

How will whole school activities be managed?

Will staff be employed on contracts to work on both sites? How frequently will they do so?

What governance, leadership and management arrangements will be put in place to oversee the new site (e.g. will the new site be governed by the same governing body and the same school leadership team)?

**Physical characteristics of the school**

How will facilities across the two sites be used (e.g. sharing of the facilities and resources available at the two sites, such as playing fields)?

Is the new site in an area that is easily accessible to the community that the current school serves?

## **APPENDIX 2: Consultation Analysis**

The consultation responses range from detailed letters to single questions. The nature of the proposals is not given to simple yes or no responses. This is evidenced below by the number of responses that raised issues rather than offering simple support or opposition. It is very important that consultees respond in detail to support their views and make suggestions in order that the Council can use the consultation response to positively shape proposals. It is therefore a matter of some interpretation to categorise every individual response. The following analysis is based on the emails and e-forms submitted and therefore does not include for example, comments made during workshops. This analysis helps ensure that the weight given to different themes in the report's narrative description and the next steps identified are fair reflections of the consultation.

### Overall Responses

- Express support – 16%  
(including for example 'support', 'agree', 'welcome the proposal')
- Express concern or raise issues – 37%  
(not clearly expressing support or opposition, but mentioning concerns)
- Express opposition – 28%  
(including for example 'oppose', 'do not support', 'against the proposal')
- Support alternative proposal – 16%  
(opposition to the proposal and with a clear statement of support for an alternative – mainly the addition of junior places at Clifford and a smaller expansion of Ecclesall Infant)
- Asked questions without expressing support or opposition – 3%

### Concerns and Issues

Of those that expressed concern or raised issues (the 37% stated above):

- 1 - Transition of pupils 87%
- 2 - Traffic, parking and highways 76%
- 3 - Impact on Clifford Infants and Ecclesall Junior 44%
- 4 - Consultation process 25%
- 5 - Impact on green/open space 21%
- 6 - The need for places in the area 10%

**SHEFFIELD CITY COUNCIL**


**CALL-IN PROCESS FOR EXECUTIVE DECISIONS**

I CLERK STEVE AYRIS (Name of Member in Block Capitals)  
under the provision of Scrutiny Procedure Rule 16, wish to call-in Item No. 9  
relating to SCHOOL PLACES CONSULTATION, ECCLESALL  
of the meeting of CABINET (meeting title)  
on 20 JULY 2016 (date) for consideration by the  
CHILDREN & YOUNG PEOPLE Scrutiny Committee.



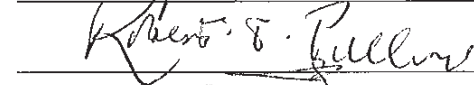
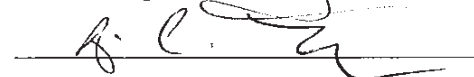
*The relevant Scrutiny Committee will be indicated on the Checklist within the report relating to this matter.*

**Reason for Call-In**

TO GIVE FURTHER CONSIDERATION TO OTHER  
OPTIONS

Signed  Date 20/7/2016

I have obtained the following signatures of the other Members who wish to call-in this item:-

Name (in Block Capitals)	Signature
1. <u>ROGER DAVISON</u>	<u></u>
2. <u>SHAFFAQ MOHAMMED</u>	<u></u>
3. <u>ROBERT T. PULLIN</u>	<u></u>
4. <u>ALISON C TEAR</u>	<u></u>

(NOTE: Scrutiny Procedure Rule 16 requires five Members, including two from the appropriate Scrutiny Committee to 'call-in' an Executive decision for scrutiny. This can be done **up to 4 working days after the decision publication.**

*The five signatures required for the call-in process must be submitted by the deadline date, but need not all be on one form.*

**Completed forms to be returned to the  
Head of Democratic Services (Room G13/14, Town Hall),  
by the deadline referred to above.**

**The request will be logged and forwarded to Policy and Improvement Team  
for action.**

