

Agenda Item 9



Author/Lead Officer of Report: Joel Hardwick

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Report of: Jayne Ludlam
Report to: Cabinet
Date of Decision: 20th 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 & Families</i>		
Which Scrutiny and Policy Development Committee does this relate to? <i>Children & 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 1st 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	EMT member who approved submission: <i>Jayne Ludlam</i>
3	Cabinet Member consulted: <i>Cllr Jackie Drayton</i>
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.
	Lead Officer Name: <i>Joel Hardwick</i>
	Job Title: <i>School Organisation Manager</i>
Date: <i>20th July 2016</i>	

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 19th 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.