

Executive Decision Report

Determination to Revoke the Statutory Proposals to bring together of Fosse Primary School and Slater Primary School

**Decision to be taken by: Assistant City Mayor for
Education & Housing**

Date of decision: 28 June 2021

Lead Director: Martin Samuels

Useful information

- Ward(s) affected: Abbey and Fosse
- Report author: Martin Samuels martin.samuels@leicester.gov.uk ext. 37 5825
- Report version number 1

1. Summary:

- 1.1. The previously determined statutory proposals formed a larger five form entry Fosse Primary School and closed Slater Primary School. The implementation date was August/September 2019, a modification was approved in March 2019 to delay the implementation until August/September 2021. This Executive report proposes to revoke the implementation, meaning that Fosse Primary School will remain a 2 form entry school, and Slater Primary will remain open.
- 1.2. The previously proposed expanded school required an additional building on an adjacent site, known as the Waterside site. Following site investigations the building design was put on hold. Projected pupil numbers were also reviewed due to a reduction in the birth rate across the city. A decision has now been reached not to go ahead with the expansion which has made it necessary to seek approval for a revocation to the implementation.

2 Recommendations:

- 2.1 The Executive is recommended to review the information provided within this report and agree that the revocation to the previous decision be approved, namely;
 - i) that Fosse Primary School will remain at its current capacity of 420.
 - ii) that Slater Primary School will remain open.

3. Background information:

- 3.1. The Local Authority published a statutory notice and detailed proposals to enlarge Fosse Primary School's capacity and a related proposal to close Slater Primary School on 09 April 2018. Comments made within the representation period were considered, and a decision to implement was made on 5 July 2018.
- 3.2. The planning and design of the proposed new school had complications and subsequent delays. The statutory procedure allows proposers to propose modifications to the decision maker before the approved implementation date, On 5 March 2019 a decision was made to postpone the implementation of the proposals. Delaying from August/September 2019 to August/September 2021.

- 3.3. Following analysis of revised birth data it has been identified that there is an ongoing reduction in birth rates across the city. This is beginning to be apparent in the lower academic years. There is currently a surplus of Reception year group, with 417 empty pupil places.
- 3.4. This has led to the decision to revoke the Fosse Primary expansion. The site is now proposed to be a free school providing much needed secondary school places.
- 3.5. The statutory procedure allows proposers to propose to revoke implementation following the publication of a revocation notice and a four week period for comments. The revocation notice was published on Wednesday 14 April, the four week period finished on Wednesday 12 May 2021.
- 3.6. The revocation statutory notice was published on the city council's consultation website and in the Leicester Mercury, placed on both schools' gates, and publicised within the e-bulletin sent to all Education settings.

3.7. Representations

During the four week period of representation, any person or organisation can submit comments on the revocations to the Local Authority. One comment was received. A parent of a child who attends Slater Primary expressed her view that the school should remain open.

3.8. Decision making options

When issuing a decision, the Decision Maker (LA) can decide to:

1. Reject the revocation of the determined proposals;
2. approve the revocation of the determined proposals;
3. approve the revocation with a revision; or
4. approve the modification subject to conditions.

3.9. Conclusions

The Executive is asked to revoke the previously determined proposals which will withdraw the enlargement of Fosse Primary School and the related proposal to close Slater Primary School. Approval would cancel the implementation.

4. Details of scrutiny

- 4.1. The revocation statutory notice was published in the Leicester Mercury on 14 April 2021. Copies of the notice were also posted at the entrances to the schools.
- 4.2. Copies of the statutory notice and complete proposals were also sent to:
- The Governing Body of both schools.

- Trade union representatives
- The Church of England Diocesan Board of Education (Leicester)
- The Roman Catholic Diocesan Board (Nottingham)
- Secretary of State for Education via School Organisation Unit
- Member of Parliament for Leicester West
- Leicestershire County Council, as the neighbouring Local Authority

4.3. In addition, the Local Authority published the statutory notice on the consultation website page.

5. Financial, legal and other implications

5.1. Financial implications

Slater Primary is a school that was in financial difficulty before the original decision to close. The Local Authority has given support to the school via an experienced Business Manager who has helped them to identify savings and make the school as efficient as possible during this time. Nevertheless, we will need to continue to work closely with the school and establish a financial recovery plan to reduce their current in-year deficits.

Some additional capital maintenance investment is also required in the school's toilet block to bring it up to standard which will cost an estimated £11k.

There will also be some ongoing site maintenance costs on the originally proposed expansion site until it is taken on by the free school (Brookmead). There is a residual amount of funds in the Education & Children's capital programme for the merger and Waterside development that could be used to cover this.

Simon Walton, Principal Accountant, Tel ext 37 4053

5.2. Legal implications

The process for revocation of proposals is set out in The School Organisation (Prescribed Alterations to Maintained Schools) Regulations 2013. This report sets out the process which has been carried out and the responses received in relation to this revocation proposal in compliance with the statutory framework.

A decision on the revocation proposal must be made within two months of the end of the representation period, in this case by 12 July 2021. The decision must be published on the website where the original proposal was published.

Julia Slipper, Principal Lawyer (Employment & Education), Tel ext: 37 6855

5.3. Equality Implications

Under the Equality Act 2010, public authorities have a Public Sector Equality Duty (PSED) which means that, in carrying out their functions, they have a statutory duty to pay due regard to the need to eliminate unlawful discrimination, harassment and victimisation, to advance equality of opportunity between people who share a protected characteristic and those who don't and to foster good relations between people who share a protected characteristic and those who don't.

Protected Characteristics under the Equality Act 2010 are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

This Executive report proposes to revoke the implementation, meaning that Fosse Primary School will remain a 2 form entry school, and Slater Primary will remain open. There are no direct equality implications arising from the report.

Surinder Singh, Equalities Officer tel 37 4148

5.4 Climate Emergency implications

There are no direct climate emergency implications associated with this paper, as it does not propose any changes to the existing schools.

Aidan Davis, Sustainability Officer, Ext 37 2284

6. Summary of appendices

Appendix A – statutory notice

7. Is this a private report (If so, please indicated the reasons and state why it is not in the public interest to be dealt with publicly)?

No

8. Is this a “key decision”?

Yes

9. If a key decision please explain reason

These linked School Organisation decisions are significant in terms of its effects on communities living or working in two or more wards in the City

STATUTORY NOTICE - REVOCATION PROPOSAL
the re-organisation of Fosse Primary School and
Slater Primary School

Part 1

In accordance with School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, Leicester City Council is proposing to revoke a previous decision to make prescribed alterations to Fosse Primary School, Balfour Street, Leicester, LE3 5EA.

Leicester City Council previously proposed to enlarge the school with effect from 1 September 2021. Implementation of this proposal resulted in the school being enlarged from a 420-place primary school, 60 places per year from Reception to Year 6, to a 1050-place primary school, 150 places per year from Reception to Year 6.

Part 2

In accordance with The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 Leicester City Council is proposing to revoke a previous decision to discontinue Slater Primary School, Slater Street, Leicester, LE3 5AS.

Leicester City Council previously proposed to discontinue with effect from 31 August 2021. This proposal is 'related' to those in Part 1 above.

All pupils attending Slater Primary School at the time of its closure would have transferred to the roll of Fosse Primary School (see Part 1).

Pupils in Year 6 at the time of its closure would have transferred to a secondary school as part of the usual secondary transfer process. If the revocation is approved Slater Primary School will remain open.

The statutory notice for the original proposals was published on 9 April 2018 and a decision was taken by Leicester City Council on 5 July 2018 to implement the proposals. The date of implementation was then modified to 2021. The modification was published on 31 January 2019 and a decision was taken by Leicester City Council on 20 March 2019.

Leicester City Council is of the view that circumstances have so altered since approval to reorganise Fosse Primary School and Slater Primary School was given that implementation of the proposals would be inappropriate and is therefore seeking to be relieved of the duty to implement the proposals in this respect.

The approval of the original proposals was made on the grounds of meeting a projected increase in demand for primary places in the area arising from an ongoing projected birth increase.

However due to the current number of surplus primary places in the city and a fall in the demand for reception places through a drop in births, the implementation of further additional primary school places at Fosse Primary School are no longer required.

The Fosse expansion programme is no longer going ahead. This means that Fosse Primary School do not have the building capacity to expand its pupil numbers. The pupils who would be displaced from the closure of Slater Primary School are unable to transfer to the roll of Fosse Primary School.

Leicester City Council is required by the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 to formally publish revocation proposals where it does not intend to proceed with previously approved proposals.

Within four weeks from the date of publication of this proposal, any person may object or make comments on this revocation proposal by emailing them to: Sue Welford, Principal Education Officer sue.welford@leicester.gov.uk

At the conclusion of the four-week period any representations will be communicated to the decision maker and a formal decision will be made. Providing that approval is obtained, the authority will proceed with the revocation of the proposals.

Signed: Martin Samuels,

Strategic Director,

Social Care and Education

Publication Date: 14 April 2021

