

# Executive Decision Report

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## **Determination of Modification to Statutory Proposals – proposed bringing together of Fosse Primary School and Slater Primary School**

Decision to be taken by: Deputy City Mayor for Children &  
Young People's Services

Date of decision: 13 March 2019

Lead Director: Richard Sword

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## Useful information

- Ward(s) affected: Abbey and Fosse
- Report author: Richard Sword, [richard.sword@leicester.gov.uk](mailto:richard.sword@leicester.gov.uk) ext. 37 1628
- Report version number 1.1

### 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. The proposed modification, if approved would delay the implementation until August/September 2021
- 1.2. Ground condition issues have been discovered at the proposed site for the expanded school. Options for the site are currently being considered, which has made it is necessary to seek approval for a modification to the implementation date.

### 2. Recommendations:

- 2.1. The Executive is recommended to review the information provided within this report and agree that the modification to the previous decision be approved, namely;
  - i) that Fosse Primary School will enlarge its capacity from its current capacity of 420 to 1,050 pupils with effect from 01 September 2021 rather than 01 September 2019
  - ii) that Slater Primary School will close with effect from 31 August 2021 rather than 01 September 2019

### 3. Supporting information including options considered:

- 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 expanded school requires an additional building on an adjacent site, known as the Waterside site. Since determining the proposals the building project has been put on hold due to ground condition issues. Detailed environmental surveys carried out last year uncovered much more significant ground contamination than was originally anticipated and extremely poor soil density on key parts of the site. As a result, the project has been temporarily suspended while further options are explored to ensure the authority delivers a best value for money solution.

- 3.3. The statutory procedure allows proposers to propose modifications to the decision maker before the approved implementation date, The existing school site doesn't have the capacity to house the additional pupils, so a decision was made to seek approval to postpone the implementation of the proposals. Delaying from August/September 2019 to August/September 2021.
- 3.4. LA Officers met with the Headteachers and Chair of Governors of both schools prior to the press release and publication of the statutory notices. Both schools were provided with update letters to send to parents and carers of current pupils on roll.
- 3.5. Due to the original closure notice, Slater Primary School was not available as an option for this years' first time admissions applications. The proposed modification would keep Slater open and it would now be available as an admissions option. Therefore, Admissions have written to all applicants in the city to make them aware of the proposed change. If the proposed modification goes ahead parents will have the opportunity to make changes to their preferences which relate to Fosse Primary and Slater Primary.
- 3.6. On 31 January 2019 the Local Authority published a modification to the reorganisation of Fosse Primary School and Slater Primary School. A four week period of statutory representation followed, ending 27 February 2019.
- 3.7. The modification 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.  
Copies were sent to:
- The Chair of Governors at both schools
  - Local MP
  - Ward Councillors
  - Secretary of State, c/o School Organisation DfE
  - Leicestershire County Council
  - Church of England and Roman Catholic Diocese education representatives
  - Trade union representatives
- 3.8. During the period of representation, any person or organisation could submit comments on the modifications to the Local Authority.  
Two representations were received.
1. The Strategic Lead of the Leicester Primary Partnership raised concerns regarding Slater Primary School. The current uncertainty is leading to diminishing pupil numbers and affecting their financial viability.  
**Response:** *The proposed modification would give security for two further years, and the Local Authority have begun discussions with Slater's leadership team to support them in reviewing their financial situation.*
  2. One union representative expressed his disappointment with how the proposed modification had been communicated to staff and himself.  
**Response:** *Information was cascaded to staff via Heads and Chair of Governor briefings. The information was sent to trade unions via the*

*agreed communication trail of branch secretaries, but this individual will be added to our circulation list for future communications.*

### **3.9. Decision making options**

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

1. Reject the modification of the determined proposals originally made on 5 July 2018.;
2. approve the modification of the determined proposals originally made on 5 July 2018;
3. approve the modification with a revision (e.g. the implementation date); or
4. approve the modification subject to conditions

### **3.10. Conclusions**

The Executive is asked to modify the previously determined proposals by approving to delay the enlargement of Fosse Primary School and the related proposal to close Slater Primary School. Approval would delay implementation from August/September 2019, to August/September 2021.

## **4. Details of scrutiny**

- 4.1. The modification statutory notice was published in the Leicester Mercury on 31 January 2019. 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 copies of the statutory notice and complete proposals on the consultation website page.

## **5. Financial, legal and other implications**

### **5.1. Financial implications**

Any additional costs associated with the delays to the closure and expansion are being reviewed with the schools and mitigating action taken.

Simon Walton, Principal Accountant, Tel ext 37 4053

## 5.2. Legal implications

The procedural legal requirements for determining these statutory proposals have been met. The substantive legal requirements which the decision-maker must take into account are set out in sections 3. The decision-maker must also have active due regard to the Public Sector Equality Duty,

Kamal Adatia, City Barrister & Head of Standards, Tel ext: 37 1401

## 6. Summary of appendices

### Appendix A – statutory notice

#### Modification to the reorganisation of Fosse Primary School and Slater Primary School



##### Part 1

In accordance with [The School Organisation \(Prescribed Alterations to Maintained Schools\) \(England\) Regulations 2013](#) Leicester City Council is proposing to modify a previous decision to make prescribed alterations to Fosse Primary School, Balfour Street, Leicester, LE3 5EA. Leicester City Council previously proposed to change the planned admission number of Fosse Primary School, from its current planned admission number of 80 to a planned admission number of 150 with effect from 1 September 2019.

Implementation of this proposal would have resulted in the school being enlarged from a 420 place primary school (80 places per year from Reception to Year 6), to a 1,050 place primary school (150 places per year from Reception to year 6).

This modification proposes to postpone implementation until 1 September 2021.

##### Part 2

In accordance with [The School Organisation \(Establishment and Discontinuance of Schools\) Regulations 2013](#) Leicester City Council is proposing to modify its intention to discontinue Slater Primary School, Slater Street, Leicester, LE3 5AS.

Leicester City Council previously proposed to discontinue (meaning to close) with effect from 31 August 2019. This proposal is 'related' to those in Part 1 above. All pupils attending Slater Primary School at the time of its originally planned closure were due to transfer to the roll of Fosse Primary School (see Part 1). Pupils in Year 6 at the time of its closure were due to transfer to a secondary school as part of the usual secondary transfer process.

This modification proposes to postpone implementation until 31 August 2021

##### Reasons:

The statutory notice for the original proposals (Part 1 and Part 2) was published on 9 April 2018 and a decision was taken by Leicester City Council on 5 July 2018. Leicester City Council is of the view that circumstances have so altered since approval to expand the school was given that implementation of the proposals would be inappropriate at this time and is therefore seeking to modify the implementation dates.

The Fosse Primary School expansion plans, which include a new build programme, have been subject to unforeseen delays. This means that Fosse Primary School will not have the building capacity to expand its pupil numbers from 1 September 2019. Until the completion of the building programme, 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 [The School Organisation \(Prescribed Alterations to Maintained Schools\) \(England\) Regulations 2013](#) and [The School Organisation \(Establishment and Discontinuance of Schools\) Regulations 2013](#) to formally publish modification proposals where it is proposing to change the implementation date of previously approved proposals.

Within four weeks from the date of publication of this proposal, any person may object to or make comments on these modification proposals by email to [richard.sword@leicester.gov.uk](mailto:richard.sword@leicester.gov.uk) or post to:

Richard Sword, Director, Capital Programmes, Leicester City Council, City Hall, 115 Charles Street, Leicester, LE1 1FZ

The closing date for comments and objections is Wednesday 27 February 2019

Signed:

A handwritten signature in black ink, appearing to read "Paul Tinsley".

Paul Tinsley, Divisional Director, Learning and Inclusion

Publication Date: Thursday 31 January 2019

##### Notes:

1. The expanded primary school will retain its school LA/DFE number and unique reference number and pupils of the closing Slater Primary School (see Part 2 above) will have amendments to existing registrations etc. when they transfer to the new primary school.
2. An additional site is required for this expansion and some remodelling of existing buildings within the existing site. This will be phased in agreement with the school, and be subject to the normal planning permission process.

**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)?**

**Is this a “key decision”?**

Yes

**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