

Executive Decision Report

Determination of Statutory Proposals – Alteration of Lower Age Range: Madani Boys’ School & Madani Girls’ School

Decision to be taken by: Assistant City Mayor and
Executive Lead Member for Education and Children’s
Services

Decision to be taken on: 14th July 2015

Lead director: Frances Craven



City Mayor

Useful information

- Ward(s) affected: Spinney Hill – potential all wards in City
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- Report version number: 3.1

1. Summary

To seek a determination of statutory proposals to lower the age ranges of Madani Boys’ School and Madani Girls’ School from their current age ranges of 11 through to 16, to age ranges of 4 through to 16 to become ‘all through schools’ from 1 September 2016

2. Recommendations

1. The Executive is recommended to review the information provided within this report and determine whether the proposals as published be approved or not, namely;
 - i. That Madani Boys’ School will lower its age range from its current age range of 11 through to 16, to an age range of 4 through to 16 with effect from 1 September 2016 subject to planning permission and acquisition of site being met.
 - ii. That Madani Girls’ School will lower its age range from its current age range of 11 through to 16, to an age range of 4 through to 16 with effect from 1 September 2016 subject to planning permission and acquisition of site being met.

3. Supporting information including options considered:

The Governing Body of the Madani Schools Federation published a statutory notice and detailed proposals to lower the age ranges of both Madani Boys’ and Girls’ Schools to become ‘all though’ 4 to 16 schools on 17 April 2015. A four week period of representation followed, during which no representations have been received.

3.1 The role of the LA as Decision Maker:

Decisions on school organisation are taken by the city council as the relevant Local Authority or by the schools adjudicator dependent on the decision required by ‘The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013. As this proposal is for a change of status at existing schools, then in this instance, the decision falls to the city council and not the schools adjudicator.

3.2 Statutory Guidance – Factors to be considered by the LA as Decision Maker in making changes to maintained mainstream schools

Decision makers are required to have regard to guidance issued by the Secretary of

State when they take a decision on proposals. New school organisation regulations and associated guidance came into force on 28 January 2014. The guidance documents are available at <https://www.gov.uk/government/publications/school-organisation-maintained-schools>

'Annex B: Guidance for Decision-makers' (Appendix 1) sets out some the factors that decision-makers should consider when deciding a proposal. These factors are not exhaustive and the importance of each will vary depending on the type and circumstances of the proposal. All proposals must be considered on their individual merits.

The format of this report follows the framework of the Annex B guidance for this proposal. The text in italics at the start of each section contains extracts from the guidance to assist the Executive to understand the context. The text beneath the extracts in each section contains officer comment in relation to the factors.

3.3 Consideration of consultation and representation period

(Annexe B – para 10)

The decision-maker will need to be satisfied that the appropriate consultation and/or representation period has been carried out and that the proposer has had regard to 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 objections to and comments on the proposal.

On 2 March 2015, the Governing Body of Madani Schools Federation started a consultation process on a proposal to extend the age range and enlarge the premises of both schools to include primary provision from 1 September 2016.

The consultation period ran from 2 March to 3 April 2015. The consultation document was published on the schools website and the following stakeholders were consulted:

- Parents of existing pupils at Madani Boys' School and Madani Girls' School
- Staff at Madani Boys' School and Madani Girls' School
- Staff at Leicester Islamic Academy – trust organisation for Madani Schools
- Other local schools
- Local places of worship
- City Councillors
- Local Authority

During the consultation period, the Governing Body ran a public meeting so that stakeholders could hear more about the proposal and ask questions not covered in the documentation. This was held on 17 March 2015 at 6.00pm.

Staff consultation meetings were held with Madani Schools Federation on 17 March 2015 and Leicester Islamic Academy on 11 March 2015.

Outcomes of the consultation period were considered by the governing body at a meeting on 14 April 2015 and were included within the statutory proposal documentation.

On 17 April 2015, the Governing Body of Madani Schools Federation published a statutory proposal to lower the age range of both schools from 1 September 2016.

A four week period of statutory representation followed.

The proposal was published on the schools website (and downloaded 49 times) a statutory notice was published in the Leicester Mercury and placed conspicuously on all school gates and reception area. Copies of the proposal were sent to:

- The Local Authority
- All primary and secondary schools in the City
- Local MP
- Federation of Muslim Organisations, Leicestershire and Association of Muslim Schools UK - the relevant faith group in relation to the school

During the period of representation, any person or organisation could submit comments on the proposal to the Local Authority. No representations were received.

3.4 Education standards and diversity of provision

(Annexe B – paragraphs 11 and 12)

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

The decision-maker should also take into account the extent to which the proposal is consistent with the government's policy on academies as set out on the department's website.

In Leicester City, the percentage of Leicester schools judged to be good or better increased from 54% to 73% between 2010 and 2014. This is below both the East Midlands and national averages.

However, pupils at both Madani Boys' School and Madani Girls' School make better than average progress compared with pupils nationally.

In all four measures of attainment below, the performance of pupils at both schools was significantly above the national average:

- The percentage of pupils achieving 5+ A*-C grades, including English and Mathematics
- Average point score in GCSE English
- Average point score in GCSE Mathematics
- Average GCSE capped points score (best eight subjects)

Both schools enable pupils to make good progress from their starting points when they join the schools. The value added measure shows very high figures compared with the national average and other schools in Leicester.

There is no current state funded provision for Islamic faith in the primary phase of education in Leicester. Families of other faiths – Christian, Hindu and Sikhs have opportunities to send their children to faith schools. Data from the 2011 Census that 18.6% of Leicester's population is of Muslim faith, compared to 32.4% Christian, 15.2% Hindu and 4.4% Sikh.

The provision of Muslim primary provision will meet the aspirations of parents in the local community, provide continuity of provision and help to narrow the attainment gap.

The Government's policy on academies is not directly applicable to this proposal to lower the age ranges of existing schools. The proposal does not create a new school which is when the 'academy presumption' applies. The Governing Body of the federation is at liberty to consider conversion to academy school status regardless of whether the schools extend their age ranges or not.

The Governing Body has regularly confirmed their desire to remain within the local authority family of schools and not pursue academy status.

3.5 Demand

(Annexe B – paragraphs 13,14 and 15)

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.

The city has experienced a year on year birth rate rise for the last 10 years leading to increased annual admissions to the reception year. In addition to increases in birth rate rises, in the academic year 2010/11 there were 905 in-year applications from children new to the city. In the 2014/15 academic year this number has risen to over 2500 applications.

All the local schools in the area of Madani are popular and full in most year groups. Additional primary capacity will meet the demand of parents in the local community.

Currently Madani Boys' School and Madani Girls' School combined draw pupils into Year 7 from more than 20 primary schools. Five of these schools (Coleman Primary, Evington Valley Primary, Mayflower Primary, Spinney Hill Primary and Uplands Infant/Junior Schools provide approximately half of the combined intake into Year 7. This suggests that each might lose on average between 8 and 15 places per year to the primary provision at Madani Schools Federation. However, these pupils would be replaced by other pupils who had not been able to secure a place at their preference school as the vast majority of these schools are popular and oversubscribed.

3.6 School size

(Annexe B – paragraph 16)

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.

The proposal is to lower the age range of both schools by adding a two form entry (420 places) primary phase to each school.

The additional pupils will help support the viability and cost effectiveness of both schools as currently they are both two form entry secondary schools (300 places each).

3.7 Proposed admission arrangements

(Annexe B – paragraphs 17 and 18)

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 admissions authority should be given the opportunity to revise them.

As part of the proposal, the Governing Body of the Madani Schools Federation carried out consultation on proposed admission arrangements for the schools for 2016/17 academic year.

The consultation proposed a planned admission number (PAN) of 60 in the Reception year of each school from September 2016, alongside the current PAN of 60 for entry to Year 7 if the proposal to lower the age range of the schools was approved. Each school would continue with a PAN of 60 in Reception and Year 7 until the first intake reaches Year 7 in September 2023, when the entry into Year 7 would be discontinued

The consultation was carried out between 1 January and 27 February 2015 and determined by the Governing Body on 14 April 2015.

The local authority was consulted as part of the consultation and is of the view that the admission arrangements are compliant with the School Admissions Code.

3.8 National Curriculum

(Annexe B – paragraph 19)

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

The schools will follow the statutory framework for the Early Years Foundation Stage and the National Curriculum programmes of study in Years 1 to 6, with a strong focus on reading, writing and mathematics.

The curriculum will be planned as a whole, from 4 to 16 and involve staff from both the primary and secondary parts of the school to maximise pupils' progress through the curriculum and ensure that topics are studied in sufficient depth.

In some areas of the curriculum, specialist staff from the secondary parts will be used to enhance pupils' learning in areas such as physical education, design and technology and modern foreign languages.

Lowering the age range will have no impact on the national curriculum offered at secondary age. Both schools will continue to provide the full curriculum and offer a range of GCSE and other courses at Key Stage 4.

3.9 Equal opportunity issues

(Annexe B – paragraphs 20 and 21)

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.

The governing body of Madani Boys’ School and Madani Girls’ School has advised that they are fully committed to meeting all its statutory duties in respect of equality of opportunity, especially in respect of protected characteristics. In particular, the governing body advised that is committed to meeting its public sector duties in respect of:

- eliminating discrimination, harassment and victimisation among pupils of all ages, irrespective of their backgrounds, and particularly where it is directed at pupils with protected characteristics.
- promoting equality of opportunity by meeting the needs of pupils where they are different from the needs of other pupils.
- fostering good relations between the full range of different groups represented in the school and the local community.

The schools will extend their current behaviour, equal opportunities, safeguarding and teaching and learning policies to ensure they properly reflect the expanded age range of the schools so that they can be applied appropriately.

The schools main aim is to ensure that all pupils achieve highly, irrespective of their backgrounds or characteristics. The current approaches in all areas of school life will be extended to ensure that each pupil has the same opportunities to participate and experience as others.

The changes mean that the schools will revise their equalities objectives that show how they meet the three key areas of public duty to include the increased age ranges of the schools. Publication of equality information will similarly be extended to include the primary phase.

3.10 Community cohesion

(Annexe B – paragraph 22)

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.

The schools promote a set of values through which the pupils grow to be mature, reflective and contributing adults.

They work with other faith communities and participate in local events to support a view that the values are common across communities from a range of faiths or none. This has included:

- hosting the One Voice Event to assist in the promotion of conflict resolution in afflicted countries
- pupils and staff supporting and contributing to local, national and global charities such as LOROS, Comic Relief and Ajmal Foundation
- hosting the AGM of Leicester Council of Faiths where pupils have actively participated with faith leaders belonging to Jainism, Sikhism, Baha'ism, Christianity, Judaism, Islam, Buddhism and Hinduism

The schools currently work with all secondary schools in the city through the Education Improvement Partnership to share resources and support education in the interests of all young people in the city.

The schools have led the Aspire Programme through the National College in developing leaders across the city with other schools.

The schools have been involved in many forums which demonstrate their commitment and willingness to work with a range of stakeholders to 'grow' professionally and to help the wider community to prosper by working in partnership.

The proposals are intended to have a positive impact on families and the local community, by providing the opportunity for an increased level of continuity of services for children and parents through the sustainable provision of primary places in the local area.

These are community schools which draw pupils from its local area and the pupil profile reflects the ethnicity of their area.

3.11 Travel and accessibility

(Annexe B – paragraphs 23, 24 and 25)

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.

The schools proposed for expansion, as is the case at many schools in Leicester, already have a degree of traffic and congestion issues from the current school intake and the expansions will exacerbate the problems if no mitigating measures are taken.

To minimise the impact of the additional pupils Transport Assessments are undertaken and are submitted as part of the planning application for building work at the schools. Particular emphasis is being given to School Travel Plans as a means of focusing attention of the issues and to seek to bring about change in people's behaviour in delivering and collecting children.

The Governing Body currently have an accessibility plan for both schools and have committed to producing cross phase accessibility plans as part of the consideration of expansion into the new facilities.

The proposed expansion of the schools will minimise distances that children and parents have to travel and serves to promote accessibility and create capacity for siblings to attend the same schools. This helps to limit the need for car use by parents at the beginning and end of the school day. The expansions would be a popular choice amongst parents wishing to secure a place at their local schools rather than have to travel further distance to schools with available places.

3.12 Capital

(Annexe B - paragraphs 26 and 27)

The decision-maker should be satisfied that any land, premises or capital 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.

If these statutory proposals are approved, the Madani Schools would require building work to be undertaken to provide appropriate accommodation for the additional children.

Initial site scoping work has been undertaken by architects and has indicated how the additional school places could be accommodated through a refurbishment of an existing building adjacent to the current schools.

Detailed feasibility work and surveys will be undertaken to develop design proposals and develop costings. This feasibility work would ensure that the necessary building work could be completed by September 2017 and the necessary interim accommodation requirements could be made for the intake of additional children in

September 2016.

Based on current estimates and market conditions it is expected that it is possible to deliver this programme with Department for Education capital grants, without the need for council capital funding. (subject to separate report for approval of capital funding)

3.13 School premises and playing fields

(Annexe B - paragraphs 28 and 29)

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.

Government regulations and guidelines are considered in relation when undertaking the design work to accommodate the additional pupils.

The school facilities are considered against Building Bulletin 103. Full consideration is given to suitable outdoor and indoor 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 within the capital proposal as outlined above.

As voluntary aided schools, the local authority can make available suitable playing fields for team game sports if the schools do not have sufficient space on site. The Madani Schools currently and will continue to have access to local playing fields as part of this proposal.

3.14 Expansion

(Annexe B - paragraph 30)

When deciding on a proposal for an expansion on 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 academy 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?*

The Governing Body of Madani Boys' School and Madani Girls' School wants to provide pupils with a continuous education experience from age 4 to age 16 in the same 'all through school' by expansion into an adjacent building.

The benefits to 'all through' schools' include:

- Shared financial costs across primary and secondary phases
- Opportunity for consistency of pedagogy, ethos, expectations and aspirations
- Professional development of teaching and support staff
- Recruitment and retention of high quality staff
- Improved welfare and special needs services
- Seamless English and maths curriculum
- Reduction of pupil performance dipping between primary and secondary level

The admission arrangements (as described earlier) have been determined for 2016/17 in support of the expanded schools.

There is no necessity to segregate boys and girls of primary school age, boys and girls will be taught together in mixed classes in the primary phase. Pupils will move between phase for specialist lessons, for example, design and technology, modern foreign languages and physical education.

Both schools will continue to be run under a single governing body within the Madani Schools Federation. Existing committees will expand their remits to include the primary phase of education. Financial matters will continue through the current financial arrangements for each school.

Staff are currently employed by the Governing Body of the Federation, thus the expansion of age range will provide the Governing Body the flexibility to deploy staff to support the whole school across all stages of education from the primary to the secondary age range.

Curriculum plans will include regular cross phase learning and extra-curricular activities. They will be a key element in enhancing the learning experiences for all pupils. Plans to support pupil development will result in creative models being embedded into the schools whereby pupils will experience a 'buddy' scheme including reading, a house system as well as 'peer' support programmes.

All facilities in both phases of the schools will continue to be available for use by the pupils and community from the primary and secondary parts of the school. The opportunity of the adjacent building would allow the governing body to operate the sites as a campus model with shared facilities including pupil, parent and community access, external physical education and play space.

3.15 Views of Interested Parties

There were no comments received by the Local Authority during the representation stage of the proposals.

3.16 Decision Making Options

Decisions must be made within a period of two months of the end of the representation period or they must be referred to the Schools Adjudicator.

For this proposal the end of the representation period was 15 May 2015, therefore the LA must determine the proposal before 15 July 2015.

In considering prescribed alteration proposals, when issuing a decision, the decision maker (LA) can:

1. reject the proposals;
2. approve the proposals without modifications;
3. approve the proposals with modifications (e.g. the implementation date); or
4. approve the proposals – with or without modification – subject to certain prescribed events (such as the granting of planning permission) being met.

For this proposal, the following events are prescribed as specified events which must occur by the date specified in the approval (1 September 2016)

- The grant of planning permission under Part 3 of the Town and Country Planning Act 1990
- The acquisition of any site required for the implementation of the proposals

3.17 Conclusion

On the basis that there have been no representations to the statutory notice and detailed proposals, the commentary set out in this report, and statutory considerations, the Executive is invited to determine the change of age range proposals at Madani Boys' School and Madani Girls Schools' School with effect of 1 September 2016.

4. Details of Scrutiny

The consultation document was published between 2 March and 3 April 2015 and the statutory proposal was published between 17 April and 15 May 2015.

Both the consultation and statutory proposals were published on the schools website and were available to any interested stakeholders during these periods.

A statutory notice was published in the Leicester Mercury on 17 April 2015.

Meetings for staff and other stakeholders were undertaken during the consultation period.

The proposal to expand the schools has been part of the Local Authority's proposals for additional school places which has been discussed at Education and Childrens Services Scrutiny Commission, most recently on 17 September 2014.

5. Financial, legal and other implications

5.1 Financial implications

The capital related financial implications are being covered in a separate report. In terms of revenue costs transitional funding will be needed from our existing growth and exceptional cost pressure funds for the new pupil intake in September 2016. This is because the DfE will only provide funding for these pupils from April 2017.

Martin Judson, Head of Finance

5.2 Legal implications

The legal requirements for expansion proposals and admission arrangements have been met. It is recommended that particular attention is paid to the considerations provided for under "Expansion (Annexe B - para 30)".

Caroline Woodhouse, Supervisory Solicitor, Legal Services.

5.3 Climate Change and Carbon Reduction implications

There are no climate change implications associated with seeking a determination of statutory proposals to lower the age ranges of the schools.

If changes to the age ranges go ahead an increase in overall school size will increase energy use and carbon dioxide emissions however increases can be minimised by refurbishing the newly included existing building to high environmental standards.

An emphasis on school travel planning will help to mitigate any environmental impact from additional pupils travelling to the schools.

Mark Jeffcote, Environment Team (x 372251)

5.4 Equalities Implications

Although the school's submission did not include reference to their Public Sector Equality Duty or Accessibility Duty as set out in the Equality Act 2010, it did subsequently confirm to the council its commitment to meeting both duties. The council's equalities team will provide guidance to the school on how to meet these duties and to note its commitment to doing so on the school's website.

Irene Kszyk, Corporate Equalities Lead, ext 374147.

5.5 Other Implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

6. Background information and other papers:

7. Summary of appendices:

Appendix 1 - Annex B: Guidance for Decision-makers

8. 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

9. Is this a “key decision”?

Yes

10. If a key decision please explain reason

If proposal is approved it has potential to affect all primary schools within the City and commit the Council to expenditure over £1m - although stator duties for the provision of sufficient school places would still need to be met.

In determining whether it is a key decision you will need consider if it is likely:

- to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council’s budget for the service or function to which the decision relates.
- to be significant in terms of its effects on communities living or working *in two or more wards in the City*.

Expenditure or savings will be regarded as significant if:

- (a) In the case of additional recurrent revenue expenditure, it is not included in the approved revenue budget, and would cost in excess of £0.5m p.a.;
- (b) In the case of reductions in recurrent revenue expenditure, the provision is not included in the approved revenue budget, and savings of over £0.5m p.a. would be achieved;

- (c) In the case of one off or capital expenditure, spending of over £1m is to be committed on a scheme that has not been specifically authorised by Council.

In deciding whether a decision is significant you need to take into account:

- Whether the decision may incur a significant social, economic or environmental risk.
- The likely extent of the impact of the decision both within and outside of the City.
- The extent to which the decision is likely to result in substantial public interest
- The existence of significant communities of interest that cannot be defined spatially.