

# Birmingham City Council

## Report to Cabinet

Date: 20<sup>th</sup> April 2021



**Subject:** OSCOTT MANOR SCHOOL PRIORITY SCHOOL BUILDING PROGRAMME NEW BUILD – CAPITAL CONTRIBUTION FOR ADDITIONAL WORKS

**Report of:** Interim Director for Education and Skills  
Andy Couldrick

**Relevant Cabinet Member:** Cllr Jayne Francis - Education, Skills and Culture  
Cllr Tristan Chatfield - Finance and Resources

**Relevant O &S Chair(s):** Cllr Kath Scott - Education and Children's Social Care  
Cllr Sir Albert Bore - Resources

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|--|---|--|
| Are specific wards affected?   | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No – All wards affected |
| If yes, name(s) of ward(s): Oscott and Stockland Green                               |   |  |
| Is this a key decision?  | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No                      |
| If relevant, add Forward Plan Reference: 007966/2020                                 |   |  |
| Is the decision eligible for call-in?  | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No                      |
| Does the report contain confidential or exempt information?                          | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No           |
| If relevant, provide exempt information paragraph number or reason if confidential : |   |  |

### 1. Executive Summary

- 1.1 To seek approval for the contribution for additional works to support the Central Government Priority School Building Programme 2 (PSBP2) at Oscott Manor School. The contribution to the cost of the scheme will not exceed £1.402 million.

- 1.2 PSBP2 is a central government led asset replacement programme under which Oscott Manor School will be rebuilt on a new site providing the pupils with a purpose-built facility to meet their needs.  
The Local Authority contribution enables the creation of 28 additional places for Autistic pupils in line with our sufficiency requirements for special school places.

## **2. Recommendations:**

That Cabinet

- 2.1 Approves the contribution of £1.402m for the capital works to provide space for the school to admit 28 additional pupils and for the highways works under S278 of the Highways Act 1980 to the Department for Education (DfE) as part of the overall PSBP2 construction.
- 2.2 Authorises the Director for Education and Skills to make this payment to the DfE

## **3. Background**

- 3.1 The Local Authority has a statutory duty to ensure that there are sufficient pupil places, secure diversity in the provision of schools and increase opportunities for parental choice through planning and securing additional provision (Section 14, Education Act 1996 and Education & Inspections Act 2006). Under section 22 of the School Standards and Framework Act 1998 the Council has a duty to defray all of the expenses of maintaining the school
- 3.2 The second phase of the Priority Schools Building Programme (PSBP2) concentrates on the rebuilding or refurbishment of individual school and college buildings or blocks in the worst conditions.
- 3.3 Due to the success of the PSBP Phase 1 the DfE invited bids to Phase 2 of the PSBP for schools in need of urgent repair. 12 Birmingham Schools were successful in securing funding, one of which was Oscott Manor School.
- 3.4 As part of the PSBP programme Local Authorities are required to agree Section 278 works (Highways works). The total cost of the project at Oscott Manor is circa £8.5million of which the Local Authority contribution is £1.4million, as determined in the S151 letter dated 20<sup>th</sup> May 2019. Please see Appendix 1 outlining what was agreed.
- 3.5 The works approved by the DfE was for a completely new build of the school. Owing to the constraints of the current school site it was agreed that the school would be relocated to an alternative site on Reservoir Road, Erdington. The Local Authority contribution will enable additional classrooms to be provided which will support the school in taking additional pupils once the school opens on the new site.
- 3.6 The decision on the school organisation proposal to relocate the site and expand the provision was completed and approved by the decision maker in June 2019 see Appendix 2.

## **4 Options considered and Recommended Proposal**

- 4.1 The option of doing nothing would mean the City Council would fail to meet its statutory obligation in providing appropriate provision to meet the needs of the children. In addition, the Council would be in breach of the agreement made with the DfE in the S151 letter.
- 4.2 The current building is beyond economic repair and no longer fit for purpose. It would therefore not be cost effective to bring this up to the standard that was needed to safely accommodate the schools' pupils.
- 4.3 The preferred option was to provide a new facility which is more cost effective and will ensure that the pupils can continue to be taught on the current site whilst the new school is being built.

## **5 Consultation**

### External

- 5.1 The proposal was fully consulted upon in line with the requirements set out in the statutory guidance "Making significant changes ('prescribed alterations') to maintained schools (October 2018) published by the Department for Education (DfE). At the end of the statutory consultation 18 responses were received (2 from parents, 12 from staff, 2 from local residents, 1 from a parent governor and 1 from a respondent who did not specify, all were in favour of the proposal.

### Internal

- 5.2 The Leader and Ward Members for Oscott and Stockland Green have been consulted in relation to the proposals. No comments were received from the Ward Members for Stockland Green. The Ward Member for Oscott and the Leader responded with no objection to proceeding to an executive decision.

## **6 Risk Management**

- 6.1 Should the proposals not be approved the school buildings would have to close as they are beyond economic repair and would no longer offer a safe environment for the pupils. Works have been undertaken on the current site to ensure compliance of the buildings whilst the new build is being constructed. Practical completion is programmed for January 2022.
- 6.2 Alternative places would need to be found if the proposal was not approved for the current and future pupils of Oscott Manor School and this may increase the Council's reliance on independent provision if sufficient places are not available.

## **7 Compliance Issues:**

### **7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?**

- 7.1.1 These works are required to enable the Local Authority to meet its statutory duty to not only ensure the provision of sufficient SEN provision at Oscott

Manor School but also to secure diversity in the provision of schools and increase opportunities for parental choice (Section 14 Education Act 1996 and Education & Inspections Act 2006). The spending priorities proposed are in accordance with the Schools' Capital Programme 2020-21 and the Council's Vision and Forward Plan priorities for Children, particularly 'A great place to grow up in by providing an environment where children have the best start in life and are able to realise their full potential through great education'.

## **7.2 Legal Implications**

- 7.2.1 This report facilitates the discharge of the local authority's duty under section 14 of the Education Act 1996 to ensure that sufficient schools are available to provide for all pupils the opportunity of appropriate education. The authority is also under a duty to defray the expenses of maintaining the school pursuant to section 22 of the School Standards and Framework Act 1998.

## **7.3 Financial Implications**

- 7.3.1 The cost of the works at Oscott Manor School will be funded from Department for Education PSBP2 programme and the Local Authority's Special Provision Allocation. The total project cost is circa £8.5 million and the Local Authority contribution towards the total cost of the scheme will not exceed £1.4 million.
- 7.3.2 Consequential revenue costs will be the responsibility of the school and funded from the school's delegated budget. As at the end of the last financial year the school had a surplus in excess of £0.250m, indicating a reasonably healthy financial position.

## **7.4 Procurement Implications (if required)**

- 7.4.1 There are no procurement implications for BCC as the project is procured and delivered by the Department for Education through the Priority School Building Programme contract. BCC has provided a contribution to provide the additional classroom space required for the school to take the additional pupils as identified by our pupil forecasting.

## **7.5 Human Resources Implications (if required)**

- 7.5.1 N / A

## **7.6 Public Sector Equality Duty**

- 7.6.1 A Full Equality Analysis (EA0001202) was carried out in May 2016 for Education Infrastructure's Education Development Plan and Schools' Capital Programme 2020-21. The outcomes from consultation demonstrate that proposed capital developments support positive outcomes for children, young people, their families and carers. No negative impact on people with Protected Characteristics was identified. It was concluded that sufficiency of educational places and opportunities for all children and young people contributes to providing positive life chances and supports a positive approach to Safeguarding in Birmingham: actively reducing the number of children and young people out of school helps to mitigate risk to their safety

and wellbeing. We have assessed the content and can confirm that it still remains relevant as the works to provide a new facility will have a positive impact.

## **8 Appendices**

- 8.1 Section 151 Letter dated 20<sup>th</sup> May 2019
- 8.2 School Organisation Proposal – Determination Letter

## **9 Background Documents**

- 9.1 Schools' Capital Programme - School Condition Allocation 2020 -21+ Future Years Cabinet Report – Cabinet Approval on 21<sup>st</sup> April 2020.
- 9.2 Changing demand and supply of school places – Overview & Scrutiny Report – September 2018