

Birmingham City Council

Report to Cabinet Member for Children Young People and Families

February 2023



Subject: PROPOSALS TO DISCONTINUE ST. EDMUNDS CATHOLIC PRIMARY SCHOOL, AND TO ALTER THE AGE RANGE AND EXPAND ST. PATRICKS CATHOLIC PRIMARY SCHOOL

Report of: Sue Harrison Director for Children and Families

Relevant Cabinet Member: Cllr Karen McCarthy: Children Young People and Families

Relevant O &S Chair(s): Cllr Kerry Jenkins: Education and Children's Social Care

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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): Soho and Ladywood | | |
| Is this a key decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| If relevant, add Forward Plan Reference: | | |
| 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, state which appendix is exempt, and provide exempt information paragraph number or reason if confidential: | | |

1 Executive Summary

To seek the determination of two linked statutory proposals:

- Discontinue St Edmund's Catholic Primary School and enlargement of St Patricks Catholic Primary School – proposals made by Birmingham City Council.
- Alter the age range of St Patrick's Primary School to 3 – 11 year olds (to include nursery age) - proposals made by the Federated Governing Body of St Edmunds and St Patricks Catholic Primary Schools.

These proposals are linked and, if approved, the outcome is a single amalgamated catholic primary school. The alteration of the age range to include the nursery provision and the expansion to include all school buildings will enable pupils from the discontinued school to be accommodated within the amalgamated school with effect from 1st September 2023.

2 Recommendations

2.1 That the Cabinet Member for Children, Young People and Families, having considered the statutory guidance, approves the statutory proposals to:

- 2.1.1 Discontinue St Edmunds Catholic Primary School;
- 2.1.2 Enlarge St Patricks Catholic Primary school by expansion onto the former St Edmunds Catholic Primary School site; and
- 2.1.3 Permanently increase the age range at St Patricks Catholic Primary School from ages 4-11 to 3-11.

3 Background

- 3.1 St Patricks Catholic Primary School is a voluntary aided school situated on Dudley Road, Ladywood, Birmingham, B18 7QW which is within Ladywood ward of Birmingham. The school was rated 'Good' by Ofsted in December 2018.
- 3.2 St Edmunds Catholic Primary School is a voluntary aided school situated on Rosebery Street, Birmingham, B18 7PA which is within Soho ward of Birmingham. The school was rated 'Requires Improvement' by Ofsted in July 2019.
- 3.3 St Patricks Catholic Primary School is 1 form of entry with 210 pupil places available across Reception to Year 6. St Edmunds Catholic Primary School is also 1 form of entry with 210 pupil places available across Reception to Year 6, plus a nursery class.
- 3.4 If the proposal is approved the school will become a two form entry with a total capacity of 420 pupils (not including nursery which offers 52 full time equivalent pupil places) the Governing Body configure the school to become a two form entry with KS1 based on the St Edmund's and KS2 based at St Patrick's site.
- 3.5 The Federated Governing Body of St Edmund's Catholic Primary and Nursery School and St Patrick's Catholic Primary School, with the support of the Archdiocese of Birmingham, wrote to Birmingham City Council with their request

to amalgamate. Following close collaboration with the schools and the Archdiocese of Birmingham, the Council has agreed to support the proposals.

- 3.6 The Federated Governing Body believe that amalgamation will provide an opportunity for more efficient management of funds. The amalgamation also provides the opportunity to continue to improve the educational standards as one school.
- 3.7 In compliance with DFE guidance, a statutory notice and complete proposals were published on 18th November 2022 for the prescribed four-week consultation, the “representation period”. The representation period commenced with the publication of a statutory notice in the Evening Mail newspaper, a notice on the schools’ website and on the Council’s Birmingham BeHeard consultation website and with notice to stakeholders and groups by letter and email (see also section 5 - Consultation). A copy of the public notice can be found in **Appendix 1** of this report.
- 3.8 During the representation period, comments on the proposals could be submitted in writing to Education Infrastructure via the BeHeard website online-survey, by email or letter.
- 3.9 At the close of the representation period on 16th December 2022: A total of 4 responses were received, 1 in favour, 3 opposed. All 4 responses were from Parents/Carers of pupil at the Schools. The outcome of the consultation is set out in **Appendix 3** to this report.
- 3.10 The main objections to the proposals were: -

| Objection | Mitigation |
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| Concern – “school run/ drop off/ collection of pupils” additional travel/ multiple sites/ change pupil location | <p>The travel between the two sites is 0.5 miles/ 0.8 kilometres, with an average of a 10 minutes walk from one site to the other. The school will be split across two sites with KS1 on one site and KS2 on the other., Currently affecting 33 families in total; 17 from St Patrick’s and 16 from St Edmund’s.</p> <p>The school will stagger start and finish times across the two sites to support parents collect and drop-off children. The school will update their School Travel Plan.</p> |
| Concern - safety of dropping children of at St Patricks located on a busy main road | <p>The health and safety of St Patricks has been managed by the school and there have been no incidents or near-misses recorded within 24 years. The school will continue to monitor and manage health and safety.</p> |

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| Opinion/ concern - motives over proposals | The reasons for the proposals are outlined in the complete proposals document which is attached as an appendix 2. |
| Opinion / concern - the children's behaviour will deteriorate in the combined school | The schools have operated under a single federated board with a shared behaviour policy; the amalgamation is intended to provide opportunities for further improvement. |
| Opinion / concern - quality of education/ Ofsted on the combined school will deteriorate | The two schools currently teach from the same curriculum and the amalgamation is intended to provide opportunities for further improvement. |
| Opinion/ suggestion – school to provide travel between sites with a fee to be paid by parents | This suggestion has been forwarded to the school as a suggestion if they choose to explore further. |
| Opinion / concern - additional extracurricular activities for pupils during long school holidays | The school will continue to offer additional extracurricular activities. Any other additional activities will be signposted for parents in line with current practices. |

- 3.11 The Education and Inspections Act 2006 and Regulation 7 of The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 (the Prescribed Alterations Regulations) state the Local Authority must have regard to any guidance issued by the Secretary of State when making a decision on such proposals. The relevant statutory guidance is: Making Significant Changes ('prescribed alterations') to Maintained Schools – statutory guidance for proposers and decision-makers - October 2018, published by the Department for Education. Opening and Closing Maintained School to maintained schools – statutory guidance for proposers and decision-makers - 0 November 2019, published by Department of Education. The Education and Inspections Act 2006, and Paragraph 5 of Schedule 3 to the Prescribed Alterations Regulations allows for the proposals to be approved, approved with modification, approved subject to meeting a prescribed condition, or rejected.
- 3.12 The Federated Governing Body as the proposer of the age range element of the amalgamation have reviewed the consultation results and have confirmed in writing to the LA that they would like to proceed with the proposal.
- 3.13 If the proposals are approved, the school will change their name to reflect the amalgamation of the two existing schools from September 2023. Arrangements are also underway to ensure that parents are supported in the transition process as part of the Reception 2023 admissions round given that the application round has already closed. A parent who applied to St Edmund's Catholic Primary School would have their application transferred to St Patrick's Catholic Primary

School, by default. All pupils on roll at St Edmund's or with an offer of a place there at the time of closure and amalgamation will automatically be placed at the enlarged St Patrick's school. Existing pupils of both St Edmunds and St Patricks schools would become pupils of the larger amalgamated primary school and there will be no action required by parents/carers of pupils on roll. Pupils in Year 2 would automatically continue into Year 3 and would then move to the upper-school on the Dudley Road site.

4 Options considered and Recommended Proposal

4.1 It is recommended that Cabinet Member approves the proposal outlined in section one of this report. The benefits of the recommended proposals are as follows:

- To secure the future of two small schools as one larger school, in order to continue being able to offer a Catholic education to children in the local area.
- To provide an opportunity for improving how the different spaces are configured for the different years groups across the two sites.
- Each year group would become 2 form entry, allowing teachers and teaching assistants to work with a year group partner to enhance teaching and learning through shared planning, delivery and evaluation of teaching and moderation of standards in learning.
- To provide greater flexibility in deploying non-class-based staff.
- To provide a strengthened pastoral team that could continue to offer Early Help with support to children and families.
- A single school leadership would be shared across both sites, continuing to drive school improvement in all areas.
- To provide economies of scale which would allow the enlarged school to improve and strengthen its financial position, making it more resilient to future challenges.

4.2 If the proposals are rejected, St Edmund's Catholic Primary School and St Patrick's Catholic Primary School will continue to remain as two separate schools with a single federated governing body. The school and Federated Governing Body would need to consider other options to optimise funding and quality of education within the two schools.

5 Consultation

5.1 The statutory proposals were consulted upon in line with the requirements set out in the relevant guidance from the Secretary of State (as noted in 3.6 of this report).

5.2 Internal:

Information on the proposals was shared with ward Councillors, officers from services across the Council which includes Admissions, SEND and Inclusion, Finance, School and Governor Support, SENDIAS, Children and Young Persons Travel Service, Human Resources, Legal, Planning, Research and Statistics Officers and colleagues in Education Infrastructure.

5.3 External:

Information on the proposals was shared with pupils, parents/carers of pupils, staff and members of the Federated Governing Body at the School; Birmingham Schools, the Archdiocesan and the Anglican Diocese of Birmingham, Professional Associations and Trade Unions, Neighbouring Local Authorities, the local Member of Parliament, local NHS partners, The Department for Education – School Organisation team and the Office of The Schools Adjudicator and by public notice (as described in section 3.11 of this report).

6 Risk Management

6.1 A financial risk has been identified please refer to section 7.3.4 of this report.

7 Compliance Issues:

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

7.1.1 The proposal to amalgamate the two schools is consistent with the Council's current Amalgamation Policy (modified October 2004), which states in section 2 that the only triggers for the amalgamation of separate primary schools is if either of the following apply:

- 1) Falling rolls
- 2) A request from the governing bodies of pair of schools.

7.2 Legal Implications

7.2.1 This report exercises powers contained within sections 15(1), 19(2) and 19(3) of the Education and Inspections Act 2006 and Schedule 2 and Schedule 3 to The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 (the "Prescribed Alterations Regulations"), whereby the Local Authority and the Federated Governing Board propose to discontinue the provision at St Edmunds Catholic Primary and alter the age range and expand St Patricks's Catholic Primary School, thereby amalgamating the two schools, under the Prescribed Alterations Regulations. By virtue of paragraph 10, Schedule 3 of the Prescribed Alterations Regulations, these proposals are related and the Local Authority has to consider them together. The Local Authority has the power to make statutory proposals affecting schools in its area and to determine them. The Local Authority is therefore the decision maker for these statutory proposals.

7.3 Financial Implications

- 7.3.1 There would be some costs (renaming/ re-branding) required to implement this proposal which would be funded by The Federated Governing Body and or the Archdiocese of Birmingham. The Federated Governing Body believes that, as a single school, there would be benefits to flexibility and stability of the finances as a single primary school. All school funding costs arising from merging the two schools (e.g. the lump sum protection) are fully funded from Dedicated Schools Grant.
- 7.3.2 From 1st September 2023 (the date of amalgamation), the amalgamated primary school will receive the combined value of budgets for each of the previous schools for the financial year of 2023/24.
- 7.3.3 For financial year 2024/25 there will a single budget allocation for the amalgamated school.
- 7.3.4 In 2023/24 financial year each school will receive a lump sum of £128,000 as part of their overall delegated budget to help fund management costs and fixed overheads in line with the national funding formula lump sum. For financial year 2024/25 the new (merged) school will receive 85% of the combined lump sum and the council may apply to the DfE to continue the lump sum protection for a second year. The DfE would not expect such second year protection to exceed 70% of the combined lump sums of the predecessor schools. Please note that this lump sum amount is based on the DfE National Funding Formula 2023-24 as published in July 2022 and will increase for 2023-24, it is subject to approval following the appropriate political ratification in February 2023.

7.4 Procurement Implications (if required)

- 7.4.1 Not Applicable

7.5 Human Resources Implications (if required)

- 7.5.1 If the proposals are approved for implementation, any impact on staff terms and conditions will be consulted upon with Trade Unions / Professional Associations by The Governing Body.

7.6 Public Sector Equality Duty

- 7.6.1 An updated Equality Assessment initial screening was carried out in October 2018 (EQUA221) against The School Organisation Change process, which identified that a full impact assessment was not required. No events have occurred since then which would require the preparation of a fresh screening in respect of The School organisation process. This proposal relates to citizens of school age and of Catholic faith; however, this proposal does not change the designated religious character of the School and therefore maintains the range of schools with religious character across the city. The recommendations in this report are likely to advance equality of opportunity between persons who share a relevant protected characteristic and persons

who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it and it has been decided that a full equality analysis is not required.

8 Appendices

Appendix 1: Public Notice

Appendix 2: Complete Proposal document

Appendix 3a: Consultation results - Summary

Appendix 3b: Consultation results - Full

Appendix 4: Councillors Consulted

9 Background Documents

- Education and Inspections Act 2006
- The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 (the “Prescribed Alterations Regulations”)
- Making significant changes (‘prescribed alterations’) to maintained schools: “Statutory guidance for proposers and decision makers” published by the Department for Education (DfE) October 2018.
- The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013
- Opening and Closing maintained Schools- Statutory guidance for proposers and decision-makers published by the Department for Education (DfE) November 2019
- Relevant officer files