

Members are reminded that they must declare all relevant pecuniary and non-pecuniary interests relating to any items of business to be discussed at this meeting

BIRMINGHAM CITY COUNCIL

JOINT CABINET MEMBER AND CHIEF OFFICER

WEDNESDAY, 14 DECEMBER 2016 AT 00:00 HOURS
IN CABINET MEMBERS OFFICE, COUNCIL HOUSE, VICTORIA
SQUARE, BIRMINGHAM, B1 1BB

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- 7 **PROVISION OF ADDITIONAL PLACES AT ST THOMAS MORE CATHOLIC PRIMARY SCHOOL – FULL BUSINESS CASE AND CAPITAL GRANT AWARD - PRIVATE**

Report of Executive Director for Education.

- 8 **EXTENSION OF THIRD SECTOR GRANTS- HOUSING RELATED SUPPORT AND DAY OPPORTUNITIES - PRIVATE**

Item Description

- 9 **EXTENSION OF THIRD SECTOR GRANTS- HOUSING RELATED SUPPORT, ADVICE AND GUIDANCE - PRIVATE**

Item Description

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	CABINET MEMBER FOR CHILDREN, FAMILIES & SCHOOLS JOINTLY WITH THE STRATEGIC DIRECTOR FOR PEOPLE
Report of:	Assistant Director for Education Infrastructure and Early Years
Date of Decision:	14 December 2016
SUBJECT:	PROPOSALS TO EXPAND BOTH ST MARGARET MARY CATHOLIC PRIMARY SCHOOL AND ST THOMAS MORE CATHOLIC PRIMARY SCHOOL BY ENLARGEMENT
Key Decision: NO	Relevant Forward Plan Ref:
If not in the Forward Plan: (please "tick" box)	Chief Executive approved <input type="checkbox"/> O&S Chairman approved <input type="checkbox"/>
Type of decision:	Executive
Relevant Cabinet Member:	Councillor Brigid Jones, Cabinet Member, Children, Families and Schools
Relevant O&S Chairman:	Councillor Susan Barnett, Schools, Children and Families Overview and Scrutiny
Wards affected:	Kingstanding, Sheldon

1. Purpose of report:
1.1 To seek determination of the statutory proposals to permanently expand both St Margaret Mary Catholic Primary School and St Thomas More Catholic Primary School by enlargement of 15 places (additional half form of entry, 0.5FE) per year group each with effect from 1 st September 2017.

2. Decision(s) recommended:
That the Cabinet Member for Children, Families and Schools jointly with the Strategic Director for People:-
2.1 Approves, having taken account of the statutory guidance, the proposal to expand St Margaret Mary Catholic Primary School by enlargement thereby increasing the capacity of the school by 15 places per year group (105 pupils in total) starting with effect from 1st September 2017.
2.2 Approves, having taken account of the statutory guidance, the proposal to expand St Thomas More Catholic Primary School by enlargement thereby increasing the capacity of the school by 15 places per year group (105 pupils in total) starting with effect from 1st September 2017.
2.3 Notes that each proposal is independent of the other and a decision is requested on each of them.

Lead Contact Officer(s):	Mary Lowe, Pupil Place Planning Officer
Telephone No: E-mail address:	0121 303 8847 mary.lowe@birmingham.gov.uk

3. Consultation

3.1 Internal

Information about the proposals was sent to all relevant City Councillors, including the Executive Members for Erdington and Yardley, MPs for Erdington and Yardley and the respective Ward Councillors, together with relevant officers across Birmingham City Council. The statutory consultation period commenced on 22nd September and members were invited to comment. A copy of the full proposal documents are in Appendix 3. Overall, one response was received in favour of the proposal at St Margaret Mary. A copy of this response can be found in Appendix 4. There were no responses received regarding the proposal at St Thomas More.

3.2 External

These proposals have been fully consulted upon in line with the requirements set out in statutory guidance “Making ‘prescribed alterations’ to maintained school – statutory guidance for proposers and decision-makers” published by the Department for Education (DfE) in April 2016. See Appendix 5 for an extract of this guidance.

A pre-Statutory Consultation was carried out on each of the proposals in line with DfE best practice. A proposal document was issued to all parents, teaching and non-teaching staff members and governors at St Margaret Mary on the 15th June 2016 and at St Thomas More on 27th June 2016. The document provided information on the proposal to allow schools to address any queries during the summer term. A copy of the proposal document can be found in Appendix 1.

A four week representation period commenced on 22nd September 2016 through the publication of a statutory notice for the expansion of both schools. The notice was displayed at the main entrance of both schools, in the Birmingham Evening Mail and online on the Birmingham.gov.uk webpages. A copy of the public notice and full proposal documents can be found within Appendices 2 and 3. Comments were invited and collated via the Be Heard consultation website, or by writing to Education & Skills Infrastructure. Local schools were informed of the proposed expansions through the Birmingham Education Noticeboard and invited to make comment. In addition, the proposals have been shared with representatives from the professional associations and other key stakeholders including neighbouring Local Authorities and The Archdiocesan and The Anglican Diocese of Birmingham. Overall, one response was received in favour of the proposal at St Margaret Mary. A copy of this response can be found in Appendix 4. There were no responses received regarding the proposal at St Thomas More.

4. Compliance Issues:

4.1 Are the recommended decisions consistent with the Council's policies, plans and strategies?

Once implemented, these proposals will support the Local Authority to meet its statutory duty to not only provide pupil places but also to promote diversity and increase parental choice in planning and securing provision of school places (Section 14 Education Act 1996 and Education & Inspections Act 2006). The proposal for expansion of both schools falls in line with the Additional Primary Places Programme to enhance the school offer and the overall school accommodation solution to better meet the needs of its current and future pupils.

4.2 Financial Implications.

(Will decisions be carried out within existing finances and Resources?)

The expansion of both schools along with associated remodelling work is part of Phase 6 & 7 of Additional Primary Places (APP) Programme and will be funded through the DfE capital allocation for Basic Need funding and Locally Co-ordinated Voluntary Aided Programme (LCVAP). Both programmes will be managed through the RC Diocesan Schools Capital team. The existing bulge class at each school was provided within existing accommodation at the schools. The project costs are estimated at £694,730 (of which £135,000 is from LCVAP) for St Thomas More Catholic Primary. The costs for St Margaret Mary Catholic Primary School are currently being developed under a feasibility study. Once agreed a Cabinet Member report will be written and will highlight the level of funding and the split between LCVAP and Basic Need. The schemes are being delivered under APP 6 and 7 respectively.

Full Business Cases will be brought to Cabinet Member in due course for the relevant construction work necessary to create the additional accommodation required for permanent expansion from September 2017. Cabinet approved the School Capital Programme 2016-17 on 28th June 2016. All other previous school expansions up to and including 2015 have been approved by Cabinet.

On approval of this report, and in line with the processes that support Basic Need joint funding initiatives, a Capital Grant Agreement will be put in place between Birmingham City Council and St Thomas More Catholic Primary School and St Margaret Mary Catholic Primary School, before any grant payments are made. This agreement will set out the terms and conditions of the Grant, which will mitigate any financial risk to the City Council. The Grant Agreement states that any additional costs will be the responsibility of St Thomas More Catholic Primary School and St Margaret Mary Catholic Primary School, and any underspend will be deducted from the grant allocation. The schools will be required to demonstrate that appropriate Schools' Financial accounting procedures have been adhered to. In addition, the schools will, on completion of the scheme (or at any other point the authority determines), be required to submit a return setting out the costs incurred and details of the corresponding invoices which will need to be available on demand to auditors or BCC officers. Any costs not eligible will result in funding being reclaimed from the schools.

4.3 Legal Implications

This report exercises powers contained within section 19 and 21 of the Education and Inspections Act 2006 and Schedules 2 and 3 of the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 (the "Prescribed Alterations Regulations"), by which the Local Authority has the power to make statutory proposals affecting schools in its area and to determine them.

4.4 Public Sector Equality Duty. (see separate guidance note)

An updated Equality Assessment initial screening was carried out in December 2013 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 these recommendations.

5. Relevant background/chronology of key events:

- 5.1 The Local Authority has a statutory duty to not only provide pupil places but also to secure diversity in the provision of schools and increase opportunities for parental choice (Section 14(3A) Education Act 1996 and Education & Inspections Act 2006).
- 5.2 Annual receipts of birth data provided by the Office of National Statistics (ONS) have evidenced a sustained increase in the number of young people in the city requiring a school place since 2001. Increasing levels of cohort growth due to migration are also contributing to an ongoing need to provide additional primary school places. Edition 3 of the Education Sufficiency document dated November 2015 detailed the impact of increased birth rates and increased cohort growth on the supply of mainstream school places in Birmingham. Forecasts demonstrate the need for additional primary places in both Erdington and Yardley districts to meet current and forthcoming demand. In response to this a planned Basic Need programme of additional places has been implemented.
- 5.3 All schools were invited to submit an Expression of Interest (EOI) if they were interested in providing additional primary school places. The Governing Bodies of both St Margaret Mary Catholic Primary School and St Thomas More Catholic Primary submitted an EOI. Both Expressions of Interest were reviewed and approved by panel in April 2016 after evaluation and relevant due diligence checks. The schools are considered to be in the right locality to meet requirements, are both operating at an Ofsted rating of Good, are able to accommodate additional classrooms and are popular with local families. The potential for overprovision in neighbouring schools was also reviewed and it was considered appropriate to continue.
- 5.4 St Margaret Mary Catholic Primary School and St Thomas More RC Primary School are voluntary aided schools and thereby the school land is owned by the RC Diocese and the school maintained by the Local Authority. Proposals for expansion at both schools have been developed with the support of Birmingham City Council officers, the governing bodies and RC Diocese. The RC Diocesan Education Service will be leading the building project.
- 5.5 A pre-Statutory Consultation was carried out on each of the proposals in line with DfE guidance. All parents, teaching staff members, non-teaching staff members and governors of both schools were issued with a copy of the proposal documents during June 2016.
- 5.7 A statutory notice for the expansion of both St Margaret Mary Catholic Primary School and St Thomas More Catholic Primary School was published on 22nd September 2016 and a four week representation period followed where objections to or comments on the proposal could be submitted. A copy of the public notice can be found within Appendix 2. EdSI officers offered both schools the opportunity of Officer attendance at parents meetings should these be required but the schools felt that this was not necessary.
- 5.8 The feedback on the consultations has been considered. The one response received regarding the proposal at St Margaret Mary raised concerns about the safety of children with regards to the traffic and parking, stating that stricter controls are required. The school is currently having discussions with Lovells who are the housing developers for the building programme currently underway at the adjacent Perry Common estate. Lovells have provided a draft proposal for a new footpath and entrance to the school and access to a car park nearby the school. It is anticipated that these capital costs can be found from Lovells Legacy Budget and from within the Build Contract for the adjacent Perry Common development.

5.9	The Local Authority has confidence in the leadership team at both schools to support the expansion. Both St Margaret Mary Catholic Primary School and St Thomas More Catholic Primary School have been able to offer additional pupils within existing accommodation since 2015.
5.10	Education and Skills Infrastructure officers will offer support and guidance to the RC Diocesan Education Service who will be managing the building programme and will ensure that the school accommodation (internal and external) meets national guidelines.
5.11	Regulation 7 of the Prescribed Alterations Regulations provides that the Local Authority is required to have regard to relevant school organisation guidance when taking a decision on such proposals. The relevant extract of the statutory guidance is attached at Appendix 5. 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.
6. Evaluation of alternative option(s):	
6.1	The recommendation is for the proposed expansion at St Margaret Mary Catholic Primary School to be approved; alternatively, in line with the statutory guidance, the proposals may be approved with modification, approved subject to meeting a prescribed condition or rejected.
6.2	The recommendation is for the proposed expansion at St Thomas More Catholic Primary to be approved; alternatively, in line with the statutory guidance, the proposals may be approved with modification, approved subject to meeting a prescribed condition or rejected.
6.3	Should the proposals be rejected, the number of places available at both schools will remain as at current and the additional pupils taken to date will work through the school. In light of school forecasts, there is a possibility that some children in these areas will be unable to secure a place locally in the future and therefore have to travel some distance to an alternative school. There is a risk that by failing to implement this proposal, the Local Authority would fail to meet its statutory duty to provide each child of compulsory school age living in Birmingham with a school place.
6.4	The consequences for a Local Authority failing to provide sufficient school places are potentially severe and could lead to significant financial costs. Parents could pursue a judicial review at which the Council would be liable for its own and the parents' legal costs, the Local Government Ombudsman could recommend financial compensation be paid to parents whose children cannot be offered a school place and the likely increase in successful appeals could mean that measures have to be taken to mitigate infant class size breaches such as providing new teachers or new classrooms.
7. Reasons for Decision(s):	
7.1	To enable St Margaret Mary Catholic Primary School and St Thomas More Catholic Primary School to offer additional school places in line with the Local Authority's Basic Need Programme.
7.2	To ensure the Local Authority is able to meet its statutory duty to provide all Birmingham pupils of compulsory school age with a school place, and ensure that local residents have access to a local school for their children.

Signatures	<u>Date</u>
Cabinet Member Children, Families and Schools Councillor Brigid Jones
Strategic Director for People Peter Hay

List of Background Documents used to compile this Report:
Education and Inspections Act 2006 “Making ‘prescribed alterations’ to maintained school – statutory guidance for proposers and Decision makers” published by the Department for Education (DfE) in April 2016 Edition 2 Birmingham Education Sufficiency Requirements (Nov 2015) School’s Capital Programme 2016-17 Capital Cabinet Member report St Thomas More

List of Appendices accompanying this Report (if any):				
1. Copy of the consultation documents				
2. Public notice				
3. Copy of the full proposal				
4. Copy of consultation response for St Margaret Mary Catholic Primary School				
5. Extract from Relevant Guidance “Making ‘prescribed alterations’ to maintained school – statutory guidance for proposers and decision-makers” published by the Department for Education (DfE) in April 2016				
Report Version	10	Dated	13th December 2016	

Proposal Document

*Proposal to Expand a Voluntary Aided Mainstream
School by Enlargement*

St Margaret Mary RC Primary School

Introduction

Birmingham City Council, as the local authority for Birmingham, is consulting on a proposal to expand St. Margaret Mary RC Primary School by enlargement of the premises to increase the net capacity (the number of pupils the school could accommodate) from 210 to 315.

Remodelling work is proposed at the existing accommodation; and additional land has been identified for the building of the extension to the school, where necessary, for additional classrooms and ancillary space required to implement the proposal.

These changes are explained in the sections below. We are issuing a public notice on Thursday 15th September 2016 and this will be followed by a representation period that will run for 4 weeks until 13th October 2016.

School Information

St. Margaret Mary RC Primary School is a voluntary aided school located in the Kingstanding ward. The school caters for pupils aged 3 to 11. The school has been operating as a one form entry school (one class per year group) for a number of years although it was historically a one and a half form entry school offering up to 45 places. The school opened a nursery class in 2014 utilising existing accommodation at the school. The school has taken an additional 15 places in September 2014 and 2015 in existing accommodation at the school. The school can currently accommodate up to 255 pupils and in January 2016 there were 253 pupils on roll excluding the nursery.

What changes are proposed?

We are proposing to expand St. Margaret Mary RC Primary School so that the school will again be able to admit 45 pupils in each year on a permanent basis. The growth of the school will be gradual as larger numbers of children will be admitted into Reception each year and work their way through the school. The school have agreed to take an additional 15 places in reception in September 2016.

Why do we want to do this?

Birmingham City Council is proposing the above prescribed changes, in line with our Additional Primary Places (APP) Programme.

Birmingham City Council, as the local authority for Birmingham, has a statutory duty to ensure sufficient school places. The city of Birmingham has a growing population with one of the youngest populations in Europe and the number of births in the city has risen rapidly over the last few years, in addition, Birmingham is also experiencing high levels of in year growth due to net migration into the city. Our projected pupil numbers show that we need to provide an additional 600 Reception places in the city by September 2017.

The schools within Kingstanding ward are popular and its school places in high demand. Forecasts project the need to increase the number of places locally to support the needs of local families and those choosing these schools.

Why has this school been chosen?

Following the publication of our Education Sufficiency Requirements in November 2015, all schools were invited to submit a proposal if they were interested in expansion. The Governing Body of St. Margaret Mary RC Primary School submitted an expression of interest (EOI).

All EOIs were evaluated against the Basic Need criteria as follows:

- i) The schools' location relating to areas requiring additional places
- ii) Standards in the school: it is expected that schools that expand will be Outstanding or Good
- iii) The capacity of the school to provide suitable accommodation on the site, within existing space and within planning / build-ability constraints. Schools that have already been expanded under Additional Primary Places Programme (APPP) and have spare capacity in particular class groups due to the nature of the phased growth
- iv) Popularity of the school
- v) Potential of any expansion to create overprovision or reduce diversity of provision in an area

St. Margaret Mary RC Primary School has received a judgement of "Good" in their last Ofsted inspection and we believe the school will be able to sustain the planned growth. The school is central to the area that has seen an increase in the birth rate, it is popular with local families, has enough space to accommodate additional classrooms and we believe will be able to cope well with the additional pupils. Given the level of demand for local school places we also believe that the expansion is unlikely to cause overprovision locally.

How will this affect pupils at the school?

Pupils will notice some changes but those are likely to be limited. The school will grow by 15 pupils in the Reception year group. The school has already taken up to an additional 15 places in Reception in September 2014, 2015 and are due to take up to an additional 15 in September 2016. If the school is permanently expanded the school will continue to take a further 15 pupils in future Reception classes. This increase will feed through into subsequent year groups each year for the next 4 years so the change in pupil numbers will occur gradually and the school will be operating at 45 in each year group by September 2020. The school may decide to organise the school differently to ensure educational continuity as the school expands, this will, as always, be the school's decision.

Please be reassured that the high standard of education and care for your child will remain. The alterations will enable existing and future pupils to access high quality learning spaces and facilities.

How will this affect staff?

Staff will generally be unaffected; however, a larger school may offer more opportunities for professional development.

Will there be changes to the school building?

The proposed increase in places means we will have to do some work at St. Margaret Mary RC Primary School. The expansion will include remodelling of the existing accommodation and provision of additional classrooms. The additional places in September 2016 will be accommodated in existing space at the school. Please note that any changes to the school building may be subject to planning permission.

Will this definitely happen?

There is a statutory process we must follow to make these sorts of changes to schools. We will publish full proposals in September 2016. There will be four weeks for people to formally comment on the full proposal, this is referred to as the 'representation period'. Within two months of the end of the representation period the Council's Cabinet Committee will make a final decision. It is only at that point that we will be able to say with certainty that the school will be expanded permanently.

What will happen if this proposal is rejected?

If a decision is taken that St. Margaret Mary RC Primary School should not be permanently expanded, apart from the additional places planned for September 2016, the school will continue to operate at its current size. Further additional places will have to be provided at another school which is likely to mean that some parents will have to travel much further to take their child to school; this will possibly leave this school open to an increase in admission appeals, which can result in larger class sizes.

How can I make my views known?

We will be issuing formal proposals in September 2016. The consultation period will be for four weeks. During this consultation period, you have the opportunity to let us know what you think about the proposed enlargement. You can make your views known by visiting www.birmingham.gov.uk/schools/stmargaretmary (live on 15th September 2016) or by writing to:

School Organisation Team
Education and Skills Infrastructure
Directorate for People
PO Box 15843

Birmingham

B2 2RT

Email: eds.enquiries@birmingham.gov.uk

Tel: 0121 303 8847

What happens next?

The following timescale for the proposal to be implemented is for guidance only. At any point during the process, the proposal might be withdrawn or rejected by the City Council. The dates set out below meet the government requirements for us to consult fully with the people affected by the proposal and every effort will be made to keep to them.

Possible Timeline for Expansion

Action	Date
Proposal document distributed	Week commencing 13 th June 2016
Statutory notice published	15 th September 2016
Beginning of 4 week representation period	15 th September 2016
End of 4 week representation period	13 th October 2016
Final decision made	15 th November 2016
School is permanently expanded	1 st September 2017



Proposal Document

*Proposal to Expand a Voluntary Aided Mainstream
School by Enlargement*

St Thomas More Catholic Primary School

Introduction

Birmingham City Council, as the local authority for Birmingham, is consulting on a proposal to expand St Thomas More Catholic Primary School by enlargement of the premises to increase the net capacity (pupil numbers) from 315 to 420.

Remodelling work is proposed at the existing accommodation and additional land has been identified for the building of the extension to the school where necessary for additional classrooms and ancillary space required to implement the proposal.

These changes are explained in the sections below. We are issuing a public notice on Thursday 15th September 2016 and this will be followed by a representation period that will run for 4 weeks until 13th October 2016.

School Information

St Thomas More Catholic Primary School is a voluntary aided school located in the Sheldon ward. The school caters for pupils aged 4 to 11. The school is currently a one and a half form of entry school. The school historically operated as a two form of entry school (60 places/ two classes per year) and there are currently two classes in year 5 and 6 that offer up to 60 places. The school has taken an additional 15 places in Reception in September 2015. The school can currently accommodate up to 360 pupils and in January 2016 there were 352 pupils on roll.

What changes are proposed?

We are proposing to expand St Thomas More Catholic Primary School so that the school will be able to admit 60 pupils in each year group Reception to Year 6 on a permanent basis. The growth of the school will be gradual as 60 children will be admitted into Reception each year and work their way through the school. The school have agreed to take an additional 15 places in Reception in September 2016 and places have been offered.

Why do we want to do this?

Birmingham City Council is proposing the above prescribed changes, in line with our Additional Primary Places (APP) Programme.

Birmingham City Council as the local authority for Birmingham has a statutory duty to provide sufficient schools. The city of Birmingham has a growing population with one of the youngest populations in Europe and the number of births in the city has risen rapidly over the last few years. To compound this Birmingham is also experiencing high levels of in year growth due to net migration into the city. Our projected pupil numbers show that we needed to provide an additional 600 Reception places in the city by September 2017.

The schools within Sheldon ward are popular and its school places in high demand. Forecasts project the need to increase the number of places locally to support the needs of local families and those choosing these schools.

Why has this school been chosen?

Following the publication of our Education Sufficiency Requirements in November 2015, all schools were invited to submit a proposal if they were interested in expansion. The Governing Body of St Thomas More Catholic Primary School submitted an expression of interest (EOI).

The EOIs were evaluated against the Basic Need criteria as follows:

- i) The schools' location relating to areas requiring additional places.
- ii) Standards in the school: it is expected that schools that expand will be Outstanding or Good
- iii) The capacity of the school to provide suitable accommodation on the site, within existing space and within planning / buildability constraints. Schools that have already been expanded under Additional Primary Places Programme (APPP) and have spare capacity in particular class groups due to the nature of the phased growth
- iv) Popularity of the school
- v) Potential of any expansion to create overprovision or reduce diversity of provision in an area

St Thomas More Catholic Primary School has received a judgement of "Good" in their last Ofsted inspection and we believe the school will be able to sustain the planned growth. The school is central to the area that has seen an increase in the birth rate, it is popular with local families, has enough space to accommodate additional classrooms and we believe will be able to cope well with the additional pupils. Given the level of demand for local school places we also believe that the expansion is unlikely to cause overprovision locally.

How will this affect pupils at the school?

Pupils will notice some changes but those are likely to be limited. The school will grow by 15 pupils in the Reception year group. The school has already taken up to an additional 15 places in Reception in September 2015, and are due to take up to an additional 15 in September 2016. If the school is permanently expanded the school will continue to take a further 15 pupils in future Reception classes. It is anticipated that the school will be operating at 60 in each year group by September 2020. The school might decide to organise the school differently to ensure educational continuity as the school grows, this will, as always, be the school's decision. Please be reassured that the high standard of education and care for your child will remain. The alterations will enable existing and future pupils to access high quality learning spaces and facilities.

How will this affect staff?

Staff will generally be unaffected; however, a larger school might offer more opportunities for professional development.

Will there be changes to the school building?

The proposed increase in places means we will have to do some work at St Thomas More Catholic Primary School. The expansion will include remodelling of the existing accommodation and provision of additional classrooms. The additional places in September 2016 will be accommodated in existing space at the school. Please note that any changes to the school building may be subject to planning permission.

Will this definitely happen?

There is a statutory process we must follow to make these sorts of changes to schools. We will publish full proposals in September 2016. There will be four weeks for people to formally comment on the full proposal - this is referred to as the 'representation period'. Within two months of the end of the representation period the Council's Cabinet Committee will make a final decision. It is only at that point that we will be able to say with certainty that the school will be expanded permanently.

What will happen if this proposal is rejected?

If a decision is taken that St Thomas More Catholic Primary School should not be permanently expanded, apart from the additional places planned for September 2016, the school will continue to operate at its current size. Further additional places will have to be provided at another school which is likely to mean that some parents will have to travel much further to take their child to school; this will possibly leave this school open to an increase in admission appeals, which can result in larger class sizes.

How can I make my views known?

We will be issuing formal proposals in September 2016. The consultation period will be for four weeks. During this consultation period, you have the opportunity to let us know what you think about the proposed enlargement. You can make your views known by visiting www.birmingham.gov.uk/schools/stthomasmore (live on 15th September 2016) or by writing to:

School Organisation Team
Education and Skills Infrastructure
Directorate of Economy
PO Box 15843
Birmingham
B2 2RT
Email: eds.enquiries@birmingham.gov.uk
Tel: 0121 303 8847

What happens next?

The following timescale for the proposal to be implemented is for guidance only. At any point during the process, the proposal might be withdrawn or rejected by the City Council. The dates set out below meet the government requirements for us to

consult fully with the people affected by the proposal and every effort will be made to keep to them.

Possible Timeline for Expansion

Action	Date
Proposal document distributed	Week commencing 20 th June 2016
Statutory notice published	15 ^h September 2016
Beginning of 4 week representation period	15 th September 2016
End of 4 week representation period	13 th October 2016
Final decision made	15 th November 2016
School is permanently expanded	1st September 2017

Birmingham City Council School Organisation Proposals

Enlargement to the Premises of Schools by Expansion

Notice is given in accordance with section 19(1) of the Education and inspections Act 2006 that Birmingham City Council proposes to make a number of prescribed alterations, namely enlargement of the premises by expansion of the following two voluntary aided primary schools, from 1st September 2017.

School Name Address and Category	Ward	Current Net Capacity	Proposed Net Capacity	Number on Roll May 2016	Current Admission Number	Proposed Admission Number
St Margaret Mary RC. Primary School, Perry Common Road, Erdington, Birmingham. B23 7AB	Kingstanding	315	315	279	30	45
St Thomas More Catholic Primary School. Horse Shoes Lane, Sheldon, Birmingham. B26 3HU	Sheldon	345	420	345	45	60

Both schools have taken up to an additional 15 pupils in existing accommodation in September 2016.

Remodelling work is proposed on the existing accommodation at each of the above schools and additional available land has been identified at each school site for the building of extensions to the school for the additional permanent classrooms and ancillary space required to implement the proposals.

The proposals on this public notice are not related, the outcome of each proposal has no impact on the other proposal.

This notice is an extract from the complete proposal document. Copies of the complete proposal can be found at;

www.birminghambeheard.org.uk/people-1/stmargaretmary

www.birminghambeheard.org.uk/people-1/stthomasmore

If you require a hardcopy this can be obtained by writing to: School Organisation Team, Education and Skills Infrastructure, PO Box 15843, Birmingham B2 2RT, or by requesting at the school.

Within four weeks from the date of publication of this proposal, any person may object to or comment on the proposals. Anyone who wishes to make representations about these proposals should either make comments through the web site or by writing to the School Organisation Team at the above postal address. The date by which objections or comments must be received by is 20th October 2016.

Signed; Peter Hay, Strategic Director for People

22nd September 2016

SCHOOL ORGANISATION PROPOSALS**Prescribed Alterations to Two Voluntary
Aided Primary Schools****St Margaret Mary RC Primary School
St Thomas More Catholic Primary School**

PROPOSALS FOR PRESCRIBED ALTERATIONS OTHER THAN FOUNDATION PROPOSALS: Information to be included in a complete proposal.

Section 19(1) of the Education and Inspections Act 2006

In respect of a Governing Body Proposal: School and governing body's details

1. The name, address and category of the school for which the governing body are publishing the proposals.

Not applicable

In respect of an LEA Proposal: School and local authority details

1. The name, address and category of the school.

Birmingham City Council, Education & Skills Infrastructure, PO BOX 15843, Birmingham B2 2RT

St Margaret Mary RC Primary School, Perry Common Road, Erdington, Birmingham B23 7AB - Voluntary Aided

St Thomas More Catholic Primary School, Horse Shoes Lane, Sheldon, Birmingham B26 3HU - Voluntary Aided

Implementation and any proposed stages for implementation

2. The date on which the proposals are planned to be implemented, and if they are to be implemented in stages, a description of what is planned for each stage, and the number of stages intended and the dates of each stage.

1st September 2017

Objections and comments

3. A statement explaining the procedure for making representations, including —
 - (a) the date prescribed in accordance with Schedule 3 of The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 20013, by which objections or comments should be sent to the local authority; and
 - (b) the address of the authority to which objections or comments should be sent.

Within four weeks from the date of publication of these proposals, any person may object to or make comments on any or all of the proposals by visiting:

<http://www.birminghambeheard.org.uk/people-1/stmargaretmary>

<http://www.birminghambeheard.org.uk/people-1/stthomasmore>

*or, by writing to School Organisation Team, Education and Skills Infrastructure, PO Box 15843, Birmingham B2 2RT. The last date for comments is **20th October 2016**. Full details on the proposals, including copies of the public notice and consultation document can be found on these webpages.*

Alteration description

4. A description of the proposed alteration and in the case of special school proposals, a description of the current special needs provision.

The proposed changes are an expansion of both St Margaret Mary RC Primary School, Perry Common Road, Erdington, Birmingham B23 7AB and St Thomas More Catholic Primary School, Horse Shoes Lane, Sheldon, Birmingham B26 3HU

Following publication of the Education Sufficiency requirements in February and November 2015, all schools were invited to submit an Expression of Interest (EOI) if they are interested in providing additional primary school places. The Governing Bodies of both St Margaret Mary RC Primary and St Thomas More Catholic Primary submitted an EOI. These were reviewed and approved by panel and proposals have been developed with the support of Birmingham City Council officers, the governing bodies and RC Diocese.

St Margaret Mary RC Primary School that was historically a one and a half form of entry primary school but has, for a number of years operating as a one form entry (30 places per year) school in line with local demand. The school used some of the available accommodation to establish a nursery in 2014.

The school has taken an additional (bulge) class offering an additional 15 places in both September 2015 & September 2016. This proposal is to permanently expand the school by 15 places per year. The school will increase their intake to 45 pupils per year with effect from 1st September 2017.

St Thomas More Catholic Primary School was historically a two form of entry primary school but has, for a number of years been operating as one and a half form of entry (45 places per year) school. The school has taken an additional (bulge) class offering an additional 15 places in both September 2015 and September 2016. The proposal is to expand the school permanently by 15 places per year. The school will increase their intake permanently to 60 pupils per year with effect from 1st September 2017.

Some remodelling work has been proposed for the existing accommodation of both schools and additional land has been identified for the building of extensions to the school for the additional permanent classrooms and ancillary space required to fully implement the proposals.

School capacity

5.—(1) Where the alteration is an alteration falling within Schedule 2 alterations other than alterations proposed in foundation proposals which may be published by a governing body or local authority as specified in Regulations 4 and 5 to The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, the proposals include —

- (a) details of the current capacity of the school and, where the proposals will alter the capacity of the school, the proposed capacity of the school after the alteration;

<i>School</i>	<i>Current Net Capacity</i>	<i>Proposed Net Capacity</i>
<i>St Margaret Mary RC Primary School</i>	<i>315₁</i>	<i>315</i>
<i>St Thomas More Catholic Primary School</i>	<i>345₂</i>	<i>420</i>

Both schools have taken an additional 15 pupils in both September 2015 & 2016.

*1The net capacity of St Margaret Mary is recorded as 315 however this figure includes accommodation that has been used for the nursery provision which opened in 2014. This capacity, which is reported to the DfE is the overall capacity of the buildings. The school have however been operating below their capacity for a number of years with an admission number of 30 and an **admission** capacity of 210. The school have taken 15 additional pupils in Reception in both September 2015 and 2016, which has increased their admission number in both of these years to 45 and the overall **admission** capacity to 240. Additional building work is now required to enlarge the school back to a one and a half form of entry school that can offer up to 45 pupils in each year with an overall capacity of 315 – excluding the nursery. An updated net capacity assessment will be carried out.*

2The net capacity of St Thomas More is 345. The school have been operating as a one and a half form of entry primary school with an admission number of 45 per year. In both September 2015 and 2016 the school were able to take an additional 15 pupils in Reception. These classes have made a change to the overall capacity of the school to 345. When the school expands permanently each Reception year from September 2017 will offer up to 60 places and eventually when all year groups have expanded the overall capacity will be 420. An updated net capacity assessment will be carried out.

- (b) details of the current number of pupils admitted to the school in each relevant age group, and where this number is to change, the proposed number of pupils to be admitted in each relevant age group in the first school year in which the proposals will have been implemented;

<i>School</i>	<i>Nursery</i>	<i>R</i>	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6</i>	<i>Total</i>
<i>St Margaret Mary RC Primary School</i>	<i>16</i>	<i>45</i>	<i>39</i>	<i>33</i>	<i>31</i>	<i>31</i>	<i>30</i>	<i>44</i>	<i>269</i>
<i>St Thomas More Catholic Primary School</i>		<i>60</i>	<i>47</i>	<i>48</i>	<i>42</i>	<i>45</i>	<i>54</i>	<i>49</i>	<i>345</i>

These numbers correct as at September 2016

- (c) where it is intended that proposals should be implemented in stages, the number of pupils to be admitted to the school in the first school year in which each stage will have been implemented;

Not applicable.

Both schools have offered an additional 15 pupils in both September 2015 & 2016.

This proposal is for a permanent expansion of both schools by 15 per year with effect from 1st September 2017.

- (d) where the number of pupils in any relevant age group is lower than the indicated admission number for that relevant age group a statement to this effect and details of the indicated admission number in question.

Where the number of pupils on roll in any relevant year group is lower than the admission number, this is as a result of movement during the year. Birmingham currently has a high

level of net cohort growth meaning that the level of places available can change greatly over the year in different areas of the city as families arrive requiring school provision.

(2) Where the alteration is an alteration falling within Schedule 2 alterations other than alterations proposed in foundation proposals which may be published by a governing body or local authority as specified in Regulations 4 and 5 to The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 a statement of the number of pupils at the school at the time of the publication of the proposals.

At the time of publication, the total number of students on roll is:

St Margaret Mary RC Primary: 269 (including nursery)

St Thomas More Catholic Primary : 345

Implementation

6. Where the proposals relate to a foundation or voluntary controlled school a statement as to whether the proposals are to be implemented by the local education authority or by the governing body, and, if the proposals are to be implemented by both, a statement as to the extent to which they are to be implemented by each body.

Not applicable

Additional Site

7.—(1) A statement as to whether any new or additional site will be required if proposals are implemented and if so the location of the site if the school is to occupy a split site.

Not applicable

(2) Where proposals relate to a foundation or voluntary school a statement as to who will provide any additional site required, together with details of the tenure (freehold or leasehold) on which the site of the school will be held, and if the site is to be held on a lease, details of the proposed lease.

Not applicable

Changes in boarding arrangements

8. —(1) Where the proposals are for the introduction or removal of boarding provision, or the alteration of existing boarding provision such as is mentioned Schedule 2 alterations other than alterations proposed in foundation proposals which may be published by a governing body or local authority as specified in Regulations 4 and 5 to The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 —

(a) the number of pupils for whom it is intended that boarding provision will be made if the proposals are approved;

Not applicable

(b) the arrangements for safeguarding the welfare of children at the school;

Not applicable

(c) the current number of pupils for whom boarding provision can be made and a description of the boarding provision; and

Not applicable

(d) except where the proposals are to introduce boarding provision, a description of the existing boarding provision.

Not applicable

(2) Where the proposals are for the removal of boarding provisions or an alteration to reduce boarding provision such as is mentioned in Schedule 2 alterations other than alterations proposed in foundation proposals which may be published by a governing body or local authority as specified in Regulations 4 and 5 to The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 (as amended) —

- (a) the number of pupils for whom boarding provision will be removed if the proposals are approved; and

Not applicable

- (b) a statement as to the use to which the former boarding accommodation will be put if the proposals are approved.

Not applicable

Transfer to new site

9. Where the proposals are to transfer a school to a new site the following information—

- (a) the location of the proposed site (including details of whether the school is to occupy a single or split site), and including where appropriate the postal address;

Not applicable

- (b) the distance between the proposed and current site;

Not applicable

- (c) the reason for the choice of proposed site;

Not applicable

- (d) the accessibility of the proposed site or sites;

Not applicable

- (e) the proposed arrangements for transport of pupils to the school on its new site; and

Not applicable

- (f) a statement about other sustainable transport alternatives where pupils are not using transport provided, and how car use in the school area will be discouraged.

Not applicable

Objectives

10. The objectives of the proposals.

Additional places are required within Kingstanding and Sheldon in order to meet Basic Need. The two schools covered by these proposals are considered to be appropriate solutions. We are proposing to expand St Margaret Mary RC Primary School so that the school will be able to admit 45 pupils each year across Reception to Year 6 rather than the current 30. The growth of the school will be gradual. The school has successfully offered additional places in Reception in September 2015 & 2016. These classes have been accommodated in available accommodation at the school.

We are proposing to expand St Thomas More Catholic Primary School so that the school will be able to admit 60 pupils each year across Reception to Year 6 rather than the current 45. The growth of the school will be gradual. The school has successfully offered additional places in Reception in September 2015 & 2016. These classes have been accommodated in available accommodation at the school.

Consultation

11. Evidence of the consultation before the proposals were published including—
- a list of persons who were consulted;
 - minutes of all public consultation meetings;
 - the views of the persons consulted;
 - a statement to the effect that all applicable statutory requirements in relation to the proposals to consult were complied with; and
 - copies of all consultation documents and a statement on how these documents were made available.

All statutory requirements in relation to the proposals to consult were complied with. Due regard and careful consideration was given to the guidance contained within The Department for Education “Making Prescribed Alterations” to maintained schools – Statutory guidance for proposers and decision-makers’ document, April 2016. All individuals or bodies suggested in the guidance are being consulted and their views considered.

St Margaret Mary - As part of an initial pre-statutory consultation, all pupils, parents, Governors, teaching and non-teaching staff were sent a proposal document pack (Appendix 1a and 1b) on 15th June 2016 .

St Thomas More - As part of an initial pre-statutory consultation, all pupils, parents, Governors, teaching and non-teaching staff were sent a proposal document pack (Appendix 1a and 1b) week commencing 27th June 2016.

All teaching associations and trade unions, The Archdiocesan and The Anglican Diocese of Birmingham, Executive Members for Erdington (St Margaret Mary) / Yardley (St Thomas More) and respective ward councillors, and all neighbouring authorities were advised of the consultation by email and advised how to obtain consultation packs.

Project costs

12. A statement of the estimated total capital cost of the proposals and the breakdown of the costs that are to be met by the governing body, the local authority, and any other party.

Estimated project costs are as follows;

St Margaret Mary: £ 848,843.00

St Thomas More: £ 811,675.00

13. A copy of confirmation from the Secretary of State, local authority and the Learning and Skills Council for England (as the case may be) that funds will be made available (including costs to cover any necessary site purchase).

All costs will be met jointly by Birmingham City Council through Basic Need funding allocation and LCVAP funding.

Age range

14. Where the proposals relate to a change in age range, the current age range for the school.

Not applicable

Early year's provision

15. Where the proposals are to alter the lower age limit of a mainstream school so that it provides for pupils aged between 2 and 5—

- (a) details of the early years provision, including the number of full-time and part-time pupils, the number and length of sessions in each week, and the services for disabled children that will be offered;

Not applicable

- (b) how the school will integrate the early year's provision with childcare services and how the proposals are consistent with the integration of early year's provision for childcare;

Not applicable

- (c) evidence of parental demand for additional provision of early year's provision;

Not applicable

- (d) assessment of capacity, quality and sustainability of provision in schools and in establishments other than schools who deliver the Early Years Foundation Stage within 3 miles of the school; and

Not applicable

- (e) reasons why such schools and establishments who have spare capacity cannot make provision for any forecast increase in the number of such provision.

Not applicable

Changes to sixth form provision

16. (a) Where the proposals are to alter the upper age limit of the school so that the school provides sixth form education or additional sixth form education, a statement of how the proposals will—

- (i) improve the educational or training achievements;
- (ii) increase participation in education or training; and
- (iii) expand the range of educational or training opportunities for 16-19 year olds in the area;

Not applicable

(b) A statement as to how the new places will fit within the 16-19 organisation in an area;

Not applicable

(c) Evidence —

- (i) of the local collaboration in drawing up the proposals; and
- (ii) that the proposals are likely to lead to higher standards and better progression at the school;

Not applicable

(d) The proposed number of sixth form places to be provided.

Not applicable

17. Where the proposals are to alter the upper age limit of the school so that the school ceases to provide sixth form education, a statement of the effect on the supply of 16-19 places in the area.

Not applicable

Special educational needs

18. Where the proposals are to establish or change provision for special educational needs—

- (a) a description of the proposed types of learning difficulties in respect of which education will be provided and, where provision for special educational needs already exists, the current type of provision;

Not applicable

- (b) any additional specialist features will be provided;

Not applicable

- (c) the proposed numbers of pupils for which the provision is to be made;

Not applicable

- (d) details of how the provision will be funded;

Not applicable

- (e) a statement as to whether the education will be provided for children with special educational needs who are not registered pupils at the school to which the proposals relate;

Not applicable

- (f) a statement as to whether the expenses of the provision will be met from the school's delegated budget;

Not applicable

- (g) the location of the provision if it is not to be established on the existing site of the school;

Not applicable

- (h) where the provision will replace existing educational provision for children with special educational needs, a statement as to how the local authority believes that the new provision is likely to lead to improvement in the standard, quality and range of the educational provision for such children; and

Not applicable

- (i) the number of places reserved for children with special educational needs, and where this number is to change, the proposed number of such places.

Not applicable

19. Where the proposals are to discontinue provision for special educational needs—

- (a) details of alternative provision for pupils for whom the provision is currently made;

Not applicable

- (b) details of the number of pupils for whom provision is made that is recognised by the local education authority as reserved for children with special educational needs during each of the 4 school years preceding the current school year;

Not applicable

- c) details of provision made outside the area of the local education authority for pupils whose needs will not be able to be met in the area of the authority as a result of the discontinuance of the provision; and

Not applicable

- d) a statement as to how the proposer believes that the proposals are likely to lead to improvement in the standard, quality and range of the educational provision for such children.

Not applicable

20. Where the proposals will lead to alternative provision for children with special educational needs, as a result of the establishment, alteration or discontinuance of existing provision, the specific educational benefits that will flow from the proposals in terms of—

- (a) improved access to education and associated services including the curriculum, wider school activities, facilities and equipment with reference to the local authority's Accessibility Strategy;
- (b) improved access to specialist staff, both educational and other professionals, including any external support and outreach services;
- (c) improved access to suitable accommodation; and
- (d) improved supply of suitable places.

Not applicable

Sex of pupils

21. Where the proposals are to make an alteration to provide that a school which was an establishment which admitted pupils of one sex only becomes an establishment which admits pupils of both sexes—

- (a) details of the likely effect which the alteration will have on the balance of the provision of single sex-education in the area;

Not applicable

- (b) evidence of local demand for single-sex education; and

Not applicable

- (c) details of any transitional period which the body making the proposals wishes specified in a transitional exemption order (within the meaning of paragraph 3 of Schedule 11 of the Equality Act 2010).

Not applicable

22. Where the proposals are to make an alteration to a school to provide that a school which was an establishment which admitted pupils of both sexes becomes an establishment which admits pupils of one sex only—

- (a) details of the likely effect which the alteration will have on the balance of the provision of single-sex education in the area; and

Not applicable

- (b) evidence of local demand for single-sex education.

Not applicable

Extended services

23. If the proposed alterations affect the provision of the school's extended services, details of the current extended services the school is offering and details of any proposed change as a result of the alterations.

Not applicable

Need or demand for additional places

24. If the proposals involve adding places—

(a) a statement and supporting evidence of the need or demand for the particular places in the area;

Birmingham City Council is proposing the above prescribed changes, in line with our Additional Primary Places Programme.

Please find here a link to the Education Development Plan www.birmingham.gov.uk/edp and Education Sufficiency Requirements document published in November 2015: www.birmingham.gov.uk/schools/esr. The headlines are as follows:

Birmingham City Council as the local authority for Birmingham has a statutory duty to provide sufficient school places.

- The city of Birmingham has a growing population with one of the youngest populations in Europe and the number of births in the city has risen rapidly over the last few years.*
- To compound this Birmingham is also experiencing high levels of in year growth in the city.*
- Certain areas of the city have experienced a larger increase in the birth rate than others. As a result, demand for places has grown and unless action is taken, there will not be sufficient places for each child in the ward.*
- Our projected pupil numbers showed that we needed to provide an additional 600 Reception places in the city by 2017.*

(b) where the school has a religious character, a statement and supporting evidence of the demand in the area for education in accordance with the tenets of the religion or religious denomination;

Not applicable

(c) where the school adheres to a particular philosophy, evidence of the demand for education in accordance with the philosophy in question and any associated change to the admission arrangements for the school.

Not applicable

25. If the proposals involve removing places—

(a) a statement and supporting evidence of the reasons for the removal, including an assessment of the impact on parental choice; and

Not applicable

(b) a statement on the local capacity to accommodate displaced pupils.

Not applicable

Appendix 1a & 1b –Consultation document

These resources can be accessed by visiting

1.a) St Margaret Mary RC Primary School

www.birminghambeheard.org.uk/people-1/stmargaretmary

1.b) St Thomas More Catholic Primary School

www.birminghambeheard.org.uk/people-1/stthomasmore

Response ID ANON-ESTA-PNNN-7

Submitted to **School Organisation St Margaret Mary RC Primary School**
Submitted on **2016-10-20 07:26:41**

Introduction

1 What is your name?

Name:

[REDACTED]

2 What is your e mail address?

e mail:

[REDACTED]

3 What is your interest in the proposal?

Local Resident, Other, please specify

other, please specify:

Minister in St. Margaret Mary Church.

4 Are you in favour of the proposal?

Yes

Please give details:

The increasing population in the area, requires us to provide a good primary and secondary education for the children, there is an influx of Catholic families moving in, and we as a church would wish to provide for them and other denominations where possible, we have a very good school, with a great reputation, supported by an active church. One concern I have is the safety of the children with regards to the traffic and parent parking. It is bad enough now , there is a need for stricter controls on the random parking now, let alone with extra classrooms going up, A minor thing I know. It does need to be addressed.



Department
for Education

Making ‘prescribed alterations’ to maintained schools

Statutory guidance for proposers and decision-makers

April 2016

- x [The School Organisation \(Prescribed Alterations to Maintained Schools\) \(England\) Regulations 2013](#)
- x [The School Organisation \(Removal of Foundation, Reduction in Number of Foundation Governors and Ability of Foundation to Pay Debts\) \(England\) Regulations 2013](#)

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1: Summary

About this guidance

This is statutory guidance from the Department for Education. This means that recipients must have regard to it when carrying out functions relating to making 'prescribed alterations' to maintained schools.

The purpose of this guidance is to ensure that additional good quality school places can be provided quickly where they are needed; that local authorities and governing bodies do not take decisions that will have a negative impact on other schools in the area, and that changes can be implemented quickly and effectively where there is a strong case for doing so. In line with these aims it is expected that, where possible, additional new places will only be provided at schools that have an overall Ofsted rating of 'good' or 'outstanding'.

A governing body, LA or the [Schools Adjudicator](#) must have regard to this guidance when exercising functions under [The School Organisation \(Prescribed Alterations to Maintained Schools\) \(England\) Regulations 2013](#) ('the Prescribed Alterations Regulations') and [The School Organisation \(Establishment and Discontinuance of Schools\) Regulations 2013](#) ('the Establishment and Discontinuance Regulations'). It should be read in conjunction with Parts 2 and 3 and Schedule 3 of the [Education and Inspections Act \(EIA\) 2006](#) (as amended by the [Education Act \(EA\) 2011](#)) and *the Prescribed Alterations Regulations*. It also relates to *the Establishment and Discontinuance Regulations* and [The School Organisation \(Removal of Foundation, Reduction in the Number of Foundation Governors and Ability of Foundation to Pay Debts\) \(England\) Regulations \(2007\)](#).

It is the responsibility of LAs and governing bodies to ensure that they act in accordance with the relevant legislation when making changes to a maintained school and they are advised to seek independent legal advice where appropriate.

Review date

This guidance will be reviewed in April 2017.

Who is this guidance for?

Those proposing to make changes to maintained schools (e.g. governing bodies and LAs), decision-makers (LAs, the Schools Adjudicator and governing bodies), and for information purposes for those affected by a proposal (dioceses, trustees, parents etc.)

This guidance is relevant to all categories of maintained schools (as defined in section 20 of the [School Standards and Framework Act \(SSFA\) 1998](#)), unless explicitly stated. It is not relevant to [Pupil Referral Units](#). Separate advice [on making significant changes to an academy](#), [opening and closing a maintained school](#) and the [guidance for decision-makers](#) is available.

Main points

- All proposals for prescribed alterations must follow the processes set out in this guidance.
- Where a LA proposes to expand a school that is eligible for intervention they should copy the proposal to the relevant [Regional Schools Commissioner](#)
- To enable the department to monitor potentially controversial proposals, the proposer should copy any proposal which falls within the definitions set out in part 3 to the School Organisation mailbox – schoolorganisation.notrifications@education.gsi.gov.uk.
- Where a LA is the decision maker, it must make a decision within a period of two months of the end of the representation period, taking into account the factors outlined in the [guidance for decision-makers](#). Where a decision is not made within this time frame, the proposal must be referred to the Schools' Adjudicator for a decision.
- It is not possible for any school to gain, lose or change religious character through a change of category. Information on the process to be followed is available in the opening and closing maintained school guidance.
- It is the department's view that governing bodies should convert to academy status rather than change category to a foundation. Governing bodies wishing to discuss this issue should email schoolorganisation.notifications@education.gsi.gov.uk and a member of the school organisation team will contact them to discuss the proposed change of category.
- **Once a decision** has been made the proposer (school governing body or LA) should make the necessary changes to the school's record in the department's [EduBase](#) system and MUST have done so by the date the change is implemented.

2: Prescribed alteration changes

Enlargement of premises

Details of how [special schools can increase their intake](#) are covered below.

Local authorities are under a statutory duty to ensure the sufficiency of school places in their area. They can propose an enlargement of the premises of community foundation and voluntary schools. When doing so they must follow the statutory process as set out in the [Prescribed Alterations Regulations](#) (see [part 5](#)) if:

- the proposed enlargement of the premises of the school is permanent (longer than three years) and would increase the capacity of the school by:
 - more than 30 pupils; **and**
 - 25% or 200 pupils (whichever is the lesser).
- the proposal involves the making permanent of any temporary enlargement (that meets the above threshold).

Where a proposal seeks to increase the school's pupil number to over 2,000 or would result in an increase of over 50% of the school's current capacity, the LA should copy the proposal to schoolorganisation.notifications@education.gsi.gov.uk for monitoring purposes.

Governing bodies of all categories of mainstream schools and LAs can propose smaller expansions that do not meet the thresholds above without the need to follow the formal statutory process in [part 4](#). In many cases this can be achieved solely by increasing the school's published admissions number (PAN); please see [the School Admissions Code](#).

The table below sets out who can propose an enlargement of premises and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
LA for community	Enlargement of premises	Statutory process	LA	CofE Diocese RC Diocese
LA for voluntary or foundation	Enlargement of premises	Statutory process	LA	CofE Diocese RC Diocese GB / Trustees

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
LA for voluntary and foundation	Enlargement of premises (on small scale expansions)	Non statutory process	LA	N/A
GB of all categories mainstream	Enlargement of premises (on small scale expansions)	Non statutory process	GB	N/A

NB: the LA must make a decision within a period of two months of the end of the representation period or they must be referred to the [Schools Adjudicator](#).

Expansion onto an additional site ('or satellite sites')

Where proposers seek to expand onto an additional site they will need to ensure that the new provision is genuinely a change to an existing school and not in reality the establishment of a new school. Where a LA decides that a new school is need to meet basic need the free school presumption process must be followed. Other proposals seeking to establish a new school should follow the free school application process.

Decisions about whether a proposal represents a genuine expansion will need to be taken on a case-by-case basis, but proposers and decision makers will need to consider this non-exhaustive list of factors:

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?

3: Contentious / controversial proposals

The department is keen to ensure that, when proposing:

- enlargement of premises;
- changes to a school's age range, and / or
- adding a sixth form.

LA's and governing bodies act reasonably, in line with the principles of public law, to ensure that the changes do not have a negative impact on the education of pupils in the area.

It is the department's expectation that, in the majority of cases, it would not be appropriate for a primary school to change its age range to meet the need for new secondary provision. Where the level of basic need is such that a new secondary school is needed, this will trigger the free school presumption process.

To enable the department to monitor potentially controversial proposals, LAs and governing bodies should notify

schoolorganisation.notifications@education.gsi.gov.uk of the publication of, any proposals which would:

- result in an [existing primary school becoming an all-through school / cross phase school](#);
- result in an [increase of over 50% in the school's capacity](#);
- [increase the school's pupil numbers to over 2,000](#);
- propose [expansion onto a separate 'satellite' site](#); or
- have received objections from the LA and / or neighbouring school that the proposed change will undermine the quality of education.

4: Changes that can be made outside of the statutory process

Local authorities and governing bodies of mainstream maintained schools can make limited changes (see [section 2](#) for the exact detail) to their schools without following a statutory process; they are nevertheless required to adhere to the usual principles of public law. They **MUST**:

- act rationally;
- take into account all relevant and no irrelevant considerations; and
- follow a fair procedure.

The department **expects** that in making these changes LA's and governing bodies will:

- liaise with the LA and trustees/diocese (as appropriate) to ensure that, a proposal is aligned with wider place planning/organisational arrangements, and that any necessary consents have been gained;
- not undermine the quality of education provided or the financial viability of other 'good' and 'outstanding' schools in the local area; or
- not create additional places in a local planning area where there is already surplus capacity in schools rated as 'good' or 'outstanding' and
- ensure open and fair consultation with parents and other interested parties to gauge demand for their proposed changes and to provide them with sufficient opportunity to give their views. The [consultation principles guidance](#) can be referenced for examples of good practice.

Before making any changes governing bodies should ensure that:

- they have consulted with the LA to ensure the proposal is aligned with local place planning arrangements
- they have secured any necessary funding;
- they have identified suitable accommodation and sites;

- they have secured planning permission and/or agreement on the transfer of land where necessary³;
- they have the consent of the site trustees or other land owner where the land is not owned by the governing body;
- they have the consent of the relevant religious authority (as required); and
- the admissions authority is content for the published admissions number (PAN) to be changed where this forms part of expansion plans, in accordance with the School Admissions Code.

Once a decision on the change has been made the proposer (i.e. LA or governing body) is responsible for making arrangements for the necessary changes to be made to the school's record in the department's [EduBase](#) system. These changes must be made no later than the date of implementation for the change.

³ Including, where necessary, approval from the Secretary of State for change to the use of playing field land under Section 77(1) of the SSFA 1998

5: Statutory process: prescribed alterations

The statutory process for making prescribed alterations to schools has four stages:

Stage	Description	Timescale	Comments
Stage 1	Publication (statutory proposal / notice)		
Stage 2	Representation (formal consultation)	Must be at least 4 weeks	As prescribed in the 'Prescribed Alteration' regulations.
Stage 3	Decision	LA should decide a proposal within 2 months otherwise it will fall to the Schools Adjudicator.	Any appeal to the adjudicator must be made within 4 weeks of the decision.
Stage 4	Implementation	No prescribed timescale	However it must be as specified in the published statutory notice, subject to any modifications agreed by the decision-maker.

Although there is no longer a statutory 'pre-publication' consultation period for prescribed alteration changes, there is a strong expectation that schools and LAs will consult interested parties, in developing their proposal prior to publication, as part of their duty under public law to act rationally and take into account all relevant considerations. Schools will also need to ensure that they have the consent of the site trustees and other relevant religious authorities⁴ (where necessary).

When considering making a prescribed alteration change, it is best practice to take timing into account, for example:

- by holding consultations and public meetings – either formal or informal – during term time, rather than school holidays;
- plan where any public and stakeholder meetings are held to maximise response: and

⁴ Including under the CofE Diocesan Board of Education (DBE) Measure 1991.

- take into account the admissions cycle for changes that will impact on the school's admission arrangements.

A number of changes can impact on admissions, necessitating reductions in PAN, new relevant age groups for admission or the adoption of revised admission criteria. Changes to admission arrangements can be made by the admission authority in one of two ways:

- the consultation on changing the admission arrangements (as set out in the [School Admissions Code](#)) takes place sufficiently in advance of a decision on the prescribed alteration so that the change to admissions can be implemented at the same time as the proposals; or
- a variation is sought, where necessary in view of a major change in circumstances, from the [Schools Adjudicator](#) so that the changes to the admission policy can be implemented at the same time as the prescribed alteration is implemented.

Decision-makers should, so far as is possible, co-ordinate with the admission authority, if different, to ensure they avoid taking decisions that will reduce a PAN or remove a relevant age group for admission after parents have submitted an application for the following September (e.g. 31 October for secondary admissions or 15 January for primary admissions).

Publication

A statutory proposal must contain sufficient information for interested parties to make a decision on whether to support or challenge the proposed change. [Annex A](#) sets out the minimum that this should include. The proposal should be accessible to all interested parties and should therefore use 'plain English'.

Where the proposal for one change is linked to another, this should be made clear in any notices published. Where a proposal by a LA is 'related' to a proposal by other proposers (e.g. where one school is to be enlarged because another is being closed) a single notice could be published.

The full proposal must be published on a website (e.g. the school or LA's website) along with a statement setting out:

- how copies of the proposal may be obtained;
- that anybody can object to, or comment on, the proposal;
- the date that the representation period ends; and

- the address to which objections or comments should be submitted.

A brief notice (including details on how the full proposal can be accessed e.g. the website address) must be published in a local newspaper. If the proposal is published by a governing body then notification must also be posted in a conspicuous place on the school premises and at all of the entrances to the school.

Within one week of the date of publication on the website, the proposer must send a copy of the proposal and the information set out in the paragraph above to:

- the governing body/LA (as appropriate);
- the parents of every registered pupil at the school - where the school is a special school;
- if it involves or is likely to affect a school which has a religious character:
 - the local Church of England diocese;
 - the local Roman Catholic diocese; or
 - the relevant faith group in relation to the school; and
- any other body or person that the proposer thinks is appropriate.

Within one week of receiving a request for a copy of the proposal the proposer must send a copy to the person requesting it.

There is no maximum limit on the time between the publication of a proposal and its proposed date of implementation. However, proposers will be expected to show good reason (for example an authority-wide reorganisation) if they propose a timescale longer than three years.

Representation (formal consultation)

The representation period starts on the date of the publication of the proposal and must last four weeks. During this period, any person or organisation can submit comments on the proposal to the LA to be taken into account by the decision-maker. It is also good practice for representations to be forwarded to the proposer to ensure that they are aware of local opinion.

Decision

The LA will be the decision-maker in all cases except where a proposal is 'related' to another proposal that must be decided by the [Schools Adjudicator](#)⁵.

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.

However, the body or individual that takes the decision must have regard to the statutory [guidance for decision-makers](#).

When issuing a decision, the decision-maker can:

- reject the proposal;
- approve the proposal without modification;
- approve the proposal with modifications, having consulted the LA and/or governing body (as appropriate); or
- approve the proposal – with or without modification – subject to certain conditions⁶ (such as the granting of planning permission) being met.

A proposal can be withdrawn by the proposer at any point before a decision is taken. When doing so the proposer must send written notice to the LA or the governing body (as appropriate); or the Schools Adjudicator (if the proposal has been sent to them). A notice must also be placed on the website where the original proposal was published.

Within one week of making a decision the LA must publish their decision and the reasons for it, on the website where the original proposal was published and send copies to:

- the LA (where the Schools Adjudicator is the decision-maker);
- the Schools Adjudicator (where the LA is the decision-maker);
- the governing body/proposers (as appropriate);
- the trustees of the school (if any);
- the local Church of England diocese;

⁵ For example where a change is conditional on the establishment of a new school under section 10 or 11 of EIA 2006 (where the Schools Adjudicator may be the default decision maker).

⁶ The prescribed events are those listed in paragraph 8 of Schedule 3 to the Prescribed Alterations Regulations.

- the local Roman Catholic diocese;
- the parents of every registered pupil at the school – where the school is a special school; and
- any other body that they think is appropriate (e.g. other relevant faith organisation).

If the [Schools Adjudicator](#) is the decision-maker they must notify the persons above of their decision, together with the reasons, within one week of making the decision. Within one week of receiving this notification the LA must publish the decision, with reasons, on the website where the original proposal was published.

Within one week of the decision being made the proposer (i.e. governing body or LA) should make the necessary changes to the school's record in the department's [EduBase](#) system and must make the change by the date of implementation.

Rights of appeal against a decision

The following bodies may appeal to the Schools Adjudicator against a decision made by a LA decision-maker, within four weeks of the decision being made:

- the local Church of England diocese;
- the local Roman Catholic diocese; and
- the governors and trustees of a foundation, foundation special or voluntary school that is subject to the proposal.

On receipt of an appeal, an LA decision-maker must then send the proposal, representations received and the reasons for their decision to the Schools Adjudicator within one week of receipt. There is no right of appeal on determinations made by the Schools Adjudicator.

Implementation

The proposer must implement a proposal in the form that it was approved, taking into account any modifications made by the decision-maker.

Modification post determination

If it proves necessary, due to a major change in circumstance, or unreasonably difficult to implement a proposal as approved, the proposer can seek modifications

(e.g. to the implementation date) from the decision-maker before the approved implementation date. However, proposals cannot be modified to the extent that new proposals are substituted for those that have been published.

Details of the modification must be published on the website where the original proposals were published.

Revocation of proposals

If the proposer cannot implement an approved proposal because circumstances have changed so that implementation would be inappropriate or implementation of the proposal would be unreasonably difficult, the proposer must publish a revocation proposal, to be determined by the decision-maker, to be relieved of the duty to implement. A revocation proposal must contain:

- a description of the original proposal as published;
- the date of the publication of the original proposal; and
- a statement as to why the duty to implement the original proposal should not apply.

The proposer must publish the revocation proposal on the website and a brief notice of the proposal, including the website address where the proposal is published in a local newspaper. The proposal must contain details of how copies can be obtained; details of where to send comments to; and the date by which comments must be sent.

Where the proposer is the governing body it must send the revocation proposal to the LA within one week of the date of publication on the website. Where the original proposal was decided by the [Schools Adjudicator](#) the LA must refer the revocation proposal together with any comments or objections within two weeks of the end of the representation period to the Schools Adjudicator.

The LA decision-maker, who must determine the revocation proposal within two months of the end of the representation period, must arrange for the revocation determination to be published on the website where the original proposal and revocation proposal were published. The LA decision-maker must also arrange for the following persons to be notified of the revocation decision together with reasons:

- the local Church of England diocese;
- the local Roman Catholic diocese; and

- the governors and trustees of a foundation, foundation special or voluntary school that is subject to the proposal.

The same persons also have the right of appeal to the [Schools Adjudicator](#) (within four weeks of determination of the revocation proposal) if they disagree with the decision to revoke the proposal.

Land and buildings for foundation, foundation special or voluntary controlled schools

Where a LA is required to provide a site for a foundation, foundation special or voluntary controlled school, the LA must:

- transfer their interest in the site and in any buildings on the site which are to form part of the school's premises to the trustees of the school, to be held by them on trust for the purposes of the school; or
- if the school has no trustees, to the governing body, to be held by that body for the purposes of the school.

In the case of a dispute as to the persons to whom the LA is required to make the transfer, the adjudicator will make a decision.

Further details on land and buildings can be found in paragraphs 17 and 18 of Schedule 3 of the Prescribed Alteration Regulations.



Department
for Education

Guidance for decision-makers

**Statutory guidance for decision-makers
deciding prescribed alteration and
establishment and discontinuance
proposals**

April 2016

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1: Summary

About this guidance

This is statutory guidance from the Department for Education. This means that recipients must have regard to it when carrying out duties relating to making decisions about prescribed alteration proposals and establishment (opening) and discontinuance (closure) proposals.

This guidance should be read in conjunction with; the Education and Inspections Act (EIA) 2006 as amended by the Education Act (EA) 2011; the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013; the School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 and the School Organisation (Removal of Foundation, Reduction in the Number of Foundation Governors and Ability of Foundation to Pay Debts) (England) Regulations (2007).

Review date

This guidance will be reviewed in April 2017.

Who is this guidance for?

This guidance is for those making decisions about prescribed alteration proposals (LAs, the Schools Adjudicator and governing bodies), and opening and closing maintained schools (LAs, the Schools Adjudicator) and for information purposes for those affected by such proposals (dioceses, trustees, parents etc.)

It is the responsibility of LAs and governing bodies to ensure that they act in accordance with the relevant legislation when making changes to or opening or closing a maintained school and they are advised to seek independent legal advice where appropriate.

Main points

- The decision-maker will need to be satisfied that the appropriate fair and open local consultation and/or representation period has been carried out and that the proposer has given full consideration to all the responses received. The decision-maker must consider the views of those affected by a proposal or who have an interest in it, including cross-LA border interests. The decision-maker should not simply take account of the numbers of people expressing a particular view. Instead, they should give the greatest weight to responses from those stakeholders likely to be most directly affected by a proposal – especially parents of children at the affected school(s).

- 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 support for, objections to and comments on the proposal.
- When deciding on a proposal, 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 should have triggered the free school presumption.
- The 2016 White Paper [*Education Excellence Everywhere*](#), sets out the department's aim that by the end of 2020, all schools will be academies or in the process of becoming academies. The decision-maker should, therefore, take into account the extent to which the proposal is consistent with this policy.
- In determining proposals decision-makers must ensure that the guidance on [schools causing concern](#) (Intervening in falling, underperforming and coasting schools) has been followed where necessary.
- All decisions in relation to the opening and closing of a maintained school should be copied to the Secretary of State, within one week of the decision being made. The notification must be sent to schoolorganisation.notifications@education.gsi.gov.uk. The necessary amendments will then be made to the EduBase system.

2: Factors relevant to all types of proposals

Related proposals

Any proposal that is 'related' to another proposal must be considered together. A proposal should be regarded as 'related' if its implementation (or non-implementation) would prevent or undermine the effective implementation of another proposal. Decisions for 'related' proposals should be compatible.

Where a proposal is 'related' to another proposal to be decided by the [Regional Schools Commissioner](#) (RSC) (e.g. for the [establishment of a new free school established under the presumption route](#)) the decision-maker should defer taking a decision until the RSC has taken a decision on the proposal, or where appropriate, grant a conditional approval for the proposal.

Conditional approval

Decision-makers may give conditional approval for a proposal subject to certain prescribed events¹. The decision-maker must set a date by which the condition should be met but can modify the date if the proposer confirms, before the date expires, that the condition will be met later than originally thought.

The proposer should inform the decision-maker (and the Secretary of State via schoolorganisation.notifications@education.gsi.gov.uk for school opening or closure cases) when a condition is modified or met. If a condition is not met by the date specified, the proposal should be referred back to the decision-maker for fresh consideration.

Publishing decisions

All decisions (rejected and approved – with or without modifications) must give reasons for such a decision being made. **Within one week** of making a decision the decision-maker should arrange (via the proposer as necessary) for the decision and the reasons behind it to be published on the website where the original proposal was published. The decision-maker must also arrange for the organisations below to be notified of the decision and reasons²:

- the LA (where the [Schools Adjudicator](#) or governing body is the decision-maker);
- the governing body/proposers (as appropriate);

¹ under paragraph 8 of Schedule 3 to the Prescribed Alterations Regulations (for prescribed alterations), regulation 16 of the Establishment and Discontinuance Regulations (for closures and new schools) and paragraph 16 of Schedule 1 to the Prescribed Alterations Regulations (for foundation and trust proposals).

² In the case of proposals to change category to foundation, acquire / remove a Trust and / or acquire / remove a Foundation majority the only bodies the decision-maker must notify are the LA and the governing body (where the Schools Adjudicator is the decision-maker).

- the trustees of the school (if any);
- the local Church of England diocese;
- the local Roman Catholic diocese;
- for a special school, the parents of every registered pupil at the school;
- any other organisation that they think is appropriate; and
- the Secretary of State via schoolorganisation.notifications@education.gsi.gov.uk (in school opening and closure cases only).

Consideration of consultation and representation period

The decision-maker will need to be satisfied that the appropriate fair and open local consultation and/or representation period has been carried out and that the proposer has given full consideration to all 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 support for, objections to and comments on the proposal.

Education standards and diversity of provision

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

A school-led system with every school an academy,

The 2016 White Paper [Education Excellence Everywhere](#), sets out the department's aim that by the end of 2020, all schools will be academies or in the process of becoming academies. The decision-maker should, therefore, take into account the extent to which the proposal is consistent with this policy.

Demand v need

Where a LA identifies the need for a new school, to meet basic need, section 6A of EIA 2006 places the LA under a duty to seek proposals to establish a free school via the '[free school presumption](#)'. However it is still possible to publish proposals for new maintained school outside of the competitive arrangements, at any time, in order to meet demand for a specific type of place e.g. places to meet demand from those of a particular faith.

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.

School size

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.

Proposed admission arrangements

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 admission authority should be given the opportunity to revise them.

National Curriculum

All maintained schools must follow the [National Curriculum](#) unless they have secured an exemption for groups of pupils or the school community³.

Equal opportunity issues

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:

³ Under sections: 90, 91, 92 and 93 of the Education Act 2002.

- 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.

Community cohesion

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.

Travel and accessibility

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.

Further information is available in the statutory [Home to school travel and transport guidance](#) for LAs.

Funding

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

School premises and playing fields

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.

3: Factors relevant to prescribed alteration proposals:

Enlargement of premises

When deciding on a proposal for an expansion on to 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 free school presumption in circumstances where there is a need for a new school in the area⁴).

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?

⁴ Or require an proposal under section 11 of the EIA 2006 for a new maintained school.

- the quality of pre-16 education must be good or outstanding;
- the proposed sixth-form will provide places for a minimum of 200 students;
- the proposed sixth-form will, either directly or through partnership, offer a minimum of 15 A level subjects:
- there is a clear demand for the new sixth-form (including evidence of a shortage of post-16 places and a consideration of the quality of L3 provision in the area);
- the proposed sixth-form is financially viable (there is evidence of financial resilience should student numbers fall and the proposal will not impact negatively on 11-16 education or cross subsidisation of funding).

Changes of category to voluntary-aided

For a proposal to change the category of a school to voluntary-aided, the decision-maker must be satisfied that the governing body and/or the foundation are able and willing to meet their financial responsibilities for building work. The decision-maker may wish to consider whether the governing body has access to sufficient funds to enable it to meet 10% of its capital expenditure for at least five years from the date of implementation, taking into account anticipated building projects.

Changes to special educational need provision

In planning and commissioning SEN provision or considering a proposal for change, LAs should aim for a flexible range of provision and support that can respond to the needs of individual pupils and parental preferences. This is favourable to establishing broad categories of provision according to special educational need or disability. Decision-makers should ensure that proposals:

- take account of parental preferences for particular styles of provision or education settings;
- take account of any relevant local offer for children and young people with SEN and disabilities and the views expressed on it;
- offer a range of provision to respond to the needs of individual children and young people, taking account of collaborative arrangements (including between special and mainstream), extended school and Children's Centre provision; regional centres (of expertise) and regional and sub-regional provision; out of LA day and residential special provision;

Annex A: Further Information

- [The Education and Inspections Act 2006](#), as amended by the [Education Act 2011](#)
- [The School Standards and Framework Act 1998](#), as amended by the [Education Act 2002](#)
- [The School Organisation \(Prescribed Alterations to Maintained Schools\) \(England\) Regulations 2013](#)
- [The School Organisation \(Removal of Foundation, Reduction in Number of Foundation Governors and Ability of Foundation to Pay Debts\) \(England\) Regulations 2007](#)
- [The School Organisation \(Requirements as to Foundations\) \(England\) Regulations 2007](#)
- [Academy/Free School Presumption – departmental advice \(2013\)](#)
- [Establishing New Maintained Schools – departmental advice for local authorities and new school proposers \(2013\).](#)
- [The Schools Admissions Code](#)
- [Education Excellence Everywhere](#)
- [White paper - Education Excellence Everywhere](#)
- [Schools Adjudicator](#)
- [Free school presumption](#)
- [School Admissions Code](#)
- [National Curriculum](#)
- [Home to school travel and transport guidance](#)
- [School land and property: protection, transfer and disposal](#)
- [Promoting fundamental British values through SMSC.](#)
- [Religious designation](#)
- [Schools causing concern](#)
- [Presumption against the closure of rural schools.](#)
- [The Health and Safety Executive Public Register of Convictions](#)
- [The Charity Commission's Register of Charities](#); and
- [The Companies House web check service.](#)

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	CABINET MEMBER FOR CHILDREN, FAMILIES & SCHOOLS JOINTLY WITH THE STRATEGIC DIRECTOR FOR PEOPLE
Report of:	Assistant Director for Education Infrastructure and Early Years
Date of Decision:	14 December 2016
SUBJECT:	PROPOSAL TO ALTER THE LOWER AGE RANGE OF HARPER BELL SEVENTH DAY ADVENTIST SCHOOL TO REMOVE THE NURSERY PROVISION
Key Decision: NO	Relevant Forward Plan Ref:
If not in the Forward Plan: (please "tick" box)	Chief Executive approved <input type="checkbox"/> O&S Chairman approved <input type="checkbox"/>
Type of decision:	Executive
Relevant Cabinet Member:	Councillor Brigid Jones, Cabinet Member Children, Families and Schools
Relevant O&S Chairman:	Councillor Susan Barnett, Schools, Children and Families Overview and Scrutiny Committee
Wards affected:	Nechells

1. Purpose of report:
1.1 To seek determination of the proposal to alter the lower age range of Harper Bell Seventh Day Adventist School in order to remove the nursery provision.

2. Decision(s) recommended:
That the Cabinet Member for Children, Families and Schools jointly with the Strategic Director for People:-
2.1 Approves, having taken account of the statutory guidance, the proposal to alter the lower age range of Harper Bell Seventh Day Adventist School to remove the nursery provision with a modified date of the 31 st July 2017.

Lead Contact Officer(s):	Mary Lowe, Pupil Place Planning Officer
Telephone No:	0121 303 8847
E-mail address:	mary.lowe@birmingham.gov.uk
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3. Consultation

3.1 Internal

Information about the proposal was sent by email to all relevant City Councillors, including the Executive Members for Nechells, MP for Ladywood and the Nechells Ward Councillors, together with relevant officers across Birmingham City Council on 16th September 2016. The consultation period commenced on 19th September and members were invited to comment. A copy of the proposal document can be found in Appendix 1.

3.2 External

These proposals have been fully consulted upon in line with the requirements set out in statutory guidance "Making 'prescribed alterations' to maintained schools – statutory guidance for proposers and decision-makers" published by the Department for Education (DfE) in April 2016. See Appendix 4 for an extract of this guidance. This is a Local Authority proposal to alter the lower age range and requires a non-statutory consultation process. A four week consultation commenced on 19th September 2016. A proposal document was sent to all parents, staff and governors. The consultation ran for four weeks until Friday 14th October 2016. A copy of the proposal document can be found in Appendix 1. Comments were invited and collated via the Be Heard consultation website, or by writing to Education & Skills Infrastructure.

Additionally local schools were invited to comment on the proposed alteration of the age range. In addition, the proposals have been shared with representatives from the professional associations and other key stakeholders including neighbouring Local Authorities and The Archdiocesan and The Anglican Diocese of Birmingham.

4. Compliance Issues:

4.1 Are the recommended decisions consistent with the Council's policies, plans and strategies

With the current and projected number on roll, the nursery provision is financially unviable. The nursery is unsustainable within the resources at the school and does not currently meet the Early Years policy standards of having good or outstanding provision. There is an aspiration for the nursery provision to reopen in the future when the school is in a better position financially and operationally.

4.2 Financial Implications (Will decisions be carried out within existing finance and Resources?)

The nursery has been undersubscribed for some time and is financially unsustainable. The nursery is currently resourced by agency staff and there will be no permanent staffing losses at the school resulting from the closure of the nursery class. By removing the nursery class, the school will be able to focus all resource on the primary provision and on its improvement.

The feedback from the consultation recommended that the nursery provision closes at the end of the academic year (rather than 31st December 2016) in order to support current parents. The school will continue to fund the provision until such time.

4.3 Legal Implications

Pursuant to regulation 7 of the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 the Local Authority must have regard to the statutory guidance at Appendix 4 to this report. The guidance explains that Local Authorities can propose a change of age range for voluntary aided schools by following the non-statutory process in part 4 of the guidance, and the Local Authority is the decision-maker for such proposals.

4.4 Public Sector Equality Duty

An updated Equality Assessment initial screening was carried out in December 2013 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 these recommendations.

5. Relevant background/chronology of key events:

- 5.1 Harper Bell Seventh Day Adventist School was established as a voluntary aided maintained school in September 2011. The school has a nursery class that can accommodate up to 25 full time equivalent (FTE) places. The school is the only school within Birmingham to offer seventh-day Adventist faith based provision.
- 5.2 The nursery has been undersubscribed for some time with only 17 pupils on roll at the May 2016 census count. Four of these pupils transferred to Reception in September 2016. The 4 remaining nursery pupils were joined by nine further nursery pupils taking the nursery number on roll to 13 out of a possible 25.
- 5.3 The school received an Ofsted rating of “Requires Improvement” when they were inspected on 12th February 2015. An Interim Executive Board (IEB) was subsequently set up at the school.
- 5.4 Following the Ofsted outcome and financial unviability of the nursery, the IEB and school management team, along with the Local Authority, took a decision to consult with stakeholders on the closure of the nursery class from 31st December 2016. This would allow the school to focus resources on improving outcomes for pupils in Reception to Year 6. As part of the due diligence that led to this decision, the possibility of the nursery provision being provided by a private, voluntary or independent nursery provider was explored but unfortunately proved unfeasible.
- 5.5 Should the closure take place on 31st December 2016, it is understood that there is sufficient alternative early year’s provision available should parents need to apply elsewhere in-year. The IEB, the Management Team at the school along with Children’s Advice and Support Service (CASS) and Early Year’s consultants have offered support with parents of the nursery pupils to secure alternative provision.
- 5.6 There will be no permanent job losses resulting from the closure of the nursery. The staff members in the nursery are agency.

- 5.7 A four week non statutory consultation on the proposal commenced on 19th September 2016. A proposal document was sent to all parents' pupil, staff and governors. The consultation ran for four weeks until Friday 14th October 2016. A copy of the proposal document can be found in Appendix 1. Comments were invited and collated via the Be Heard consultation website, or by writing to Education & Skills Infrastructure.
- 5.8 A parents meeting was held at the start of the consultation period on 19th September 2016. The meeting was led by the Head Teacher, with a member of the IEB and officers from Early Years and EdSI in attendance. Approximately 26 parents and 20 pupils attended. A record of the meeting notes is in Appendix 2.
- 5.9 Eleven responses were received by the closure of the consultation period. Ten responses via the Be Heard consultation website and one by email. The email was received at 12.15am on 15th October 2016 and was therefore officially outside the representation period, however it was acknowledged as being put forward, and for that reason has been included with this report. All responses were opposed to the closure of the nursery. A summary of the consultation responses can be found in Appendix 3.
- 5.10 Concerns from the consultation period included the poor timing of the consultation; the fact that children were allowed to take up places to then be informed that the nursery class was proposing to close, as well as the financial outlay on uniform. A number of responses proposed that the closure should be approved for the end of the academic year to both lessen the disruption to pupils having to start a new nursery during the year and concerns around ensuring parents can secure an alternative place. A number of parents raised concern about the need to withdraw siblings in upper year groups if the nursery class was to close due to the logistics of parents having to travel to two different locations. In addition some parents were concerned about losing access to the specialist faith based nursery education which they had specifically chosen.
- 5.11 One respondent asked how many applications were received for September 2016 and how many accepted. This question was forwarded to the school to respond. Another respondent stated that enrolment had been low for the nursery and suspected this to be because it is a fee paying nursery and the hours of operation are during school hours only. A response was sent by a Local Authority officer to state that the nursery was currently a Local Authority maintained nursery and that the Local Authority did not charge fees for the nursery. Any fees raised by the school are for other 'wrap around' services provided outside of school hours. The current management and IEB of the school had investigated the possibility of other providers but this has proved unfeasible.
- 5.12 A meeting of the IEB on 15th November 2016 gave members the opportunity to consider the responses from the consultation and propose a recommendation for decision. The meeting was attended by Local Authority officers. A senior officer committed to financially support the school to enable them to keep the nursery class open until the end of the academic year. The IEB agreed to recommend nursery closure following results of the consultation but with a modified closure date 31st July 2017 in order to remove any displacement of current pupils.

6. Evaluation of alternative option(s):
<p>6.1 The recommendation on the proposed alteration to the age range of Harper Bell Seventh Day Adventist School to remove the nursery class is for it to be approved with modification to the implementation date to 31st July 2017. Alternatively, in line with guidance, the proposals may be approved without modification, or rejected. An extract of this guidance can be found in Appendix 4.</p> <p>6.2 Failure to give approval of the closure of the nursery class will cause financial and educational issues at the school. Failure to give approval to the modified date is likely to cause difficulties for parents in seeking additional provision of choice within the academic year.</p>

7. Reasons for Decision(s):
<p>7.1 To enable Harper Bell Seventh Day Adventist School to alter their lower age range to close the nursery provision at the school from 31st July 2017. This will allow them to direct resources to Reception to Year 6 and to focus on improved outcomes for the school.</p>

Signatures	<u>Date</u>
Cabinet Member Children, Families and Schools Councillor Brigid Jones
Strategic Director for People Peter Hay

List of Background Documents used to compile this Report:
<p>Education and Inspections Act 2006 “Making ‘prescribed alterations’ to maintained school – statutory guidance for proposers and decision-makers” published by the Department for Education (DfE) in April 2016.</p>

List of Appendices accompanying this Report (if any):
<ol style="list-style-type: none"> 1. Proposal Document 2. Copy of Notes of Parents Meeting on 19th September 2016 3. Summary and copies of 11 consultation responses 4. Extract from Relevant Guidance “Making ‘prescribed alterations’ to maintained school – statutory guidance for proposers and decision-makers” published by the Department for Education (DfE) in April 2016.

Report Version	<u>11</u>	Dated	<u>13 December 2016</u>
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Proposal Document

Harper Bell Seventh-Day Adventist School

Proposal to Alter the Lower Age Range of a Voluntary Aided Mainstream School to Remove the Nursery Provision

Introduction

Birmingham City Council as the Local Authority for Birmingham, in collaboration with the Interim Executive Board at Harper Bell Seventh-Day Adventist School, is consulting on a proposal to close the nursery provision at the school. In order to do this we are proposing to change the age range of the school. It is proposed that these changes come into effect from **31st December 2016**.

The Interim Executive Board of the school is in full support of these proposals. The changes are explained in the sections below including details of the consultation and how you can make your views known.

School Information

Harper Bell Seventh-Day Adventist School is a voluntary aided school located in the Nechells ward of the Ladywood district. The school caters for pupils aged 3 to 11. The school was established as a one form entry voluntary aided primary school. This means that each year group has one class of up to 30 places in each. The school became a maintained school as of 1st September 2011, prior to which it operated as an independent school. The school is the only school within the authority providing Seventh-Day Adventist faith provision.

The school currently has a nursery that can accommodate up to 25 full time equivalent (FTE) places. As at May 2016 there were 210 pupils on roll at the school, and of those pupils only 17 were in the nursery. Of the 17 pupils that were in the nursery in May 2016, all but 4 will be moving to Reception class in September 2016. The 4 pupils remaining in the nursery will be joined by 9 new nursery pupils for September 2016.

What changes are proposed?

We are proposing to alter the lower age range of Harper Bell Seventh-Day Adventist School in order for the school to become a 4 to 11 primary and by effect remove the nursery provision at the school.

Why do we want to do this?

The nursery provision can currently accommodate up to 25 FTE or 50 part time places. The nursery has been undersubscribed for some time, with only 17 pupils on the roll at the school in May 2016. The school received an OFSTED rating of "requires improvement" when they were inspected on 12th February 2015, after which an Interim Executive Board was set up at the school. The falling rolls at the school coupled with the results of an OFSTED inspection led the Local Authority, the Interim Executive Board of the school and its management team, to take the joint decision to consult with stakeholders with a view to closure of the nursery. This will allow the school to focus resources on improving outcomes for pupils in Reception through to Year 6 and help the school on their improvement journey to achieve their aim of becoming an outstanding school.

How will this affect pupils at the school?

The pupils in the nursery will need to find alternative nursery provision in time for January 2017. Early Year Consultants in conjunction with the [Children's Advice and Support Service \(CASS\)](#) in Birmingham, the Interim Executive Board and Management Team at the school are working with parents of nursery aged children to provide them support throughout this period. Information and support packages will be provided to help parents to secure alternative childcare places thus

ensuring that the locality of any alternative nursery place fully meets their needs. It is anticipated that all pupils will have been found alternative nursery places by December 2016.

All other pupils at the school should generally be unaffected.

How will this affect staff?

Staff should generally be unaffected. It is proposed that a temporary supply teacher will be employed in September 2016 in the nursery and will remain until the nursery closes.

Will there be changes to the school building?

There will be no alterations to the school building. The current management and the Interim Executive Board of the school have investigated the possibility of the accommodation being used for a private, voluntary or independent (PVI) nursery provision but this has proved unfeasible. The new Head Teacher and their management team will instead decide how to rearrange the use of the accommodation that was previously used for the nursery provision.

Will this definitely happen?

Whilst this type of proposal does not require a formal statutory process, there is a requirement to consult interested stakeholders in line with DFE [non-statutory guidance](#). We are issuing this consultation document and welcome any comments during a four week period outlined below. Following this four week period we will consider all comments made and it is only at that point that we will be able to say with certainty that the school will alter the age range of the school and close the nursery.

How can I make my views known?

The four week consultation period for people to comment on the proposal will commence on **Monday 19th September 2016 and will run for four weeks up to and including Friday 14th October 2016**. During this time you have the opportunity to let us know what you think about the proposed closure of the nursery. You can make your views known by visiting the link to the consultation website (live on 19th September 2016) www.birminghambeheard.org.uk/people-1/harperbell; Or by writing to:

School Organisation Team
Education and Skills Infrastructure
PO Box 15843
Birmingham
B2 2RT

Email: eds.enquiries@birmingham.gov.uk

It is proposed that a consultation meeting with the Head Teacher and Officers from the Local Authority will take place at the school on 19th September at 3.45pm

What happens next?

The Local Authority and Interim Executive Board will consider all comments made during the consultation period. All comments will be forwarded to the Cabinet Member for Education and the Strategic Director for a final joint decision as to whether to close the nursery provision.

Possible Timeline for Alteration to Age Range and Nursery Closure

Action	Date
Proposal document distributed	19 th September 2016
Beginning of 4 week consultation period	19 th September 2016
Parents meeting at school	19 th September 2016 at 3.45pm
End of consultation period	14 th October 2016
Final decision	To be confirmed (November 2016)
Nursery closure	31 st December 2016

All parents of pupils registered at the school and all other interested parties will be notified as soon as a final decision has been made and Department for Education ([Edubase](#)) will be updated as relevant.

Harper Bell Seventh-Day Adventist School

Parents Consultation Meeting - 19th September* 2016 at 3.45pm (*originally stated October in error in original record)

In attendance:

Nigel Oram, Headteacher (Chair)

Professor Tucker, Member of Interim Executive Board (IEB)

Val Robinson, Early Years team at Birmingham City Council (BCC)

Lucy Dumbleton, School Organisation team at Birmingham City Council (BCC, Note taker)

1 member staff

26 parents (approx.)

20 pupils (approx.)

Proposal:

Closure of Harper Bell Nursery with effect from 1st Jan 2017 (by way of changing the age range from 3-11 to a 4-11 school).

Reasons for proposal:

- Viability - nursery has been operating under capacity for some time. Nursery is not a separate entity to the school and attempts to find an alternative provider to run it have been unsuccessful
- Ofsted judgement of Requires Improvement - the need to focus on teaching standards across the primary

Points raised during discussion:

- The proposal is a joint decision between Headteacher, IEB and BCC.
- If the nursery was able to recruit numbers would they still close? Parents should undertake a mission to promote the school nursery however it would be remiss of the school to offer the nursery place if there is the possibility of closure.
- The current 2 staff members in the nursery are agency workers and so contracts would be simpler to terminate than those of permanent staff.
- It would be a tragedy to lose the nursery as the school offers a particular ethos and philosophy and parents made their choice on this basis.
- It is disheartening and disappointing that the proposal is for closure mid-year. Parents may have made alternative placements if they had known and the places should not have been offered for Sept.
- Unfair on youngest child that will be impacted by this especially as their siblings have been able to go through the provision from nursery.
- One parent advised that they had already moved their child from a private institution to go to Harper Bell.
- Expense of uniforms that parents have had to buy for only one term potentially.

- The late timing of the consultation does not give parents the opportunity to find alternative places of choice as they will already be taken. Timing of the consultation is not ideal and should have been undertaken earlier.
- Parents will need information on the vacancies available locally in Nursery and other year groups as siblings need to be considered. It was confirmed that there are vacancies in the locality in Local Authority nursery provision and PVI settings that are deemed good and outstanding by Ofsted.
- Families may need to move all of their children out of the provision if the nursery closes as they may be unable to travel to multiple schools. Would the school be considerate for parents who may arrive late in the morning due to multiple drop-offs?
- School is operating under roll across the year groups and it is the responsibility of the IEB to make the school financially viable. School is welcoming Adventist and non-Adventist pupils.
- More needs to be done to advertise vacant places. School has no natural feeder. HT has attended local churches and constantly in collaboration with BCC to ask for more pupils.
- There was a strong feeling by some parents that a decision has already been made and this consultation was pointless. Parents need to submit their comments to influence the decision.
- Can a new provision be opened up locally to offer a similar nursery provision? This option is was not viable.
- Can the nursery remain open until July 2017? Possibility that other children will be lost across the year groups if the nursery closes mid-year.
- Parents need to consider that the nursery provision is not currently up to standard.
- Some parents have not paid their top-up fees timely which is exacerbating the financial viability, particularly as a 1FE school.
- Need for parents to be engaged and make their voices heard online or via post.
- If nursery is able to open until July 2017 will the IEB allow other pupils to be admitted?
- Can further work be done to find a private partner? This has its own problems as a separate financial entity and safeguarding implications etc.

[Proposal document](#) shared with details of how to respond.

Comments will be accepted online/by post until 14th October 2016 inclusive. Responses will be considered thereafter by the Local Authority and Interim Executive Board. Following this a decision will be sought from Cabinet Member for Children, Schools & Families jointly with the Strategic Director for People.

Harper Bell 10036: Non – Statutory Consultation Results

Summary table:			
Total number of responses:			
11			
Number in favour or against the proposal:			
In favour:		Against:	
0		11	
Method of response:			
BeHeard:		Email:	
10		1	
Type of respondent:			
Parent:	Parent/Local Resident:	Pupil:	Unknown:
8	1	1	1

Main Concerns Raised	Occurrence (of 11 responses)
Difficulties of having two establishments to drop children at. (When both nursery and school aged children in family).	6/11
Disruption for children who have just started nursery to have to find an alternative place.	4/11
The timing of the closure should be at the end of the academic year	7/11
Parents have had financial outlay for school uniform	3/11
Like the ethos of the School	1/11
Want child to attend the church school	2/11
Feel deceived that children allowed to start nursery / unacceptable to start children at nursery in September 2016	3/11
Removing nursery children may mean siblings in school also removed	6/11
Child won't be able to start nursery	1/11
Natural feeder for the school	1/11
Help from church with fees	1/11
School not looked at alternative private provider	3/11

Submitted to **School Organisation Harper Bell Seventh Day Adventist Primary School**
Submitted on **2016-09-30 10:37:31**

Introduction

1 What is your name?

Name:

2 What is your e mail address?

e mail:

3 What is your interest in the proposal?

Parent, Local Resident

other, please specify:

4 Are you in favour of the proposal?

No

Please give details:

Aim - Propasal

We think that strategically the nursery should be closed at the end of the academic school year. The reason being it is clear from the headmasters report that it is not financially viable nor sustainable. History has shown small numbers have enrolled in the nursery and a small number of these have then transferred onto reception.

Parents Feedback

Parents have expressed the financial implication this has had on some of them in terms of purchasing school uniform. Some of the parents have taken their children here because of the ethos and values that the school exhibit. Some of these have been taken out of other private nurseries to reinforce their families beliefs. This has not been an easy decision amongst a large proportion of the parents whose children attends the nursery. In one case a parent has had a disagreement with her husband with the choice of their child attending Harperbell. Many parents have more than one child in the school and so relocating to another nursery would mean two separate school runs. It may mean that parents will have to decide upon removing their children and relocating in a school that has a nursery facility for the convenience of a single school collection. This has a negative effect, disrupting the children's learning especially as they have just settled in. This also could impact the number of students currently attending the Harperbell School.

Future

We have a dedicated and proactive Headmaster and deputy head. We parents love and are committed to the ethos despite some of the challenges that the school faces. Consequently parents are optimistic that significant improvements will be made in the very near future. We would all love to see the nursery open again once it is viable to do so.

If possible, we would not like to see it closed at all. We are doing all in our powers to improve the numbers that are attending.

At this point we are soliciting our friends and families and the churches to send their children to Harperbell.

Kindest Regards

Response ID ANON-W71J-U983-2

Submitted to **School Organisation Harper Bell Seventh Day Adventist Primary School**

Submitted on **2016-10-14 05:31:39**

Introduction

1 What is your name?

Name:

2 What is your e mail address?

e mail:

3 What is your interest in the proposal?

Parent

other, please specify:

4 Are you in favour of the proposal?

No

Please give details:

Cuts off a natural feeder to the school

Closure will lead to the loss of places in the higher school as parents with siblings in years 1-6 will have to remove both children as it is impossible to put the children in two separate school and a choice will need to be made . School has not done enough to advertise school places especially for the nursery. They have not considered any alternatives to the way the nursery runs or to get in a independent company to run the nursery provision.

The timing of the closure has not been well thought out leaving parents to find an alternative provision at the most difficult point in the year.

Submitted to **School Organisation Harper Bell Seventh Day Adventist Primary School**
Submitted on **2016-10-13 22:06:17**

Introduction

1 What is your name?

Name:

[REDACTED]

2 What is your e mail address?

e mail:

[REDACTED]

3 What is your interest in the proposal?

Parent, Other, please specify

other, please specify:

[REDACTED] schools PTFA.

4 Are you in favour of the proposal?

No

Please give details:

I agree that the school needs to regroup and solidify. This may mean closing the nursery temporarily with a view to reopening when the school is on a stronger footing. This being said, instead of closing the proposed January, I hope it will be able to remain open until the end of the school year. Although places will be made available to relocate the nursery students in the event of a closure, some of these children have older siblings at the school. Parents can't be in two places at the same time and the probability is high that whatever school the nursery children are sent to would not be able to accommodate the older siblings.

Response ID ANON-W71J-U98E-M

Submitted to **School Organisation Harper Bell Seventh Day Adventist Primary School**
Submitted on **2016-10-09 20:52:20**

Introduction

1 What is your name?

Name:

[REDACTED]

2 What is your e mail address?

e mail:

[REDACTED]

3 What is your interest in the proposal?

Parent

other, please specify:

4 Are you in favour of the proposal?

No

Please give details:

As parent I am not in favour of the proposed changes for the following reasons

- 1) The changes are proposed to be implemented during the academic year. My child who attends nursery at the school moved from a previous nursery (Teny Tots) in August 2016 to attend Harper Bell Seventh-Day Adventist Nursery in September 2016. He has settled very well at Harper Bell and has blended within the school environment. I believe that moving him from Harper Bell at this stage would be detrimental to his Psychological well being.
- 2) As a parent I chose Harper Adventist Bell Adventist School for my child to benefit from its ethos and faith based education from an early age as possible. I am of the opinion that closing the nursery will be in violation of mine and my child's human rights.
- 3) As a parent I already have purchased school uniforms for my child and moving him nursery Harper Bell Adventist School at this stage would leave me financially disadvantaged.
- 4) I have also placed my child at Harper Bell Adventist School for logistical reasons. I have another child who attends at the school and this helps me to smoothly organise my school run.
- 5) Closing within the said time frame is at very short notice, hence I propose that; nursery should be allowed to run until summer 2017.

Response ID ANON-W71J-U98J-S

Submitted to **School Organisation Harper Bell Seventh Day Adventist Primary School**
Submitted on **2016-09-20 22:24:20**

Introduction

1 What is your name?

Name:

[REDACTED]

2 What is your e mail address?

e mail:

[REDACTED]

3 What is your interest in the proposal?

Parent

other, please specify:

4 Are you in favour of the proposal?

No

Please give details:

Firstly, our daughter attended Nursery last year and have started Reception this school year. As parents, wanting our children to attend the same school, we were looking forward to sending our son to commence Nursery next year September at Harper Bell. Disappointingly for us, this proposal to close Nursery 31st December 2016, now means that our son will not be able to commence his education in Nursery at Harper Bell September 2017. Additionally, this will create difficulties for us in terms of having to do school runs to two different schools.

Secondly, it raises great concern that this proposal will adversely affect those parents who's children have only just started Nursery and will now have to look for alternative places before January 2017. Furthermore, for those parents who already have other children in higher classes, some of them will be faced with faced with the difficult decision of having to take them out of Harper Bell, as they will not be able to do two separate school runs. They are some parents who has children that have just started both Nursery and Reception, and will now have to consider moving both children due to their current family circumstances, especially relating to doing school runs. We too ourselves may very well be faced with this decision of taking our daughter out of Harper Bell, so as to best manage school runs and that both of them can attend the same school.

Submitted to **School Organisation Harper Bell Seventh Day Adventist Primary School**
Submitted on **2016-10-13 22:17:41**

Introduction

1 What is your name?

Name:

[REDACTED]

2 What is your e mail address?

e mail:

[REDACTED]

3 What is your interest in the proposal?

Parent

other, please specify:

4 Are you in favour of the proposal?

No

Please give details:

The announcement to close the nursery at Harper Bell came as a terrible shock to us as the parents of children at the school. I personally removed my child from an Ofsted graded 'Outstanding' nursery to attend Harper Bell because I truly believe in the ethos of the school. I applied for a place in the summer of this year and was offered a place for full time nursery from September 2016-July 2017.

The fact that the children were allowed to start the nursery in September and only advised of the possible closure the following week is unacceptable.

Childcare is the one of the most important consideration for parents and it is one of the first things I arrange when planning my future work/study commitments so to have to consider changing these arrangements partway through the school year is the biggest inconvenience.

Not to mention the upset this will cause to the children. The nursery children are the youngest in the school, my child is just 40months old and yet is due to suffer confusion and disappointment after the build up to starting school. It is something my child looked forward to over the summer and has settled into very quickly making new friends and adjusting to the new environment. Do you really think it is reasonable to expect us to remove our children from this setting in December to join a new nursery setting to then return to Harper Bell in September 2017? I find this situation to be highly insensitive and unsettling to the needs of these small children.

I already have a child at Harper Bell so this was another contributory factor as to why I moved my younger child to this school. In addition to this I receive a contribution from my church towards the cost of the fees and as a single mother this is a great help that would not be available elsewhere.

We as parents have not been given any opportunity to fund raise or try and fill the empty places at the school which would be the obvious solution to any financial problems.

We have a very active PTFA at Harper Bell and I believe we should be given the opportunity to support our school in the way we would like to.

My request is that the nursery remain open for the remainder of the school year due to the lack of notice and consideration shown by the LEA and the management at Harper Bell.

I trust you will consider the points raised and come to a reasonable decision.

Response ID ANON-W71J-U98S-2

Submitted to **School Organisation Harper Bell Seventh Day Adventist Primary School**
Submitted on **2016-10-14 05:42:01**

Introduction

1 What is your name?

Name:

[REDACTED]

2 What is your e mail address?

e mail:

3 What is your interest in the proposal?

Pupil

other, please specify:

I have been to this school since I was 3 attending the nursery.

4 Are you in favour of the proposal?

No

Please give details:

I have been to this school since I was 3 attending the nursery. It was great. I don't like what the LEA has done to my school they say the nursery is not full but that's because they are paying for 2 executive heads which used up all the money. As a black school I knew as a black boy I could achieve anything in a safe supportive school environment. The LEA called our school as failing and the results are that children my friends have left and their little brothers and sisters go to other places for nursery. You LEA have ruined our school but I am not failing I am still achieving how comes you don't tell people about that. Leave our nursery alone

Response ID ANON-W71J-U98T-3

Submitted to **School Organisation Harper Bell Seventh Day Adventist Primary School**
Submitted on **2016-10-14 05:23:16**

Introduction

1 What is your name?

Name:

[REDACTED]

2 What is your e mail address?

e mail:

[REDACTED]

3 What is your interest in the proposal?

Parent

other, please specify:

4 Are you in favour of the proposal?

No

Please give details:

The nursery is a natural feeder for the school. Parents that have sibling groups in the nursery and the higher school will have to remove their children from the school which would have a detrimental impact on the school as a whole. There are no current sources of advertising for the nursery places. The school has not sought any alternatives to closure like an independently run nursery provision. If the nursery is to close as it looks likely that it will to keep it open until June as parents will find it difficult to find new places for their nursery aged child at this point in the year with all available places already taken in September 2016. Parents had sought assurances that the nursery was going to continue as a viable entity for at least another year, only to accept a place and then be told it is to close at the most inconvenient point in the year at Christmas. I believe that there isn't a good time to close that part of the school but by June parents could reapply to start in September 2017 at an alternate school

Response ID ANON-W71J-U98V-5

Submitted to **School Organisation Harper Bell Seventh Day Adventist Primary School**
Submitted on **2016-10-03 13:54:55**

Introduction

1 What is your name?

Name:

[REDACTED]

2 What is your e mail address?

e mail:

[REDACTED]

3 What is your interest in the proposal?

Parent

other, please specify:

4 Are you in favour of the proposal?

No

Please give details:

As a single father it has been difficult to get my child in to pre school, having my child attend this school after attending the Church system the school is great for my child's personal and social development. Now having to close her nursery place I feel is very inconsiderate on many counts. I like the values and principles that the school look to uphold and the faith it follows. A single father having to go and purchase her school uniform now to lose that money with no thought of the costs undertaken but myself, to have the school close after only 3 months is fundamentally wrong. I feel the involvement of the Board and the Education department should be held accountable as you all knew this was a plan that admittedly was said by the head teacher at the meeting held Friday 16 September. His words were "it was a decision that should have been taken along time ago by my predecessors and I am the one that was responsible to make it happen now and start the consultation process".

With this in mind, I believe you have deceived me and other parents by allowing our children to start pre school nursery, incurring a financial loss as the uniform will be non fundable. I believe there was a rejection of twenty other children for pre school nursery and far from staff whistle blowing it can not be proven.

I would like to know how many applied to attend and how many were accepted. Also in mind other parents have children in this school and would be forced to withdraw their children due to this decision which will effect other classes, long term effecting the entire school.

I hope you will take my thoughts into consideration and not close the nursery in December 2016 and if not then please leave the nursery closure until the end of a full school term.

Response ID ANON-W71J-U98Y-8

Submitted to **School Organisation Harper Bell Seventh Day Adventist Primary School**

Submitted on **2016-10-14 05:46:23**

Introduction

1 What is your name?

Name:

[REDACTED]

2 What is your e mail address?

e mail:

[REDACTED]

3 What is your interest in the proposal?

Parent

other, please specify:

4 Are you in favour of the proposal?

No

Please give details:

It will lead to losses in the classes higher up in the school

It shows a lack of vision for the school and bodes ill for any failures in years 1-6 will that also lead to the whole school closing

Most inconsiderate timing as parents will not be able to find alternatives

From: [REDACTED]
Sent: Saturday, October 15, 2016 12:15 AM
To: EdsiSupport
Subject: Harper Bell School

Dear Mary

Apologies for the late comments and as I am not sure whether they will be included I will keep it very brief.

I am aware that enrolment has been low for the nursery and suspect this is because it is a fee paying nursery and the hours of operation are during school hours only.

Is it a possibility that the nursery could be adopted into the school, thereby receive support from the Birmingham city council, as is the case in other schools who have a nursery provision.

Alternatively, is the partnership proposal not a feasible option should you source the appropriate client?

Despite acknowledging the internal challenges such as non payment of fees, I would recommend that the these considerations be taken onboard and the nursery remains open providing a final academic year to make the decision rather than close in December as I am concerned about the consequences it may have in upper years due to siblings.

Thank you in advance for your careful consideration.

Kind regards
[REDACTED]



Department
for Education

Making ‘prescribed alterations’ to maintained schools

Statutory guidance for proposers and decision-makers

April 2016

There is a presumption against the closure of nursery schools. This does not mean that a nursery school will never close, but the case for closure should be strong and the proposal must demonstrate that:

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1: Summary

About this guidance

This is statutory guidance from the Department for Education. This means that recipients must have regard to it when carrying out functions relating to making 'prescribed alterations' to maintained schools.

The purpose of this guidance is to ensure that additional good quality school places can be provided quickly where they are needed; that local authorities and governing bodies do not take decisions that will have a negative impact on other schools in the area, and that changes can be implemented quickly and effectively where there is a strong case for doing so. In line with these aims it is expected that, where possible, additional new places will only be provided at schools that have an overall Ofsted rating of 'good' or 'outstanding'.

A governing body, LA or the [Schools Adjudicator](#) must have regard to this guidance when exercising functions under [The School Organisation \(Prescribed Alterations to Maintained Schools\) \(England\) Regulations 2013](#) ('the Prescribed Alterations Regulations') and [The School Organisation \(Establishment and Discontinuance of Schools\) Regulations 2013](#) ('the Establishment and Discontinuance Regulations'). It should be read in conjunction with Parts 2 and 3 and Schedule 3 of the [Education and Inspections Act \(EIA\) 2006](#) (as amended by the [Education Act \(EA\) 2011](#)) and the *Prescribed Alterations Regulations*. It also relates to the *Establishment and Discontinuance Regulations* and [The School Organisation \(Removal of Foundation, Reduction in the Number of Foundation Governors and Ability of Foundation to Pay Debts\) \(England\) Regulations \(2007\)](#).

It is the responsibility of LAs and governing bodies to ensure that they act in accordance with the relevant legislation when making changes to a maintained school and they are advised to seek independent legal advice where appropriate.

Review date

This guidance will be reviewed in April 2017.

Who is this guidance for?

Those proposing to make changes to maintained schools (e.g. governing bodies and LAs), decision-makers (LAs, the Schools Adjudicator and governing bodies), and for information purposes for those affected by a proposal (dioceses, trustees, parents etc.)

This guidance is relevant to all categories of maintained schools (as defined in section 20 of the [School Standards and Framework Act \(SSFA\) 1998](#)), unless explicitly stated. It is not relevant to [Pupil Referral Units](#). Separate advice [on making significant changes to an academy](#), [opening and closing a maintained school](#) and the [guidance for decision-makers](#) is available.

Main points

- All proposals for prescribed alterations must follow the processes set out in this guidance.
- Where a LA proposes to expand a school that is eligible for intervention they should copy the proposal to the relevant [Regional Schools Commissioner](#)
- To enable the department to monitor potentially controversial proposals, the proposer should copy any proposal which falls within the definitions set out in part 3 to the School Organisation mailbox – schoolorganisation.notrifications@education.gsi.gov.uk.
- Where a LA is the decision maker, it must make a decision within a period of two months of the end of the representation period, taking into account the factors outlined in the [guidance for decision-makers](#). Where a decision is not made within this time frame, the proposal must be referred to the Schools' Adjudicator for a decision.
- It is not possible for any school to gain, lose or change religious character through a change of category. Information on the process to be followed is available in the opening and closing maintained school guidance.
- It is the department's view that governing bodies should convert to academy status rather than change category to a foundation. Governing bodies wishing to discuss this issue should email schoolorganisation.notifications@education.gsi.gov.uk and a member of the school organisation team will contact them to discuss the proposed change of category.
- **Once a decision** has been made the proposer (school governing body or LA) should make the necessary changes to the school's record in the department's [EduBase](#) system and MUST have done so by the date the change is implemented.

governing body in the case of voluntary aided (VA) and foundation schools) must consult on the proposed change in accordance with [the School Admissions Code](#). Community and VC schools have the right to object to the Schools' Adjudicator if the PAN proposed is lower than they would wish.

Change of age range

For changes that are expected to be in place for more than 2 years (as these are considered permanent increases):

Local authorities can propose:

- a change of age range of up to 2 years (except for adding or removing a sixth-form) for voluntary and foundation schools by following the non-statutory process, see [part 4](#).
- a change of age range of 1 year or more for community schools (including the adding or removal of sixth-form or nursery provision) and community special schools or alter the upper age limit of a foundation or voluntary school to add sixth-form provision by following the statutory process, see [part 5](#).

Governing bodies of foundation and voluntary schools can propose

- an age range change of up to 2 years (except for adding or removing a sixth-form) by following the non-statutory process, see [part 4](#).
- an age range change of 3 years or more or alter the upper age limit of the school to add or remove sixth form provision by following the statutory process, see [part 5](#).

Governing bodies of community schools can propose the alteration of their upper age limit to add sixth-form provision following the statutory process, see [part 5](#)

Governing bodies of community special and foundation special schools can propose a change of age range of 1 year or more following the statutory process, see [part 5](#).

Where a proposed age range change would also require an expansion of the school's premises, the LA or governing body must also ensure that they act in accordance with the requirements relating to proposals for the [enlargement of premises](#).

Where a proposal seeks to change the age range of a primary school to make it an all-through (cross phase) school the proposer (as set out below) should copy the

proposal to schoolorganisation.notifications@education.gov.uk for monitoring purposes.

The table below sets out who can propose a change of age range and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
LA for voluntary and foundation	Alteration of upper or lower age range of up to 2 years (excluding adding or removing a sixth form)	Non statutory process	LA	NA
GB of voluntary and foundation	Alteration of upper or lower age range by up to 2 years (excluding adding or removing a sixth-form)	Non statutory process	GB	N/A
GB of voluntary and foundation	Alteration of upper or lower age range by three years or more	Statutory process	LA	CofE Diocese RC Diocese GB / Trustees
LA for community and community special	Alteration of upper or lower age range by 1 year or more (for community school including the adding or removal of sixth form or nurse provision)	Statutory process	LA	CofE Diocese RC Diocese
GB foundation special	Alteration of upper or lower age range by one year or more	Statutory process	LA	CofE Diocese RC Diocese GB / Trustees

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
GB community special	Alteration of upper or lower age range by one year or more	Statutory process	LA	CofE Diocese RC Diocese
LA for community	Alteration of upper age range so as to add or remove sixth-form provision	Statutory process	LA	CofE Diocese RC Diocese
LA for voluntary and foundation	Alteration of upper age range so as to add sixth-form provision.	Statutory process	LA	CofE Diocese RC Diocese GB / Trustees
GB of voluntary and foundation	Alteration of upper age range so as to add sixth-form provision	Statutory process	LA	CofE Diocese RC Diocese GB / Trustees
GB of community	Alteration of upper age range so as to add sixth-form provision	Statutory process	LA	CofE Diocese RC Diocese
GB of voluntary and foundation	Alteration of upper age range so as to remove sixth-form provision	Statutory process	LA	CofE Diocese RC Diocese GB / Trustees

NB: the LA must make a decision within a period of two months of the end of the representation period or they must be referred to the [Schools Adjudicator](#).

Adding or removing a sixth-form

The department wants to ensure that all new provision is of the highest quality and provides genuine value for money. There is a departmental expectation that proposals for the addition of sixth-form provision will only be put forward for secondary schools that are rated as 'good' or 'outstanding' by Ofsted. Proposers should also consider the supply of other local post-16 provision in the area and assess if there is a genuine need for the proposal.

3: Contentious / controversial proposals

The department is keen to ensure that, when proposing:

- enlargement of premises;
- changes to a school's age range, and / or
- adding a sixth form.

LA's and governing bodies act reasonably, in line with the principles of public law, to ensure that the changes do not have a negative impact on the education of pupils in the area.

It is the department's expectation that, in the majority of cases, it would not be appropriate for a primary school to change its age range to meet the need for new secondary provision. Where the level of basic need is such that a new secondary school is needed, this will trigger the free school presumption process.

To enable the department to monitor potentially controversial proposals, LAs and governing bodies should notify

schoolorganisation.notifications@education.gsi.gov.uk of the publication of, any proposals which would:

- result in an [existing primary school becoming an all-through school / cross phase school](#);
- result in an [increase of over 50% in the school's capacity](#);
- [increase the school's pupil numbers to over 2,000](#);
- propose [expansion onto a separate 'satellite' site](#); or
- have received objections from the LA and / or neighbouring school that the proposed change will undermine the quality of education.

4: Changes that can be made outside of the statutory process

Local authorities and governing bodies of mainstream maintained schools can make limited changes (see [section 2](#) for the exact detail) to their schools without following a statutory process; they are nevertheless required to adhere to the usual principles of public law. They **MUST**:

- act rationally;
- take into account all relevant and no irrelevant considerations; and
- follow a fair procedure.

The department **expects** that in making these changes LA's and governing bodies will:

- liaise with the LA and trustees/diocese (as appropriate) to ensure that, a proposal is aligned with wider place planning/organisational arrangements, and that any necessary consents have been gained;
- not undermine the quality of education provided or the financial viability of other 'good' and 'outstanding' schools in the local area; or
- not create additional places in a local planning area where there is already surplus capacity in schools rated as 'good' or 'outstanding' and
- ensure open and fair consultation with parents and other interested parties to gauge demand for their proposed changes and to provide them with sufficient opportunity to give their views. The [consultation principles guidance](#) can be referenced for examples of good practice.

Before making any changes governing bodies should ensure that:

- they have consulted with the LA to ensure the proposal is aligned with local place planning arrangements
- they have secured any necessary funding;
- they have identified suitable accommodation and sites;

- they have secured planning permission and/or agreement on the transfer of land where necessary³;
- they have the consent of the site trustees or other land owner where the land is not owned by the governing body;
- they have the consent of the relevant religious authority (as required); and
- the admissions authority is content for the published admissions number (PAN) to be changed where this forms part of expansion plans, in accordance with the School Admissions Code.

Once a decision on the change has been made the proposer (i.e. LA or governing body) is responsible for making arrangements for the necessary changes to be made to the school's record in the department's [EduBase](#) system. These changes must be made no later than the date of implementation for the change.

³ Including, where necessary, approval from the Secretary of State for change to the use of playing field land under Section 77(1) of the SSFA 1998

5: Statutory process: prescribed alterations

The statutory process for making prescribed alterations to schools has four stages:

Stage	Description	Timescale	Comments
Stage 1	Publication (statutory proposal / notice)		
Stage 2	Representation (formal consultation)	Must be at least 4 weeks	As prescribed in the 'Prescribed Alteration' regulations.
Stage 3	Decision	LA should decide a proposal within 2 months otherwise it will fall to the Schools Adjudicator.	Any appeal to the adjudicator must be made within 4 weeks of the decision.
Stage 4	Implementation	No prescribed timescale	However it must be as specified in the published statutory notice, subject to any modifications agreed by the decision-maker.

Although there is no longer a statutory 'pre-publication' consultation period for prescribed alteration changes, there is a strong expectation that schools and LAs will consult interested parties, in developing their proposal prior to publication, as part of their duty under public law to act rationally and take into account all relevant considerations. Schools will also need to ensure that they have the consent of the site trustees and other relevant religious authorities⁴ (where necessary).

When considering making a prescribed alteration change, it is best practice to take timing into account, for example:

- by holding consultations and public meetings – either formal or informal – during term time, rather than school holidays;
- plan where any public and stakeholder meetings are held to maximise response: and

⁴ Including under the CofE Diocesan Board of Education (DBE) Measure 1991.

- take into account the admissions cycle for changes that will impact on the school's admission arrangements.

A number of changes can impact on admissions, necessitating reductions in PAN, new relevant age groups for admission or the adoption of revised admission criteria. Changes to admission arrangements can be made by the admission authority in one of two ways:

- the consultation on changing the admission arrangements (as set out in the [School Admissions Code](#)) takes place sufficiently in advance of a decision on the prescribed alteration so that the change to admissions can be implemented at the same time as the proposals; or
- a variation is sought, where necessary in view of a major change in circumstances, from the [Schools Adjudicator](#) so that the changes to the admission policy can be implemented at the same time as the prescribed alteration is implemented.

Decision-makers should, so far as is possible, co-ordinate with the admission authority, if different, to ensure they avoid taking decisions that will reduce a PAN or remove a relevant age group for admission after parents have submitted an application for the following September (e.g. 31 October for secondary admissions or 15 January for primary admissions).

Publication

A statutory proposal must contain sufficient information for interested parties to make a decision on whether to support or challenge the proposed change. [Annex A](#) sets out the minimum that this should include. The proposal should be accessible to all interested parties and should therefore use 'plain English'.

Where the proposal for one change is linked to another, this should be made clear in any notices published. Where a proposal by a LA is 'related' to a proposal by other proposers (e.g. where one school is to be enlarged because another is being closed) a single notice could be published.

The full proposal must be published on a website (e.g. the school or LA's website) along with a statement setting out:

- how copies of the proposal may be obtained;
- that anybody can object to, or comment on, the proposal;
- the date that the representation period ends; and

- the address to which objections or comments should be submitted.

A brief notice (including details on how the full proposal can be accessed e.g. the website address) must be published in a local newspaper. If the proposal is published by a governing body then notification must also be posted in a conspicuous place on the school premises and at all of the entrances to the school.

Within one week of the date of publication on the website, the proposer must send a copy of the proposal and the information set out in the paragraph above to:

- the governing body/LA (as appropriate);
- the parents of every registered pupil at the school - where the school is a special school;
- if it involves or is likely to affect a school which has a religious character:
 - the local Church of England diocese;
 - the local Roman Catholic diocese; or
 - the relevant faith group in relation to the school; and
- any other body or person that the proposer thinks is appropriate.

Within one week of receiving a request for a copy of the proposal the proposer must send a copy to the person requesting it.

There is no maximum limit on the time between the publication of a proposal and its proposed date of implementation. However, proposers will be expected to show good reason (for example an authority-wide reorganisation) if they propose a timescale longer than three years.

Representation (formal consultation)

The representation period starts on the date of the publication of the proposal and must last four weeks. During this period, any person or organisation can submit comments on the proposal to the LA to be taken into account by the decision-maker. It is also good practice for representations to be forwarded to the proposer to ensure that they are aware of local opinion.

Decision

The LA will be the decision-maker in all cases except where a proposal is 'related' to another proposal that must be decided by the [Schools Adjudicator](#)⁵.

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.

However, the body or individual that takes the decision must have regard to the statutory [guidance for decision-makers](#).

When issuing a decision, the decision-maker can:

- reject the proposal;
- approve the proposal without modification;
- approve the proposal with modifications, having consulted the LA and/or governing body (as appropriate); or
- approve the proposal – with or without modification – subject to certain conditions⁶ (such as the granting of planning permission) being met.

A proposal can be withdrawn by the proposer at any point before a decision is taken. When doing so the proposer must send written notice to the LA or the governing body (as appropriate); or the Schools Adjudicator (if the proposal has been sent to them). A notice must also be placed on the website where the original proposal was published.

Within one week of making a decision the LA must publish their decision and the reasons for it, on the website where the original proposal was published and send copies to:

- the LA (where the Schools Adjudicator is the decision-maker);
- the Schools Adjudicator (where the LA is the decision-maker);
- the governing body/proposers (as appropriate);
- the trustees of the school (if any);
- the local Church of England diocese;

⁵ For example where a change is conditional on the establishment of a new school under section 10 or 11 of EIA 2006 (where the Schools Adjudicator may be the default decision maker).

⁶ The prescribed events are those listed in paragraph 8 of Schedule 3 to the Prescribed Alterations Regulations.

- the local Roman Catholic diocese;
- the parents of every registered pupil at the school – where the school is a special school; and
- any other body that they think is appropriate (e.g. other relevant faith organisation).

If the [Schools Adjudicator](#) is the decision-maker they must notify the persons above of their decision, together with the reasons, within one week of making the decision. Within one week of receiving this notification the LA must publish the decision, with reasons, on the website where the original proposal was published.

Within one week of the decision being made the proposer (i.e. governing body or LA) should make the necessary changes to the school's record in the department's [EduBase](#) system and must make the change by the date of implementation.

Rights of appeal against a decision

The following bodies may appeal to the Schools Adjudicator against a decision made by a LA decision-maker, within four weeks of the decision being made:

- the local Church of England diocese;
- the local Roman Catholic diocese; and
- the governors and trustees of a foundation, foundation special or voluntary school that is subject to the proposal.

On receipt of an appeal, an LA decision-maker must then send the proposal, representations received and the reasons for their decision to the Schools Adjudicator within one week of receipt. There is no right of appeal on determinations made by the Schools Adjudicator.

Implementation

The proposer must implement a proposal in the form that it was approved, taking into account any modifications made by the decision-maker.

Modification post determination

If it proves necessary, due to a major change in circumstance, or unreasonably difficult to implement a proposal as approved, the proposer can seek modifications

(e.g. to the implementation date) from the decision-maker before the approved implementation date. However, proposals cannot be modified to the extent that new proposals are substituted for those that have been published.

Details of the modification must be published on the website where the original proposals were published.

Revocation of proposals

If the proposer cannot implement an approved proposal because circumstances have changed so that implementation would be inappropriate or implementation of the proposal would be unreasonably difficult, the proposer must publish a revocation proposal, to be determined by the decision-maker, to be relieved of the duty to implement. A revocation proposal must contain:

- a description of the original proposal as published;
- the date of the publication of the original proposal; and
- a statement as to why the duty to implement the original proposal should not apply.

The proposer must publish the revocation proposal on the website and a brief notice of the proposal, including the website address where the proposal is published in a local newspaper. The proposal must contain details of how copies can be obtained; details of where to send comments to; and the date by which comments must be sent.

Where the proposer is the governing body it must send the revocation proposal to the LA within one week of the date of publication on the website. Where the original proposal was decided by the [Schools Adjudicator](#) the LA must refer the revocation proposal together with any comments or objections within two weeks of the end of the representation period to the Schools Adjudicator.

The LA decision-maker, who must determine the revocation proposal within two months of the end of the representation period, must arrange for the revocation determination to be published on the website where the original proposal and revocation proposal were published. The LA decision-maker must also arrange for the following persons to be notified of the revocation decision together with reasons:

- the local Church of England diocese;
- the local Roman Catholic diocese; and

- the governors and trustees of a foundation, foundation special or voluntary school that is subject to the proposal.

The same persons also have the right of appeal to the [Schools Adjudicator](#) (within four weeks of determination of the revocation proposal) if they disagree with the decision to revoke the proposal.

Land and buildings for foundation, foundation special or voluntary controlled schools

Where a LA is required to provide a site for a foundation, foundation special or voluntary controlled school, the LA must:

- transfer their interest in the site and in any buildings on the site which are to form part of the school's premises to the trustees of the school, to be held by them on trust for the purposes of the school; or
- if the school has no trustees, to the governing body, to be held by that body for the purposes of the school.

In the case of a dispute as to the persons to whom the LA is required to make the transfer, the adjudicator will make a decision.

Further details on land and buildings can be found in paragraphs 17 and 18 of Schedule 3 of the Prescribed Alteration Regulations.



Department
for Education

Guidance for decision-makers

**Statutory guidance for decision-makers
deciding prescribed alteration and
establishment and discontinuance
proposals**

April 2016

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1: Summary

About this guidance

This is statutory guidance from the Department for Education. This means that recipients must have regard to it when carrying out duties relating to making decisions about prescribed alteration proposals and establishment (opening) and discontinuance (closure) proposals.

This guidance should be read in conjunction with; the Education and Inspections Act (EIA) 2006 as amended by the Education Act (EA) 2011; the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013; the School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 and the School Organisation (Removal of Foundation, Reduction in the Number of Foundation Governors and Ability of Foundation to Pay Debts) (England) Regulations (2007).

Review date

This guidance will be reviewed in April 2017.

Who is this guidance for?

This guidance is for those making decisions about prescribed alteration proposals (LAs, the Schools Adjudicator and governing bodies), and opening and closing maintained schools (LAs, the Schools Adjudicator) and for information purposes for those affected by such proposals (dioceses, trustees, parents etc.)

It is the responsibility of LAs and governing bodies to ensure that they act in accordance with the relevant legislation when making changes to or opening or closing a maintained school and they are advised to seek independent legal advice where appropriate.

Main points

- The decision-maker will need to be satisfied that the appropriate fair and open local consultation and/or representation period has been carried out and that the proposer has given full consideration to all the responses received. The decision-maker must consider the views of those affected by a proposal or who have an interest in it, including cross-LA border interests. The decision-maker should not simply take account of the numbers of people expressing a particular view. Instead, they should give the greatest weight to responses from those stakeholders likely to be most directly affected by a proposal – especially parents of children at the affected school(s).

- 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 support for, objections to and comments on the proposal.
- When deciding on a proposal, 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 should have triggered the free school presumption.
- The 2016 White Paper [*Education Excellence Everywhere*](#), sets out the department's aim that by the end of 2020, all schools will be academies or in the process of becoming academies. The decision-maker should, therefore, take into account the extent to which the proposal is consistent with this policy.
- In determining proposals decision-makers must ensure that the guidance on [schools causing concern](#) (Intervening in falling, underperforming and coasting schools) has been followed where necessary.
- All decisions in relation to the opening and closing of a maintained school should be copied to the Secretary of State, within one week of the decision being made. The notification must be sent to schoolorganisation.notifications@education.gsi.gov.uk. The necessary amendments will then be made to the EduBase system.

2: Factors relevant to all types of proposals

Related proposals

Any proposal that is 'related' to another proposal must be considered together. A proposal should be regarded as 'related' if its implementation (or non-implementation) would prevent or undermine the effective implementation of another proposal. Decisions for 'related' proposals should be compatible.

Where a proposal is 'related' to another proposal to be decided by the [Regional Schools Commissioner](#) (RSC) (e.g. for the [establishment of a new free school established under the presumption route](#)) the decision-maker should defer taking a decision until the RSC has taken a decision on the proposal, or where appropriate, grant a conditional approval for the proposal.

Conditional approval

Decision-makers may give conditional approval for a proposal subject to certain prescribed events¹. The decision-maker must set a date by which the condition should be met but can modify the date if the proposer confirms, before the date expires, that the condition will be met later than originally thought.

The proposer should inform the decision-maker (and the Secretary of State via schoolorganisation.notifications@education.gsi.gov.uk for school opening or closure cases) when a condition is modified or met. If a condition is not met by the date specified, the proposal should be referred back to the decision-maker for fresh consideration.

Publishing decisions

All decisions (rejected and approved – with or without modifications) must give reasons for such a decision being made. **Within one week** of making a decision the decision-maker should arrange (via the proposer as necessary) for the decision and the reasons behind it to be published on the website where the original proposal was published. The decision-maker must also arrange for the organisations below to be notified of the decision and reasons²:

- the LA (where the [Schools Adjudicator](#) or governing body is the decision-maker);
- the governing body/proposers (as appropriate);

¹ under paragraph 8 of Schedule 3 to the Prescribed Alterations Regulations (for prescribed alterations), regulation 16 of the Establishment and Discontinuance Regulations (for closures and new schools) and paragraph 16 of Schedule 1 to the Prescribed Alterations Regulations (for foundation and trust proposals).

² In the case of proposals to change category to foundation, acquire / remove a Trust and / or acquire / remove a Foundation majority the only bodies the decision-maker must notify are the LA and the governing body (where the Schools Adjudicator is the decision-maker).

- the trustees of the school (if any);
- the local Church of England diocese;
- the local Roman Catholic diocese;
- for a special school, the parents of every registered pupil at the school;
- any other organisation that they think is appropriate; and
- the Secretary of State via schoolorganisation.notifications@education.gsi.gov.uk (in school opening and closure cases only).

Consideration of consultation and representation period

The decision-maker will need to be satisfied that the appropriate fair and open local consultation and/or representation period has been carried out and that the proposer has given full consideration to all 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 support for, objections to and comments on the proposal.

Education standards and diversity of provision

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

A school-led system with every school an academy,

The 2016 White Paper [Education Excellence Everywhere](#), sets out the department's aim that by the end of 2020, all schools will be academies or in the process of becoming academies. The decision-maker should, therefore, take into account the extent to which the proposal is consistent with this policy.

Demand v need

Where a LA identifies the need for a new school, to meet basic need, section 6A of EIA 2006 places the LA under a duty to seek proposals to establish a free school via the '[free school presumption](#)'. However it is still possible to publish proposals for new maintained school outside of the competitive arrangements, at any time, in order to meet demand for a specific type of place e.g. places to meet demand from those of a particular faith.

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.

School size

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.

Proposed admission arrangements

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 admission authority should be given the opportunity to revise them.

National Curriculum

All maintained schools must follow the [National Curriculum](#) unless they have secured an exemption for groups of pupils or the school community³.

Equal opportunity issues

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:

³ Under sections: 90, 91, 92 and 93 of the Education Act 2002.

- 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.

Community cohesion

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.

Travel and accessibility

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.

Further information is available in the statutory [Home to school travel and transport guidance](#) for LAs.

Funding

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

School premises and playing fields

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.

5: Factors relevant to discontinuance (closure) proposals

Closure proposals (under s15 EIA 2006)

The decision-maker should be satisfied that there is sufficient capacity to accommodate displaced pupils in the area, taking into account the overall quality of provision, the likely supply and future demand for places. The decision-maker should consider the popularity with parents of the schools in which spare capacity exists and evidence of parents' aspirations for those schools.

Schools to be replaced by a more successful/popular school

Such proposals should normally be approved, subject to evidence provided.

Schools causing concern

In determining proposals decision-makers must ensure that the guidance on [schools causing concern](#) (Intervening in falling, underperforming and coasting schools) has been followed where necessary.

Rural schools and the presumption against closure

There is a [presumption against the closure of rural schools](#). This does not mean that a rural school will never close, but the case for closure should be strong and the proposal clearly in the best interests of educational provision in the area⁶. Those proposing closure should provide evidence to show that they have carefully considered the following:

- alternatives to closure including the potential for federation with another local school or conversion to academy status and joining a multi-academy trust or umbrella trust to increase the school's viability;
- the scope for an extended school to provide local community services; and facilities e.g. child care facilities, family and adult learning, healthcare, community internet access etc.;
- the transport implications; and
- the overall and long term impact on local people and the community of closure of the village school and of the loss of the building as a community facility.

⁶ Not applicable where a rural infant and junior school on the same site are closing to establish a new primary school on the same site(s).

When deciding a proposal for the closure of a rural primary school the decision-maker must refer to the [Designation of Rural Primary Schools Order](#) to confirm that the school is a rural school.

For *secondary schools*, the decision-maker must decide whether a school is to be regarded as rural for the purpose of considering a proposal. In doing so the decision-maker should have regard to the department's register of schools – EduBase⁷ which includes a rural/urban indicator for each school in England. Where a school is not recorded as rural on Edubase, the decision-maker can consider evidence provided by interested parties, that a particular school should be regarded as rural.

Early years provision

In considering a proposal to close a school which currently includes early years provision, the decision-maker should consider whether the alternative provision will integrate pre-school education with childcare services and/or with other services for young children and their families; and should have particular regard to the views of the Early Years Development and Childcare Partnership.

The decision-maker should also consider whether the new, alternative/extended early year's provision will maintain or enhance the standard of educational provision for early years and flexibility of access for parents. Alternative provision could be with providers in the private, voluntary or independent sector.

Nursery schools and the presumption against closure

There is a presumption against the closure of nursery schools. This does not mean that a nursery school will never close, but the case for closure should be strong and the proposal must demonstrate that:

- plans to develop alternative provision clearly demonstrate that it will be at least as equal in terms of the quantity as the provision provided by the nursery school with no loss of expertise and specialism; and
- replacement provision is more accessible and more convenient for local parents.

Balance of denominational provision

In deciding a proposal to close a school that has been designated with a religious character, decision-makers should consider the effect that this will have on the balance of denominational provision in the area.

⁷ Any school classed as urban will have a rural/urban indicator of either 'Urban>10K – less sparse' or 'Urban>10K – sparse' – all other descriptions refer to rural schools.

The decision-maker should not normally approve the closure of a school with a religious character where the proposal would result in a reduction in the proportion of relevant denominational places in the area. However, this guidance does not apply in cases where the school concerned is severely under-subscribed, standards have been consistently low or where an infant and junior school (at least one of which has a religious character) are to be replaced by a new all-through primary school with the same religious character on the site of one or both of the predecessor schools.

Community Services

Some schools may be a focal point for family and community activity, providing extended services for a range of users, and its closure may have wider social consequences. The effect on families and the community should be considered when considering proposals about the closure of such schools. Where the school is providing access to extended services, provision should be made for the pupils and their families to access similar services through their new schools or other means.

Annex A: Further Information

- [The Education and Inspections Act 2006](#), as amended by the [Education Act 2011](#)
- [The School Standards and Framework Act 1998](#), as amended by the [Education Act 2002](#)
- [The School Organisation \(Prescribed Alterations to Maintained Schools\) \(England\) Regulations 2013](#)
- [The School Organisation \(Removal of Foundation, Reduction in Number of Foundation Governors and Ability of Foundation to Pay Debts\) \(England\) Regulations 2007](#)
- [The School Organisation \(Requirements as to Foundations\) \(England\) Regulations 2007](#)
- [Academy/Free School Presumption – departmental advice \(2013\)](#)
- [Establishing New Maintained Schools – departmental advice for local authorities and new school proposers \(2013\).](#)
- [The Schools Admissions Code](#)
- [Education Excellence Everywhere](#)
- [White paper - Education Excellence Everywhere](#)
- [Schools Adjudicator](#)
- [Free school presumption](#)
- [School Admissions Code](#)
- [National Curriculum](#)
- [Home to school travel and transport guidance](#)
- [School land and property: protection, transfer and disposal](#)
- [Promoting fundamental British values through SMSC.](#)
- [Religious designation](#)
- [Schools causing concern](#)
- [Presumption against the closure of rural schools.](#)
- [The Health and Safety Executive Public Register of Convictions](#)
- [The Charity Commission's Register of Charities](#); and
- [The Companies House web check service.](#)

Report to:	Cabinet Members for Children, Families and Schools and for Value for Money and Efficiency jointly with the Strategic Director for People
Report of:	Executive Director for Education
Date of Decision:	13 December 2016
SUBJECT:	PROVISION OF ADDITIONAL PLACES AT ST THOMAS MORE CATHOLIC PRIMARY SCHOOL – FULL BUSINESS CASE AND CAPITAL GRANT AWARD
Key Decision: No	Relevant Forward Plan Ref: N/A
If not in the Forward Plan: (please "tick" box)	Chief Executive approved <input type="checkbox"/> O&S Chairman approved <input type="checkbox"/>
Relevant Cabinet Member:	Councillor Brigid Jones – Children, Families and Schools Councillor Majid Mahmood – Value for Money and Efficiency
Relevant O&S Chairman:	Cllr Susan Barnett – Schools, Children and Families Cllr Mohammed Aikhlaq– Corporate Resources and Governance
Wards affected:	Sheldon

1. Purpose of report:

- 1.1 To inform members of the proposed capital scheme to provide 105 additional pupil places at St Thomas More Catholic Primary School to enable the school to grow to a 2 Form-Entry (FE) primary school.

2. Decision(s) recommended:

That the Cabinet Members for Children, Families and Schools and for Value for Money and Efficiency jointly with the Strategic Director for People:

- 2.1 Note the content of this report.

Lead Contact Officer(s):	Jaswinder Didially Zahid Mahmood	Head of Education Infrastructure Capital Projects Lead Officer
Telephone No:	07825 117334	jaswinder.didially@birmingham.gov.uk
E-mail address:	0121 464 9855	zahid.mahmood@birmingham.gov.uk

3. Consultation

- 3.1 Internal

The Leader has been consulted and supports the proposal. Ward Councillors for Sheldon and the Executive Member for Yardley have also been consulted and support the proposals contained within the report. Officers from City Finance and Legal and Democratic Services have been involved in the preparation of this report.

3.2 External

All pupils, parents, governors, teaching and non-teaching staff have been consulted regarding the build proposals. Responses received were supportive of the proposal. There is no requirement for statutory consultation.

4. Compliance Issues

4.1 Are the recommended decisions consistent with the Council's policies, plans and strategies?

These works are required to enable the Local Authority to meet its statutory duty to not only provide pupil places but also to promote diversity and increase parental choice in planning and securing the provision of school places (Section 14 Education Act 1996 and Education & Inspections Act 2006). The spending priorities proposed are in accordance with the Schools' Capital Programme 2016-17. Works will contribute to the Council Business Plan and Budget 2016+, particularly safety and opportunity for all children and a great future for young people with education used to address inequality and introduce fairness. The provision of additional places in permanent accommodation is also beneficial to the safeguarding of children as compared with temporary accommodation.

4.2 Financial Implications.

The capital cost of the proposed works at St Thomas More Catholic Primary School is £694,730. Further details are shown at 4.2 of the Private Report and in Appendix E of the Private Report.

On approval of this report, and in line with the processes that support Basic Need joint funding initiatives, a Capital Grant Agreement will be put in place between Birmingham City Council and St Thomas More Catholic Primary School before any grant payments are made. This agreement will set out the terms and conditions of the Grant, which will mitigate any financial risk to the City Council. The Grant Agreement states that any additional costs will be the responsibility of St Thomas More Catholic Primary School and any underspend will be deducted from the grant allocation. The school will be required to demonstrate that appropriate Schools' Financial accounting procedures have been adhered to. In addition, the school will, on completion of the scheme (or at any other point the Local Authority determines), be required to submit a return setting out the costs incurred and details of the corresponding invoices which will need to be available on demand to auditors or BCC officers. Any costs not eligible will result in funding being reclaimed from the School.

Consequential revenue costs arising including additional staffing and any on-going day to day repair and maintenance of the asset will be the responsibility of the school and funded from its own delegated budget.

4.3 Legal Implications

This report exercises legal powers which are contained within Section 14 of the Education Act 1996 and Section 22 of the School Standards and Framework Act 1998, by which the Authority has a responsibility to provide places and maintain schools - this includes expenses relating to premises.

4.4 Public Sector Equality Duty

A Full Equality Analysis (EA0001202) was carried out in May 2016 for Education and Skills Infrastructure's Education Development Plan and Schools' Capital Programme 2016-2017.

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.

- 4.5 In accordance with the revised thresholds for the Birmingham Business Charter for Social Responsibility this grant funding agreement will not require the recipients to become Charter signatories, although they will be encouraged to do so voluntarily. They will however be required to comply with the Council's Living Wage Policy.

5. Relevant background/chronology of key events:

- 5.1 The Local Authority has a statutory duty to not only provide pupil places but also to promote diversity and increase parental choice in planning and securing the provision of school places (Section 14, Education Act 1996 and Education & Inspections Act 2006).
- 5.2 Long-term projections of births provided by the Office of National Statistics (ONS) suggest that the current trend of an increasing birth rate will continue. The implications will be an ongoing need to provide additional school places. An updated Education Sufficiency document from November 2015 highlights the impact of increased birth rates and cohort growth on the demand for school places across Birmingham. The latest position on the demand for school places was presented to the Education and Vulnerable Children Overview and Scrutiny Committee in September 2015.
- 5.3 In addition to sustained birth rate increase, each cohort of Birmingham children has increased annually in recent years as a result of net migration into the City: more children arrive in our schools than leave them. Pressure for school places is severe and reactive measures have been implemented over a number of years to accommodate the growth in demand for school places.
- 5.4 The Schools' Capital Programme 2016-2017, approved by Cabinet on 28th June 2016 identified funding that would increase the capacity of Birmingham City Council schools to help address the current shortfall of pupil places. This scheme at St Thomas More Catholic Primary School will help fulfil the Council's statutory obligation to provide sufficient school places, promote diversity and increase parental choice as well as maximising the impact on pupils' learning outcomes and addressing barriers to learning. The Head Teacher and governors participated in the design process as strategic partners of BCC and as representatives of the end users.
- 5.5 Following publication of sufficiency requirements, St Thomas More Catholic Primary School submitted an expression of interest to increase their Published Admission Number (PAN) by 105 pupils to enable them to move from a 1.5FE to a 2FE primary school. The proposed works will create the additional pupil places by erecting a 2 classroom extension and associated ancillary space together with some re-configuration of existing space. Works will comply with the latest EFA Building Bulletin guidelines for primary accommodation. The scope of works for the School is detailed in Appendix A.
- 5.6 Under the Landlord Approval and Dual Funding arrangement set out in the Schools' Capital Programme 2015-17 approved by Cabinet on 27th July 2015 and the Governance Framework for School Led Basic Need Projects, St Thomas More School appointed a project management company to work with the school to agree the scope of the project. A competitive tender process was carried out by the project management company and a contractor has been appointed based on value for money, compliance, deliverability and response to brief. The project manager and contractor have been appointed in line with the Catholic Archdiocese framework.
- 5.7 Work will be programmed and phased to have minimal impact on the children's education

whilst the School remains operational. The appointed project manager will manage the Construction, Design and Management (CDM) on behalf of the school and arrangements will be agreed by the CDM Principal Designer and the Contractor to ensure that absolute health and safety provisions are in place.

5.8 A Planning Application was submitted in April 2016 and approval was granted on 5th July 2016. Work is due to commence in December with completion expected in March 2017.

6. Evaluation of alternative option(s):

6.1 The option of doing nothing would mean the City Council would fail to meet its statutory obligation in providing additional school places.

7. Reasons for Decision(s):

7.1 Cabinet Members to note the content of the report.

Signatures:

Cabinet Member, Children, Families and Schools: Cllr Brigid Jones

..... Date:

Cabinet Member, Value for Money and Efficiency: Cllr Majid Mahmood

..... Date:

Strategic Director, People: Peter Hay

..... Date:

List of Background Documents used to compile this Report:

Education Sufficiency Document – November 2016

Schools Capital Programme 2016-17 - Cabinet 28th June 2016.

Education & Vulnerable Children Overview and Scrutiny Report on Sufficiency – Sept 2015

List of Appendices accompanying this Report (if any):

Appendix A FBC

Appendix B Risk Assessment

Appendix C Stakeholder Analysis

Appendix D Milestones and Resources

Report Version	V1.5	Dated	13/12/2016
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Full Business Case (FBC)			
1. General Information			
Directorate	People	Portfolio/ Committee	Children, Families and Schools
Project Title	ST THOMAS MORE CATHOLIC PRIMARY SCHOOL – FULL BUSINESS CASE / CAPITAL GRANT AWARD	Project Code	CA-01903-02-1-131
Project Description	The proposed works at St Thomas More Catholic Primary School will create 105 additional places by the erection of a 2 classroom extension and associated ancillary spaces as well as some re-configuration of existing space including ICT and classroom furniture. This will enable the school to increase its capacity and become a 2 Form Entry (FE) primary school. All building works will comply with the DfE Building Bulletin 103 guidelines for primary accommodation.		
Links to Corporate and Service Outcomes	<p>Which Corporate and Service outcomes does this project address:</p> <ul style="list-style-type: none"> ▪ Council Business Plan 2016+; ▪ Succeed Economically and Stay Safe ▪ Fairness : Tackling Inequality and Deprivation; ▪ The Birmingham Education Development Plan; ▪ Promoting Social Cohesion across all communities in Birmingham and ensuring dignity including safeguarding for children; ▪ Laying the foundations for a prosperous city based on an inclusive economy; ▪ Democracy: involving local people and communities in the future of their local area and public services: a City with local services for local people; ▪ Enjoy and achieve by attending school; ▪ Schools' Capital Programme 2015-17 		
SCHOOLS CAPITAL PROGRAMME 2016-17	Cabinet	Date of Approval	28 th June 2016
Benefits Quantification Impact on Outcomes	Measure	Impact	
	<p>The project will enable St Thomas More Catholic Primary School to provide sufficient educational facilities for a 2FE primary school. The students will be taught in modern, fit for purpose accommodation allowing for the delivery of a high quality education. It also increases the overall capacity of the primary capital stock by 105 places which will assist in addressing demographic changes and a priority area of insufficiency of provision in Birmingham.</p> <p>Page 129 of 176</p>	<p>Providing additional accommodation at St Thomas More Catholic Primary School addresses identified demand and fulfils the Council's statutory obligations to provide sufficient pupil places.</p>	
	The project delivers 105 additional pupil places to enable the delivery	Raised standards, improved behaviour, staff well-being and	

	of personalised learning.	reduced turnover, mobility and facilitation of the sharing of good practice. Children and young people will have a safe, warm and dry environment before, during and after school hours.	
	Promoting designs which support Birmingham's Education Vision.	Creating teaching and learning environments that are suitable for delivering the modern day school curriculum.	
Project Deliverables	Creation of 105 additional pupil places at St Thomas More Catholic Primary School.		
Scope	The proposed works at St Thomas More Catholic Primary School will create a 2 classroom extension, associated ancillary spaces and some re-configuration of existing areas.		
Scope exclusions	No works outside of this scope will be undertaken.		
Dependencies on other projects or activities	<ul style="list-style-type: none">Placing of orders with ContractorGrant Agreement including compliance with the Birmingham Living Wage Policy		
Achievability	<ul style="list-style-type: none">Procurement processScope of work identifiedSite investigation reports have shown no abnormal site conditionsDevelopment of Programme and costs in progressFunding is in placePlanning permission grantedAvailability of resourcesConsultants appointed have experience of delivering similar projects.		
Project Manager	Zahid Mahmood 07860 906126	Lead Officer, Capital Projects, EdSI zahid.mahmood@birmingham.gov.uk	
Budget Holder	Jaswinder Didially 07825 117334,	Head of Education Infrastructure jaswinder.didially@birmingham.gov.uk	
Project Accountant	David England 0121 675 7963	Lead Officer, Education & Skills Infrastructure david.england@birmingham.gov.uk	
Project Board Members	Jaswinder Didially 07825 117334	Head of Education Infrastructure jaswinder.didially@birmingham.gov.uk	
	David England 0121 675 7963	Lead Officer, Education & Skills Infrastructure david.england@birmingham.gov.uk	
	Zahid Mahmood 07860 906126	Lead Officer, Capital Projects, EdSI zahid.mahmood@birmingham.gov.uk	
	Anil Nayyar 0121 675 3570	Head of City Finance CYPF anil.nayyar@birmingham.gov.uk	
Head of City Finance (H. o. CF)	Anil Nayyar	Date of H. o. CF Approval:	04 November 2016
Planned Project Start date	December 2016	Planned Date of Technical completion	March 2017

3. Checklist of Documents Supporting the FBC		
Item	Mandatory attachment	Number attached
Financial Case and Plan		
<ul style="list-style-type: none"> Detailed workings in support of the above Budget Summary (as necessary) 	Mandatory	Included above (Appendix A)
<ul style="list-style-type: none"> Statement of required resource (people, equipment, accommodation) – append a spreadsheet or other document 	Mandatory	Appendix D
<ul style="list-style-type: none"> Milestone Dates/ Project Critical Path (set up in Voyager or attached in a spreadsheet) 	Mandatory	Appendix D
Project Development products		
<ul style="list-style-type: none"> Populated Issues and Risks register 	Mandatory	Appendix B
<ul style="list-style-type: none"> Stakeholder Analysis 	Mandatory	Appendix C

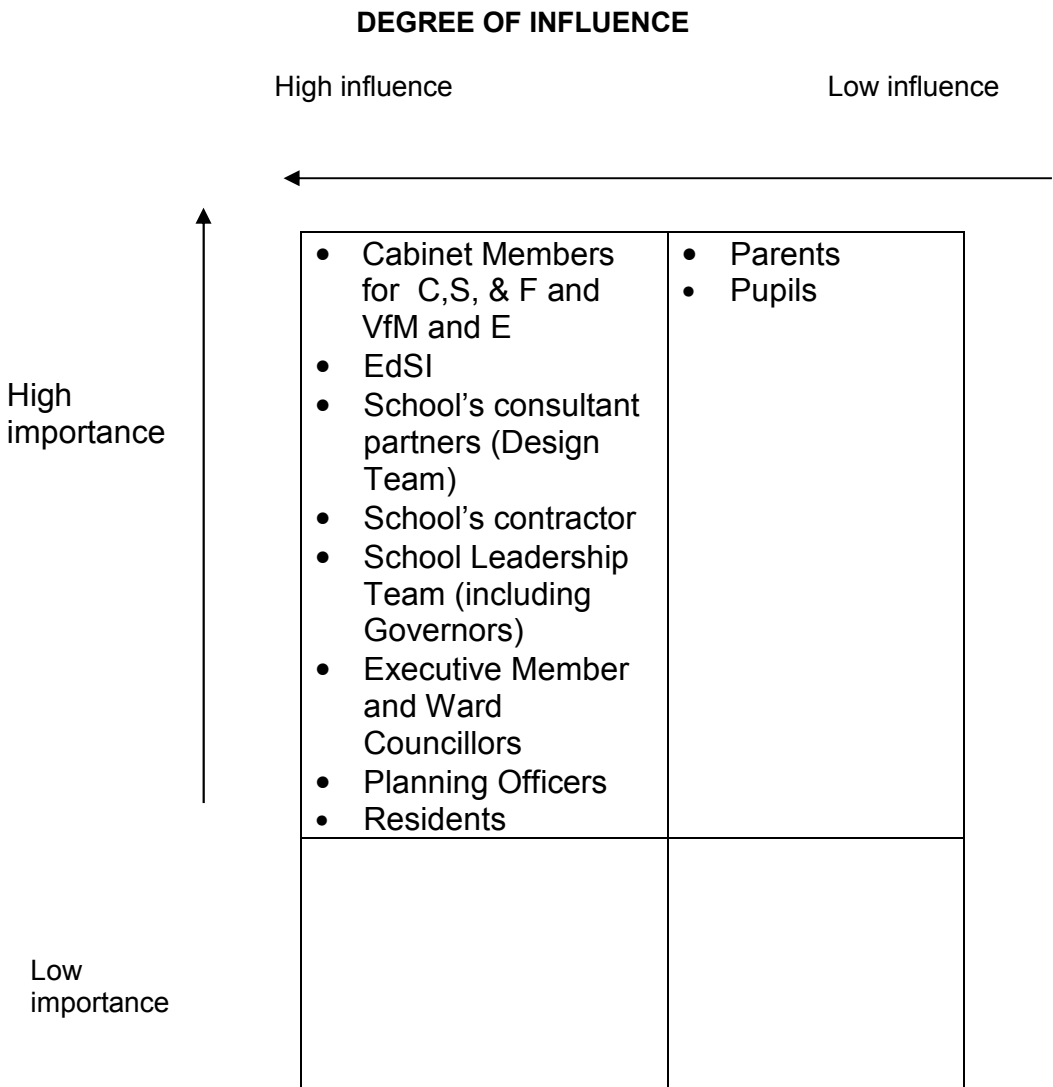
Appendix B - RISK ASSESSMENT

Risk	Likelihood of risk	Severity of risk	Effect	Solution
Building costs escalate	Low	Medium	The cost of the buildings would be more than the funding available	EdSI will work closely with the school to monitor the schedule of works and build costs. Value engineering of scheme to reduce costs if needed. However, financial liability remains with the School via the Capital Grant Agreement.
Building works fall behind	Medium	Medium	Deadlines not met	EdSI will work closely with the School to monitor the scheme on site. However, financial liability remains with the School via the Capital Grant Agreement.
BCC faced with increasing revenue costs	Low	Low	Increased pressure on the revenue budget	The School will meet all revenue costs and day to day repair and maintenance of additional space from their delegated budget share

Appendix C

STAKEHOLDER ANALYSIS

- Cabinet Member for Children, Schools and Families
- Cabinet Member for Value for Money and Efficiency
- Head Teacher
- School Leadership team
- Planning Officers
- Pupils
- Parents
- School Governors
- EdSI
- School’s consultant partners (Design Team)
- School’s contractor
- Executive Member and Ward Councillors
- Residents



Stakeholder	Stake in project	Potential impact on project	What does the project expect from stakeholder	Perceived attitudes and/or risks	Stakeholder management strategy	Responsibility
Cabinet Members for C, S & F and VfM and E	Strategic Overview of Basic Need expenditure	High	Ratification of BCC approach to Basic Needs	Strategy not approved	Early Consultation and Regular Briefing on all aspects of Special Provision	BCC / EdSI
School's Consultant Partners including contractor	Design and Delivery	High	Design of build Project management	Unable to design to budget Unable to deliver to timescales	Close working with other stakeholders Regular feedback	School Leadership Team / Governors
School Leadership Team / Governors	End Users delivering high quality education	High	Ongoing involvement in the design meetings and revenue costs for R&M once build complete	End users feel that the building is not suitable for educational use	Regular project meetings and ensuring that end users views are incorporated in design process	School Leadership Team / Governing Body EDSI Project Officer
Pupils/Parents/Residents	End user	Low	Consultation	Objection to scheme	Through school's communication and statutory processes	School Leadership Team
Executive Members and Ward Councillors	Knowledge of other developments affecting local communities that may link into project	High	Consultation with community and support for project	Objections from local residents	Involve in consultation and planning permission process	EDSI Project Officer Governors/ School Leadership Team

Appendix D MILESTONE DATES and RESOURCES

Schools' Capital Programme 2016-17	28 th June 2016
Tender drawings and documentation	March 2016
Planning application submitted	April 2016
Tender documents issued by School	April 2016
Tenders returned and contractor appointed by School	September 2016
Planning decision received	July 2016
FBC and Contract Award	December 2016
Orders placed with contractor	December 2016
Commencement of works	December 2016
Completion of works	March 2017
Post Implementation Review	March 2018

STATEMENT OF RESOURCES REQUIRED

People	School's Project Team Quantity Surveyor Project Officer Administrators Clerk of works	Design /architect Technical Officers Contractors/Sub contractors
Equipment (to enable works)	Specialist equipment provided by contractor relevant to the requirements for the construction works.	
Equipment (installed as part of project)	IT infrastructure in new accommodation	

PROGRAMME TEAM

Name	Designation	Telephone
Zahid Mahmood	Lead Officer, Education & Skills Infrastructure	07860 906126
Jaswinder Didially	Head of Education Infrastructure	07825 117334
David England	Lead Officer, Infrastructure Development	0121 675 7963

Report to:	CABINET MEMBER FOR VALUE FOR MONEY & EFFICIENCY JOINTLY WITH THE STRATEGIC DIRECTOR FOR PEOPLE
Report of: Date of Decision:	Assistant Director of Universal and Prevention 14th December 2016
SUBJECT:	EXTENSION OF THIRD SECTOR GRANTS- HOUSING RELATED SUPPORT, ADVICE AND GUIDANCE
Key Decision: No	Relevant Forward Plan Ref: N/A
If not in the Forward Plan: (please "X" box)	Chief Executive approved <input type="checkbox"/> O&S Chairman approved <input type="checkbox"/>
Relevant Cabinet Member(s)	Cllr Majid Mahmood - Value for Money & Efficiency
Relevant O&S Chairman:	Cllr Mohammed Aikhlaq: Corporate Resources and Governance
Wards affected:	All

1. Purpose of report:
1.1 To seek Cabinet Member approval to extend existing Third Sector Grants for a period of 3 month until 31 st March 2017.
1.2 The accompanying private reports contain the details of individual grants to organisations.

2. Decision(s) recommended:
That the Cabinet Member for Value for Money and Efficiency jointly with the Strategic Director of People:
2.1 Notes the content of this report

Lead Contact Officer(s):	Mark Roscoe – Commissioning Manager Commissioning Centre of Excellence, Directorate for People
Telephone No:	0121 303 5721
E-mail address:	Mark.roscoe@birmingham.gov.uk
Lead Contact Officer(s):	Rita Adams – Senior Commissioning Officer Commissioning Centre of Excellence, Directorate for People
Telephone No:	0121 675 7567
E-mail address:	Rita.Adams@birmingham.gov.uk
Lead Contact Officer(s):	Pat Merrick – Assistant Director of Universal and Prevention Commissioning Centre of Excellence, Directorate for People
E-mail address:	pat.merrick@birmingham.gov.uk

3. Consultation
<p>3.1 <u>Internal</u></p> <p>3.1.1 The Cabinet Members for Health & Social Care has been briefed on this proposal together with Cabinet Member for Value for Money & Efficiency; both of whom are supportive of a temporary extension whilst we confirm future commissioning intentions to ensure stability in the market.</p> <p>3.1.2 The Commissioning Centre of Excellence Board have been consulted on the proposed award and have approved the proposal.</p> <p>3.1.3 Officers from Finance & Legal Services and Corporate Procurement Services have also been involved in the production of this report.</p> <p>3.2 <u>External</u></p> <p>3.2.1 Citizens of Birmingham have been involved in the original development of these services and part of the previous consultation for service redesign. They remain a fundamental component of any future commissioning strategy and will be consulted on future commissioning intentions through the budget consultation process for 2017/18, the outcome from the Budget consultation process will involve further dialogue with Citizens through a co-production approach to future redesigns.</p>
4. Compliance Issues:
<p>4.1 <u>Are the recommended decisions consistent with the Council's policies, plans and strategies?</u></p> <p>4.1.1 The Integrated Commissioning Programme prioritises vulnerable individuals in most need who overwhelmingly live in areas of significant deprivation. These services address the priorities set by the Council of Homes and health and Wellbeing. The services are designed to reduce vulnerability and promote resilience through prevention and early intervention. Services target those below the assessed care needs threshold, which without intervention would be highly likely to progress into the assessed care needs category, resulting in greater costs to the public pursue. Equally these services are currently utilised by some Citizens with assessed eligible needs for care and support which the local authority has a duty to meet.</p> <p>To support these objectives commissioned services will:</p> <ul style="list-style-type: none"> • Deliver highly effective housing support and universal prevention services which both reduce the need for higher cost statutory and emergency interventions, and enable people to sustain independent living in their communities. • Assist vulnerable people furthest away from the labour market to succeed economically, through support to gain access to employment, training and volunteering opportunities. Also of importance is support to maximise the income of residents who may be adversely impacted by welfare reform. • Promote the health and wellbeing of vulnerable people and their children by ensuring access to appropriate holistic health care services that avoid duplication and ensure demand is managed effectively. • Ensure that safeguards are in place, enabling vulnerable people to live independently within their communities free from harm and repeat incidents of violence. • Help address deprivation and inequalities and support the super diversity agendas for the City. • Supports the City Council to deliver the prevention requirements of the Care Act 2014. • Ensure citizens voice is at the heart of the service we commission and address the barriers that cause migration into the assessed care needs market; consequently increasing the burden on the local authority's statutory budget.

4.1.2 In order to discharge the Council's duty under the Public Services (Social Value) Act 2012 and the Council's Social Value Policy, the grant aided providers have been required to demonstrate how their performance will comply with the principles through the development and submission of an action plan.

4.2 Financial Implications

4.2.1. The proposed extensions of the individual 17 grants will be for a 3 months period, until 31 March 2017, dependent on the outcome of proposals within the Budget consultation process for 2017/18 and future commissioning intentions. The 3 month extension cost of all the individual grants equates to £0.201m. This is subject to satisfactory performance and future commissioning intentions. The proposals can be contained within the Third Sector Budget for 2016/17. They are also consistent with the savings proposals which are currently subject to Budget consultation process for 2017/18. All grants will contain a break clause allowing them to be terminated by either party within one months' notice, should this be required because of reductions in future Council funding, changes in local priorities or an inability to deliver against the terms of the grant.

4.2.2. The total cost of the extensions do not create any additional financial pressure on the Council and form part of the originally approved financial envelope for the new Integrated Prevention Service (C0218(R)) Cabinet paper, May 2016. They are broken down into the following 2 areas:

Theme	Number of Grants	3 Month Extension
		£000
C: Advice and Information	4	29.7
D: Advice and Support	9	171.7
Total	13	201

4.3 Legal Implications

4.3.1 The Council's powers as Administering Authority for third sector Housing Related Support services which includes the Supporting People, programme (which these services form part of the future modelling) are in section 93 Local Government Act 2000. The Council may also exercise powers under the Care Act 2014 together with associated legislation and guidance

4.3.2 Under Section 111 of the Local Government Act 1972, a local authority has the power to take action which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions and therefore has a general power to enter into grant arrangements for the discharge of any of its functions.

4.4 Public Sector Equality Duty

4.4.1 An initial Equality Impact Assessment has been completed for the Third Sector Grants. This has identified that proposals will impact specific groups and therefore further consultation will be required subject to any future commissioning intentions.

5.	Relevant background/chronology of key events:
5.1	The contract strategy for the Integrated Prevention Services was originally approved by Cabinet the 20th October 2015, and updated with the Integrated Prevention Service (C0218(R)) Cabinet approval in May 2016.
5.2	Nationally, policy documents for a number of years, such as the Parliamentary Select Committee report on Supporting People in 2009, have supported the view around the benefits of continued investment in prevention and early intervention services. Equally both the Leader's Policy Statement and the NHS 5 Year Forward Plan focus on preventative services that reduce the long term increased cost of health care across the health and social care economy. At a local level, prevention services currently support 7516 people in Birmingham to remain independent and continue to live in their homes. The provision of prevention services also directly supports the objectives of the Future Council and the Maximising Independence of Adults programme by offering the potential to reduce demand and expenditure on more costly social care and health interventions. Moving forward it will also support the emerging priority to increase uptake of direct payments and better utilisation of how it is invested to enable citizens to remain independent in their own community at the same time as building community and family resilience.
5.3	Original plans had intended to have a new Integrated Prevention Service commissioned by the 31st December, 2016 however this procurement programme was put on hold whilst the Directorate finalised future commissioning intentions aligned to the Directorate savings plan. This is yet to be agreed so we are now seeking approval to extend existing services temporarily to mitigate any risks for our most vulnerable that in the absence of support may require a social care intervention or housing assessment.
5.4	The extension of these Third sector grants enables continued delivery of these services and to mitigate any safeguarding risks, increase demand on adult social care or the risk of a vulnerable population requiring temporary accommodation. It is recommended that a temporary extension is agreed to existing services that will enable the ongoing support of some of our most vulnerable citizens.
5.5	<u>Grant Aid Management</u>
5.5.1	These grants will be managed within the Commissioning Centre of Excellence, overseen by the Commissioning Manager. The requirements are set out in the individual grant agreements with each organisation. This will be reviewed at the point of grants extension to ensure the provider is able to continue delivery against future Council objectives. Subsequent monitoring will be quarterly on a grant by grant basis to ensure quality and performance is maintained and remains consistent.
5.6	In summary, approval is sought to extend to the Third Sector Grants outlined in Appendix 1 of the private report for 3 months until 31 st March 2017.
5.7	The cost of the extensions will be funded through existing budgets outlined in 4.2.1 to mitigate against increase demand that could be required if services were decommissioned whilst budget consultations and commissioning intentions are confirmed

6. Evaluation of alternative option(s):

- 6.1 Doing nothing is not a viable option as without the extension of existing grant, the 4 weeks that remain until these services end does not provide sufficient time to mitigate any safeguarding risks and would ultimately result in at least 3,820 referrals into adult social care immediately; these service are providing a level of support that enables them to safely maintain a level of independence and negates the need for social care intervention.
- 6.2 Equally there are 933 of the service users that currently receive these services to meet an assessed eligible need for care and support. Removal of this support may mean these people would also need a reassessment as the agreed package of care and support would be reduced.

7. Reasons for Decision(s):

- 7.1 To give approval to extend existing 3rd Sector Grants for a period of 3 months until March 2017.

Signatures**Date**

Cllr Majid Mahmood:.....
Cabinet Member for Value for Money & Efficiency

Peter Hay:
Strategic Director for People

List of Background Documents used to compile this Report:

Cabinet report - Contract strategy for the Integrated Prevention Services of 20th October 2015.

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	CABINET MEMBER FOR TRANSPORT & ROADS, JOINTLY WITH THE STRATEGIC DIRECTOR FOR ECONOMY
Report of:	ASSISTANT DIRECTOR OF TRANSPORTATION AND CONNECTIVITY
Date of Decision:	14th December 2016
SUBJECT:	BIRMINGHAM CYCLE REVOLUTION PHASE 3: TOP CYCLE LOCATION (CYCLE PARKING GRANTS) – FULL BUSINESS CASE
Key Decision: No	Relevant Forward Plan Ref: N / A
If not in the Forward Plan: (please "X" box)	Chief Executive approved <input type="checkbox"/> O&S Chairman approved <input type="checkbox"/>
Relevant Cabinet Members:	Councillor Stewart Stacey – Transport & Roads
Relevant O&S Chairmen:	Councillor Zafar Iqbal – Economy, Skills and Transport
Wards affected:	City-Wide

1. Purpose of report:
<p>1.1 To seek approval to the Full Business Case (FBC) for a new tranche of Top Cycle Location (Cycle Parking Grants) to businesses, schools and other organisations, as part of the Birmingham Cycle Revolution (BCR) Phase 3 programme funded from the Department for Transport (DfT) Cycle City Ambition Grant (CCAG). Further details of the scheme are given in Section 4.2 and Appendix A. Expenditure in 2017/18 is subject to written confirmation of BCR funding for that year from DfT.</p> <p>1.2 To seek approval for the Assistant Director of Transportation and Connectivity to make grant payments.</p>

2. Decision(s) recommended:
That the Cabinet Member for Transport & Roads jointly with the Strategic Director for Economy:
<p>2.1 Approves the Full Business Case for Top Cycle Location (Cycle Parking Grants) as part of the Birmingham Cycle Revolution Phase 3 programme in 2016/17 and 2017/18, as shown in Appendix A, at an estimated total capital cost of £0.500m.</p> <p>2.2 Authorises the Assistant Director of Transportation and Connectivity to make grant awards and payments to successful bidders, up to a maximum of £0.010m to any individual organisation and up to a total of £0.450m overall (excluding fees), subject to requests for reimbursement meeting the requirements set out within the claim process outlined in Section 5 of this report.</p> <p>2.3 Notes that the grants funded through the proposed expenditure of £0.250m in 2017/18 will not be awarded until the DfT confirm on-going funding for the BCR programme in that year.</p> <p>2.4 Authorises the City Solicitor to negotiate, execute, seal and complete all necessary documentation to give effect to the above recommendations.</p>

Lead Contact Officer(s):	Andy Chidgey – Principal Studies Officer, Transportation
Telephone No:	0121 675 6519
E-mail address:	andy.chidgey@birmingham.gov.uk

3.	Consultation
3.1	<u>Internal</u>
3.1.1	The proposed measures form part of the BCR Phase 3 programme and Ward Councillors were consulted on the contents of the programme, as part of the development of the bid and the Project Development Document (PDD) in 2015. Ward Councillors will be provided with information on the grants and the application process, as part of the public launch, which is expected to take place in early 2017 following approval of the FBC.
3.1.2	The Cabinet Member for Clean Streets, Recycling and the Environment has been consulted on the contents of this report and is supportive of the proposals. The Cabinet Member for Value for Money and Efficiency has been consulted and is in agreement with the contents of this report.
3.1.3	Officers from City Finance, Procurement and Legal & Democratic Services have been involved in the preparation of this report.
3.2	<u>External</u>
3.2.1	A public launch will take place, which is currently expected to be in early 2017. This will include press releases and other information, giving details of the proposals and the grant application process.

4.	Compliance Issues:
4.1	<u>Are the recommended decisions consistent with the Council's policies, plans and strategies?</u>
4.1.1	The Birmingham Cycle Revolution (BCR) programme seeks to promote sustainable travel options by increasing the attractiveness of cycling, which will contribute to reducing car usage, improving health and the environment, and improving connectivity for households without a car. Many of the proposals will also benefit pedestrians, public transport and road safety.
4.1.2	The proposals will support the City Council's policy objectives outlined in the Council Business Plan and Budget 2016+ and other documents, in particular for ' <i>a strong economy</i> ' and ' <i>a healthy happy city</i> '. The measures also support policies within the West Midlands Strategic Transport Plan. Further details are given in Appendix A.
4.2	<u>Financial Implications</u>
4.2.1	The total capital cost is estimated to be £0.500m (including £0.050m of fees) in 2016/17 and 2017/18. This will be funded through the second tranche of the DfT's CCAG funding, for BCR Phase 3. Further details are given in the Financial Table in Appendix A. All grant payments will be made before the end of the CCAG funding in March 2018.
4.2.2	The DfT confirmed the funding in principle for BCR Phase 3 by letter on 23 rd March 2015, and the first instalment of £1.000m and its associated conditions on 23 rd April 2015. Confirmation of funding of £3.800m for 2016/17 was received on 22 nd April 2016. An additional £2.017m of funding for 2016/17 was offered by the DfT on 8 th August 2016 and accepted on 23 rd August 2016.
4.2.3	On-going funding for 2017/18 is still subject to confirmation by the DfT. The Top Cycle Location grants funded through the proposed expenditure of £0.250m in 2017/18 will not be awarded until the DfT confirm funding for the BCR programme in that year. This confirmation is expected in April 2017.
4.2.4	Procurement of the equipment and other measures funded through Top Cycle Location will be the responsibility of the organisations receiving the grants.

- 4.2.5 There will be no changes to highway assets and no implications for the Highways Maintenance Revenue Budget in providing these grants as the assets purchased through the scheme will become the responsibility of the organisations receiving the grants.
- 4.2.6 Risk management assessments were carried out for previous tranches of Top Cycle Location. These have been reviewed and updated and are included in Appendix C.
- 4.3 Legal Implications
- 4.3.1 The Council in carrying out the Behaviour Change activities will do so under its powers within Section 1 of the Localism Act 2011.
- 4.3.2 Other legislation is also relevant to the introduction of cycling facilities including: Health & Social Care Act 2012; Crime & Disorder Act 2006; and Equality Act 2010.
- 4.4 Public Sector Equality Duty
- 4.4.1 Equality Analyses for the overall BCR programme were produced prior to approval of the PDDs for Phase 1 in April 2013 and Phases 2 and 3 in March 2015. A specific Analysis for the Supporting Measures (including Top Cycle Location) was produced in October 2014 and a new version has now been produced just for Top Cycle Location, and is included in Appendix B (Ref EA001320). This concluded that there is no detriment to any protected group. Organisations can make requests for adaptive bikes for people with disabilities as part of the grant application process.

5. Relevant background/chronology of key events:

5.1 BCR Programme Summary

- 5.1.1 The BCR programme is currently being delivered in three phases. All three phases include a combination of highway infrastructure, off road routes, and supporting measures:
- BCR Phase 1 at a cost of £19.9m funded through £17.0m of the DfT's first tranche of CCAG capital funding and £2.9m from the City Council's Integrated Transport Block (ITB) capital allocation and other local contributions. A Project Definition Document (PDD) was approved by Cabinet on 22nd April 2013.
 - BCR Phase 2 at a cost of £8.0m funded through £6.0m of the Greater Birmingham and Solihull Local Enterprise Partnership's 'Local Growth Fund' and £2.0m of local contributions including the City Council's ITB funds. A PDD was approved by Cabinet for all of the Local Growth Fund schemes on 16th March 2015.
 - BCR Phase 3 at a cost of £30m, funded through £22.1m of the DfT's second tranche of CCAG funding and local contributions totalling £7.9m. A PDD for this programme was approved by Cabinet on 16th March 2015.

5.2 Top Cycle Location (Cycle Parking Grants) – this approval

- 5.2.1 Previous FBCs for earlier tranches of Top Cycle Location approved £0.186m and £0.166m of expenditure from BCR Phase 1 on grants for businesses, schools and other major trip generators, along with a further £0.076m from BCR Phase 2 for further establishments which could not be accommodated from the Phase 1 funding. These previous tranches focused mainly on an area within a 20-minute cycling time of the city centre, which was the basis of the BCR Phase 1 funding bid to the DfT.
- 5.2.2 This new tranche of Top Cycle Location will give more businesses, schools and other organisations the opportunity to bid for grants. The project will now be extended city-wide rather than just focusing within the original 20-minute circle. The grants will be awarded to a minimum of forty-five Top Cycle Locations. It is anticipated that around half of the grants will go to schools and the other half to businesses and other organisations.

- 5.2.3 Organisations from across the city will be eligible to apply for grant funding of up to £10,000 each to be spent on parking and other facilities to support and promote cycling. Within the application, the organisation will be expected to make a detailed list of how they intend to use the funding. Following on from this, submitted grants will be assessed taking into account the size of the organisation, the level of commitment offered to the promotion of cycling, and potential for change in travel habits. Priority will be given to organisations in and around local centres and the Green Travel Districts, as well as to employers who have taken on apprentices. Schools and colleges will be required to sign up to 'Modeshift STARS' (Sustainable Travel Accreditation and Recognition for Schools), an online tool for educational establishments to update their school travel plan and achieve accreditation for actively promoting walking, cycling and other forms of sustainable travel.
- 5.2.4 It is expected that there will be a public launch in early 2017, which will ensure that organisations are made aware of the grants and the application process. Grants will be awarded in 2016/17 and – subject to confirmation of on-going funding from the DfT – in 2017/18.
- 5.2.5 Successful applicants will be expected to source and purchase their own equipment and submit invoices to the City Council for reimbursement. Audits will be carried out to ensure that the grant-funded measures have been installed prior to grant payments being made. This approach has been discussed and agreed with Legal and Procurement Services. A copy of the application form, including the terms and conditions, is provided in Appendix E to this report.
- 5.2.6 The grants will be paid net of VAT and it will be the responsibility of the organisations concerned to pay / reclaim this as appropriate.
- 5.3 Other Information
- 5.3.1 Other elements of the BCR Phase 2 and 3 programmes, including highway works, green routes and supporting measures, will be subject to separate FBC approvals.
- 5.4 Procurement
- 5.4.1 Procurement will be the responsibility of the organisations which are successful in being awarded the grant funding. Although the value of the grants issued will be below the threshold that would require sign-up to the Birmingham Business Charter for Social Responsibility, grant recipients will be encouraged to sign-up voluntarily as part of the application and assessment criteria.

6. Evaluation of alternative option(s):

- 6.1 Alternative options could include 'Do Nothing', but this could lead to the loss of the DfT funding which has been secured and reputational damage to the City Council. The potential benefits would not accrue and the achievement of BCR targets and objectives would be hindered.
- 6.2 The funding could be reallocated to other elements of the BCR Phase 3 programme, such as on-street or off-road cycle routes. However, the earlier phases of Top Cycle Location have been well supported by businesses, schools and other organisations, and there is a desire to expand the project from the original 20-minute circle to the whole of the city, particularly the local centres and Green Travel Districts. The Top Cycle Location element of BCR Phase 3 was also approved in principle by Cabinet at PDD stage.

7. Reasons for Decision(s):	
7.1	The approval of the FBC for the BCR Phase 3 Top Cycle Location (Cycle Parking Grants) will allow the proposals to be finalised, organisations to be allowed to apply for grants, and for payments to be made to the successful organisations.

Signatures	Date
Councillor Stewart Stacey – Cabinet Member for Transport and Roads
Waheed Nazir – Strategic Director for Economy

List of Background Documents used to compile this Report:
'Birmingham Cycle Revolution Phase 3: Programme Definition Document', Report of the Deputy Chief Executive to Cabinet, 16 th March 2015.

List of Appendices accompanying this Report:
Appendix A – BCR Phase 3 Top Cycle Location: Full Business Case
Appendix B – BCR Supporting Measures: Equality Analysis Ref EA001320
Appendix C – BCR Phase 3 Top Cycle Location: Risk Management Assessment
Appendix D – BCR Phase 3 Top Cycle Location: Implementation Programme
Appendix E – BCR Phase 3 Top Cycle Location: Application Form (copy)

PROTOCOL PUBLIC SECTOR EQUALITY DUTY

- 1 The public sector equality duty drives the need for equality assessments (Initial and Full). An initial assessment should, be prepared from the outset based upon available knowledge and information.
- 2 If there is no adverse impact then that fact should be stated within the Report at section 4.4 and the initial assessment document appended to the Report duly signed and dated. A summary of the statutory duty is annexed to this Protocol and should be referred to in the standard section (4.4) of executive reports for decision and then attached in an appendix; the term 'adverse impact' refers to any decision-making by the Council which can be judged as likely to be contrary in whole or in part to the equality duty.
- 3 A full assessment should be prepared where necessary and consultation should then take place.
- 4 Consultation should address any possible adverse impact upon service users, providers and those within the scope of the report; questions need to assist to identify adverse impact which might be contrary to the equality duty and engage all such persons in a dialogue which might identify ways in which any adverse impact might be avoided or, if avoidance is not possible, reduced.
- 5 Responses to the consultation should be analysed in order to identify:
 - (a) whether there is adverse impact upon persons within the protected categories
 - (b) what is the nature of this adverse impact
 - (c) whether the adverse impact can be avoided and at what cost – and if not –
 - (d) what mitigating actions can be taken and at what cost
- 6 The impact assessment carried out at the outset will need to be amended to have due regard to the matters in (4) above.
- 7 Where there is adverse impact the final Report should contain:
 - a summary of the adverse impact and any possible mitigating actions (in section 4.4 or an appendix if necessary)
 - the full equality impact assessment (as an appendix)
 - the equality duty – see page 9 (as an appendix).

Equality Act 2010

The Executive must have due regard to the public sector equality duty when considering Council reports for decision.

The public sector equality duty is as follows:

1	<p>The Council must, in the exercise of its functions, have due regard to the need to:</p> <ul style="list-style-type: none"> (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
2	<p>Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:</p> <ul style="list-style-type: none"> (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
3	<p>The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.</p>
4	<p>Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:</p> <ul style="list-style-type: none"> (a) tackle prejudice, and (b) promote understanding.
5	<p>The relevant protected characteristics are:</p> <ul style="list-style-type: none"> (a) age (b) disability (c) gender reassignment (d) pregnancy and maternity (e) race (f) religion or belief (g) sex (h) sexual orientation

Full Business Case (FBC)			
1. General Information			
Directorate	Economy	Portfolio/ Committee	Transport and Roads
Project Title	Birmingham Cycle Revolution Phase 3: Top Cycle Location (Cycle Parking Grants)	Project Code	CA-02752-11-1 (3R3)
Project Description	<p><u>Introduction</u></p> <p>This document represents the Full Business Case (FBC) for a new tranche of Top Cycle Location (cycle parking grants) within the Birmingham Cycle Revolution (BCR) programme, at an overall cost of £0.500m. The measures will be funded through the second tranche of the Department for Transport (DfT) 'Cycle City Ambition Grant' (CCAG) capital funding for BCR Phase 3 in financial years 2016/17 and 2017/18.</p> <p>Top Cycle Location (TCL) grants are the means by which businesses, schools and other organisations can provide good quality cycle parking and other facilities for employees, visitors, students or parents, to encourage more cycle trips to work or school. Lack of facilities at their trip end (for example cycle shelters, showers, lockers), often acts as a barrier to people choosing cycling as a viable option for their journey to work or school.</p> <p><u>Background</u></p> <p><i>Birmingham Cycle Revolution Programme</i></p> <p>The BCR programme is currently being delivered in three phases: All three phases include a combination of highway infrastructure, off road routes, and supporting measures which includes Top Cycle Location.</p> <ul style="list-style-type: none"> • BCR Phase 1 at a cost of £19.9m funded through £17.0m of the DfT's first tranche of CCAG capital funding and £2.9m from the City Council's Integrated Transport Block (ITB) and other local contributions. A Project Definition Document (PDD) was approved by Cabinet on 22nd April 2013. • BCR Phase 2 at a cost of £8.0m funded through £6.0m of the GBSLEP's 'Local Growth Fund' and £2.0m of local contributions including the City Council's ITB funds. A PDD was approved by Cabinet for all of the Local Growth Fund schemes on 16th March 2015. • BCR Phase 3 at a cost of £30m, funded through £22.1m of the DfT's second tranche of CCAG funding and local contributions totalling £7.9m. A PDD for this programme was approved by Cabinet on 16th March 2015. <p><i>Top Cycle Location Cycle Parking Grants</i></p> <p>Previous FBCs for earlier tranches of Top Cycle Location approved £0.186m and £0.166m of expenditure from BCR Phase 1 on grants for businesses, schools and other major trip generators, along with a further £0.076m from BCR Phase 2 for further establishments which could not be accommodated from the Phase 1 funding. These previous tranches focused mainly on an area within a 20-minute cycling time of the city centre, which was the basis of the BCR Phase 1 funding bid to the DfT.</p> <p>The grants were awarded to enable organisations to install facilities and purchase equipment to encourage employees, visitors and pupils to travel more sustainably. Cycle shelters, shower facilities and pool bikes are examples of the type of facilities that were funded using these grants.</p>		

The successful organisations also committed to promoting and encouraging more people to cycle to their sites. Schools were encouraged to take up the offer of free cycle training (Bikeability) through the City Council, and parents as well as workplaces were directed to the cycle centres around the city which provide access to further loan bikes, training and led rides for adults through the Big Birmingham Bike element BCR.

It was a condition of a school being awarded a grant that they signed up to 'Modeshift STARS' (Sustainable Travel Accreditation and Recognition for Schools), the mechanism by which schools update their school travel plan.

In addition, a supporting programme of behaviour change interventions, including marketing, education and travel-planning initiatives, was funded from existing revenue budgets as a local contribution.

Proposed Measures

This new tranche of Top Cycle Location will give more businesses, schools and other organisations the opportunity to bid for grants. The project will now be extended city-wide rather than just focusing within the original 20-minute circle. The grants will be awarded to a minimum of forty-five Top Cycle Locations. It is anticipated that around half of the grants will go to schools and the other half to businesses and other organisations.

Organisations from across the city will be eligible to apply for grant funding of up to £10,000 each to be spent on parking and other facilities to support and promote cycling. Within the application, the organisation will be expected to make a detailed list of how they intend to use the funding. Following on from this, submitted grants will be assessed taking into account the size of the organisation, the level of commitment offered to the promotion of cycling and potential for change in travel habits. Priority will be given to organisations in and around local centres and the Green Travel Districts, as well as to employers who have taken on apprentices.

Successful applicants will be expected to source and purchase their own equipment and submit invoices to the City Council for reimbursement. Audits will be carried out to ensure that the grant-funded measures have been installed prior to grant payments being made. This approach has been discussed and agreed with Legal and Procurement Services. A copy of the application form, including the terms and conditions, is appended to this FBC.

The grants will be paid net of VAT and it will be the responsibility of the organisations concerned to pay / reclaim this as appropriate.

Facilities purchased with the grant money could include:

- Secure cycle storage;
- On-site signage;
- Showers, changing facilities and lockers made available if logistically possible;
- Providing cycling equipment;
- Loan/pool bikes.

A further supporting programme of behaviour change interventions, will be funded from existing revenue budgets as a local contribution to the project.

Funding Implications

The total capital cost of this project is estimated to be £0.500m in 2016/17 and 2017/18. This will be funded through second tranche of the DfT's CCAG funding for BCR Phase 3. Further details are given in the Financial Table in Section 2 of this FBC. Expenditure in 2017/18 is subject to the DfT confirming funding of the BCR programme in that year (expected in April 2017) and grant funding in the 2017/18 budget will not be awarded until on-going funding is confirmed.

	<p><u>Revenue Implications</u></p> <p>There will be no changes to highway assets and no implications for the Highways Maintenance Revenue Budget in providing a capital grant, as the assets purchased through this scheme will become the responsibility of the organisations receiving the grants.</p> <p><u>Consultation Details</u></p> <p><i>Internal and Other Main Stakeholders</i></p> <p>The Cabinet Member for Clean Streets, Recycling and the Environment has been consulted on the contents of this report and is supportive of the proposals. The Cabinet Member for Value for Money and Efficiency has been consulted and is in agreement with the contents of this report.</p> <p>The proposed measures form part of the BCR Phase 3 programme and Ward Councillors were consulted on the contents of the programme as part of the development of the bid and the Project Development Document (PDD) in 2015. Ward Councillors will be provided with information on the grants and the application process as part of the public launch which is expected to take place in Autumn 2016 following approval of this FBC.</p> <p>The public launch will include press releases and other information, giving details of the proposals and the grant application process.</p> <p><u>Equalities Analysis</u></p> <p>Equality Analyses for the overall BCR programme were produced prior to approval of the PDDs for Phase 1 in April 2013 and Phases 2 and 3 in March 2015. A specific Analysis for the Supporting Measures (including Top Cycle Location) was produced in October 2014 and an updated version is included in Appendix B (Ref EA001320). This concluded that there is no detriment to any protected group. Organisations can make requests for adaptive bikes for people with disabilities as part of the grant application process.</p>
<p>Links to Corporate and Service Outcomes</p>	<p><u>DfT Objectives</u></p> <p>The Birmingham Cycle Revolution programme seeks to promote sustainable travel options by increasing the attractiveness of cycling, which will contribute towards improving health and the environment, reducing car usage, and improving connectivity for households without a car. Many of the measures will also benefit pedestrians, public transport users and road safety.</p> <p>The original BCR Phase 1 bid to the DfT included targets to increase cycling by 27% in the initial bid area (within a 20-minute cycling time of the city centre) by 2016. This represents an increase of approximately 2,000 cyclists per day as a contribution towards achieving targets of 5% of all journeys being made by cycle by 2023 and 10% of all journeys by 2033, compared with less than 2% in 2013.</p> <p><u>City Council Objectives</u></p> <p>The proposals will support the City Council's six key outcomes outlined in the Council Business Plan and Budget 2016+, in particular:</p> <ul style="list-style-type: none"> • A Strong Economy: <i>'An enterprising, innovative green city' with 'skills and employment pathways supported by infrastructure and transport links'.</i> • A Healthy, Happy City: <i>'Citizens have a high quality of health' with 'physical activities that contribute to people's health and wellbeing'.</i> <p>The measures will support the aspirations of the Birmingham Development Plan (BDP), Birmingham Connected, and the Health & Wellbeing Strategy.</p> <p>The measures also support the recommendations of the former Transport, Connectivity & Sustainability Overview and Scrutiny Committee (TCS O&S) report, 'Changing the City: Transforming Urban Movement Through Walking & Cycling in Birmingham' from April 2013.</p>

	<p>The proposals will also support priorities from the Birmingham Climate Change Action Plan 2010+ particularly <i>'reducing the environmental impact of the city's mobility needs through Low Carbon Transport'</i>.</p> <p><u>Combined Authority / Integrated Transport Authority Objectives</u></p> <p>The measures will support policies within the West Midlands Strategic Transport Plan, in particular:</p> <ul style="list-style-type: none">• Economic Growth and Economic Inclusion: <i>'To accommodate increased travel demand by ... new sustainable transport capacity' and 'to improve connections to areas of deprivation'.</i>• Population Growth and Housing Development: <i>'To improve connections to new housing ... primarily through sustainable transport connections'.</i>• Environment: <i>'To help tackle climate change by ensuring a large decrease in greenhouse gases from the ... Metropolitan Area's transport system'.</i>• Public Health: <i>'To significantly increase the amount of active travel' and 'to assist with the reduction of health inequalities'.</i>• Social Well-Being: <i>'to improve the accessibility of shops, services and other desired destinations for socially-excluded people'.</i>		
Project Definition Document approved by	Cabinet (BCR Phase 3 programme)	Dates of Approval	16 th March 2015
Benefits Quantification- Impact on Outcomes	Measure	Impact	
	Grant funding and officer support in becoming a Top Cycle Location.	The successful locations will benefit from having good quality facilities to help increase cycling, which will lead to improved health and change in lifestyle, and contribute to the wider BCR objectives to increase cycling across the city.	
Project Deliverables	<p>This project will provide grant funding to schools and businesses enabling them to access the following supporting measures to encourage cycling:</p> <ul style="list-style-type: none">• Secure cycle storage;• On-site signage;• Showers, changing facilities and lockers made available if logistically possible;• Providing cycling equipment;• Loan/pool bikes. <p>The following supporting elements will be provided through revenue funding via the City Council's Transportation Behaviour Change Team and other delivery partners:</p> <ul style="list-style-type: none">• Advice on journey planning and promotion of the Bike Buddy scheme;• Promotion of the Brompton folding bike hire scheme;• Provide travel surveys to enable the monitoring of staff and pupil transport methods;• Identify Cycle Champions in order to ensure a sustained cycling legacy.		

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Scope	This FBC covers the element of Top Cycle Location (Cycle Parking Grants) within the Birmingham Cycle Revolution Phase 3 programme, funded by the second tranche of Cycle City Ambition Grant funding from the Department for Transport.
Scope exclusions	<p>Separate FBC's have already been approved for previous packages of Top Cycle Location at businesses and schools under BCR Phases 1 and 2.</p> <p>Other elements of the wider BCR programme will be covered by separate FBCs.</p>
Dependencies on other projects or activities	A public and press launch will take place in Autumn 2016 to make businesses, schools and other organisations aware of the grants and the application process.
Achievability	<p>The Top Cycle Location project will be managed by the City Council's Behaviour Change Team, appointed to deliver supporting measures as part of the Birmingham Cycle Revolution programme. Delivery will benefit from the experience gained through the Bike North Birmingham project and previous tranches of Top Cycle Location within the Birmingham Cycle Revolution programme.</p> <p>All schools, colleges and businesses within Birmingham will be eligible to apply for grant funding of up to £10,000. All Ward Councillors will be informed of the funding available, along with a press release once the FBC has been approved.</p> <p>In the event of over subscription for the available grant funding, organisations able to offer match-funding will be looked on favourably, however the level of commitment offered to the promotion of cycling and potential for change in travel habits will also be taken into consideration</p> <p>If a sufficient number of businesses, schools and other organisations cannot be identified in this process, the funding could be reallocated to another element of the wider BCR programme.</p> <p>Risks to achievability are highlighted in Appendix C – Risk Management.</p>
Prog Manager (B'ham Cycle Revolution)	<p>Andy Middleton</p> <p>Tel: 0121 675 6681 E-mail: andy.middleton@birmingham.gov.uk</p>
Project Manager	<p>Gill Brook</p> <p>Tel: 0121 675 6935 E-mail: gill.brook@birmingham.gov.uk</p>
Budget Holder	<p>Varinder Raulia – Head of Infrastructure Projects</p> <p>Tel: 0121 303 7363 E-mail: varinder.raulia@birmingham.gov.uk</p>
Sponsor	<p>Anne Shaw – Acting Assistant Director of Transport & Connectivity</p> <p>Tel: 0121 303 7493 E-mail: anne.shaw@birmingham.gov.uk</p>
Project Accountant	<p>Michele Garrison – Finance Manager (Economy)</p> <p>Tel: 0121 303 3684 E-mail: Michele.garrison@birmingham.gov.uk</p>

Project Board Members	<p>The Project Management Team for the works in this FBC is as follows:</p> <p>Senior Responsible Officer – Varinder Raulia</p> <p>Project Sponsor – Anne Shaw</p> <p>BCR Programme Manager – Andy Middleton</p> <p>Transportation Behaviour Change Manager – Mel Jones</p> <p>Project Accountant – Michele Garrison</p> <p>City Cycling Officer – Graham Lennard</p> <p>Principal Studies Officer – Andrew Chidgey</p> <p>Behaviour Change Team – Gill Brook, Jennifer Coombs</p>		
Head of City Finance (HoCF)	Simon Ansell (Head of City Finance)	Date of HoCF Approval:	21/09/16
Planned start date for delivery of the project	Autumn 2016	Planned date of technical completion	Autumn 2017

2. Budget Summary (BCR Phase 3 – Top Cycle Location (Cycle Parking Grants))						
		2015/16	2016/17	2017/18	2018/19	Totals
Capital Costs		£000s	£000s	£000s	£000s	£000s
<u>Implementation Costs:</u>						
Project Co-ordinator Fees			25.0	25.0		50.0
Grants to Businesses, Schools and Other Organisations			225.0	225.0		450.0
<u>Implementation Costs Sub-Total</u>			250.0	250.0		500.0
Total		0.0	250.0	250.0	0.0	500.0
<u>Funding</u>						
GBSLEP Local Growth Fund (for BCR Phase 2)	2LG		0.0	0.0		0.0
DfT Cycle City Ambition Grant Tranche 2 (for BCR Phase 3)	3R3		250.0	250.0		500.0
ITB Walking, Cycling & Accessibility Programme	3HA		0.0	0.0		0.0
Funding Total		0.0	250.0	250.0	0.0	500.0

Notes:

Expenditure in 2017/18 is subject to the DfT confirming funding of the BCR programme in that year (expected in April 2017) and grants funded through the 2017/18 budget will not be awarded until on-going funding is confirmed.

A more detailed breakdown of the project elements is given below.

The capital-funded elements shown above will be supported by revenue-funded measures through the Transportation Behaviour Change programme including Cycle Training and Led Rides.

There will be no impact on highway assets and no implications for the Highways Maintenance Revenue Budget.

The grants will be paid net of VAT and it will be the responsibility of the organisations concerned to pay / reclaim this as appropriate.

Activity	Timeline	Cost
Capital Funding		
Capital grant allocation to schools and businesses (For storage, signage, showers, changing facilities, lockers etc.)	Autumn 2016 to Autumn 2017	£450,000 (up to £10,000 per location)
Project Co-ordinators (BCC Internal Fees)	Autumn 2016 to Autumn 2017	£50,000

Approvals to Date

The BCR Phase 3 programme is £30.000m in total, funded by £22.100m from the DfT's second tranche of Cycle City Ambition Grant funding and £7.900m from local public-sector sources as a local contribution. The programme received PDD approval at Cabinet in March 2015.

However, only the first £6.817m of the DfT's CCAG funding has been formally approved by the DfT for 2015/16 and 2016/17, and the remainder for 2017/18 is still subject to final confirmation. The current position (to March 2017) in terms of approvals is shown below:

BCR Phase 3 Cumulative Approvals (to March 2017 only)			
	<u>CCAG Tranche 2 (DfT)</u>	<u>Local Contributions</u>	<u>TOTAL</u>
Overall Allocation (PDD)	£22,100,000	£7,900,000	£30,000,000
Current Allocation (to March 17 only) ⁽¹⁾	£6,817,000	£1,241,000	£8,058,000
<u>Previous Approvals</u>			
Development Costs	£1,050,000	£550,000	£1,600,000
Detailed Design Costs	£1,050,000	£400,000	£1,450,000
Programme Management (to FBC)	£225,000	£275,000	£500,000
Canal Works ⁽³⁾	£0	£0	£0
Warwick Road / Stockfield Road	£0	£5,000	£5,000
Wingfoot Way / Wood Lane TRO	£0	£10,000	£10,000
Sheldon Country Park Green Route	£484,400	£0	£484,400
University Station Canal Access ⁽⁴⁾	£250,000	£0	£250,000
Local Links (Canals)	£48,100		£48,100
Local Links (Green Routes Tranche 3)	£127,500		£127,500
Budget Reallocation Reports from Ph1	£2,030,000		£2,030,000
<u>Previous Approvals Total</u>	<u>£5,265,000</u>	<u>£1,240,000</u>	<u>£6,505,000</u>
<i>Remaining Funds (after previous approvals)</i>	<i>£1,552,000</i>	<i>£1,000</i>	<i>£1,553,000</i>
<u>This Approval</u>			
Top Cycle Location (cycle parking grants) ⁽²⁾	£250,000		£250,000
<u>Previous & This Approval Total</u>	<u>£5,515,000</u>	<u>£1,240,000</u>	<u>£6,755,000</u>
<i>Remaining Funds (after previous and this approval)</i>	<i>£1,302,000</i>	<i>£1,000</i>	<i>£1,303,000</i>
<u>Other Pending Approvals</u>			
Lichfield Road Main Corridor Ph1B	£447,700		£447,700
Woodgate Valley Green Route	£522,200		£522,200
<u>Pending Approvals Total</u>	<u>£969,900</u>	<u>£0</u>	<u>£969,900</u>
<u>Previous, This + Pending Approvals Total</u>	<u>£6,484,900</u>	<u>£1,240,000</u>	<u>£7,724,900</u>
<i>Remaining Funds (after previous, this and pending approvals)</i>	<i>£332,100</i>	<i>£1,000</i>	<i>£333,100</i>

Notes:

- (1) CCAG grant totalling £6.817m has been confirmed by the DfT for 2015/16 and 2016/17. Approvals against CCAG Tranche 2 will not exceed this amount until further funding for 2017/18 is confirmed by the DfT.
- (2) The remaining £0.250m of expenditure covered by this report in 2017/18 will not be committed unless and until funding for that year is confirmed by the DfT.
- (3) Canal Works to a value of £1.050m were approved by Cabinet in November 2015. This programme of work will commence in 2017/18 and will be funded from the final allocation of CCAG Tranche 2 grant, subject to confirmation by DfT in 2017/18.
- (4) The total estimated capital cost of the University Station Canal Access improvement will be £0.450m. In addition to the £0.250m CCAG funding identified here, the remaining £0.200m will be funded using £0.118m from the Major Scheme SCE capital funding for Selly Oak New Road and £0.082m from the City Council's Integrated Transport Block capital allocation. These SCE and ITB contributions are in addition to the £7.9m of ITB and Other Local Contributions approved as part of the PDD for BCR Phase 3.

4. Checklist of Documents Supporting the FBC		
Item	Mandatory attachment	Number attached
Financial Case and Plan		
<ul style="list-style-type: none"> Detailed workings in support of the above Budget Summary (as necessary) 	Mandatory	Appendix A
<ul style="list-style-type: none"> Statement of required resource (people, equipment, accommodation) – append a spreadsheet or other document 	Mandatory	N / A
<ul style="list-style-type: none"> Whole Lifecycle Costing analysis (as necessary) 	Mandatory	N / A
<ul style="list-style-type: none"> Milestone Dates/ Project Critical Path (set up in Voyager or attached in a spreadsheet) 	Mandatory	Appendix D
Project Development products		
<ul style="list-style-type: none"> Stakeholder Analysis 	Mandatory	Appendix A
<ul style="list-style-type: none"> Equality Analysis 	Mandatory	Appendix B
<ul style="list-style-type: none"> Risk Management Assessment 	Mandatory	Appendix C
<ul style="list-style-type: none"> Implementation Programme 	Mandatory	Appendix D
Other Attachments (list as appropriate)		
Grant Application Form including terms and conditions		Appendix E

Equality Analysis

Birmingham City Council Analysis Report

EA Name	Birmingham Cycle Revolution - Top Cycle Location
Directorate	Economy
Service Area	Transportation Services Growth And Transportation
Type	Amended Function
EA Summary	This EA evaluates the Top Cycle Location Grant funding for the Birmingham Cycle Revolution project.
Reference Number	EA001320
Task Group Manager	Jennifer.Coombs@birmingham.gov.uk
Task Group Member	
Date Approved	2016-08-30 01:00:00 +0100
Senior Officer	philip.edwards@birmingham.gov.uk
Quality Control Officer	Lesley.Edwards@birmingham.gov.uk

Introduction

The report records the information that has been submitted for this equality analysis in the following format.

Overall Purpose

This section identifies the purpose of the Policy and which types of individual it affects. It also identifies which equality strands are affected by either a positive or negative differential impact.

Relevant Protected Characteristics

For each of the identified relevant protected characteristics there are three sections which will have been completed.

- Impact
- Consultation
- Additional Work

If the assessment has raised any issues to be addressed there will also be an action planning section.

The following pages record the answers to the assessment questions with optional comments included by the assessor to clarify or explain any of the answers given or relevant issues.

1 Activity Type

The activity has been identified as a Amended Function.

2 Overall Purpose

2.1 What the Activity is for

What is the purpose of this Function and expected outcomes?	<p>This Equality Analysis covers the Top Cycle Location (TCL) grants scheme. Growth and Transportation will be responsible for the delivery of the TCL Package. This will encourage and support cycling to businesses and schools. The grant will be used to fund infrastructure including cycle storage, signage and equipment. This will be delivered at a minimum of 45 Top Cycle Locations within the city identified through an application process. The total capital grant allocation is 450,000. All educational establishments and businesses will be given the opportunity to apply for grant funding of up to 10,000 to be spent on cycling related facilities to support and promote cycling. The grant will be advertised through channels such as the Chamber of Commerce, BIDS, schools database and social media. This will give the maximum number of organisations the chance to apply. Within the application, the organisations will be expected to make a detailed list of how they intend to use the funding. Following on from this, submitted applications will be assessed taking into account the number of employees, the level of commitment offered to the promotion of cycling and potential for change in travel habits. Successful organisations will then be expected to source and purchase their own equipment and submit invoices to Birmingham City Council for reimbursement.</p> <p>These supporting measure projects will promote and support the local links and green routes elements of the Birmingham Cycle Revolution (BCR). This has seen improvements and extensions to the existing network of off-road routes such as Rea Valley, Cole Valley and Tame Valley, and the canals network particularly suitable for family and leisure cycling but also available for commuter cyclists. There have been extensive improvements to existing towpaths to provide a surface more suitable for all-weather cycling, with improved accesses at certain locations, and signing and wayfinding measures.</p> <p>The Department for Transport's (DfT's) Cycle City Ambition Grant (CCAG) is the funding mechanism for TCL grant scheme which seeks to promote sustainable travel options by increasing the attractiveness of cycling, and will contribute towards improving health and the environment, reducing car usage, and improving connectivity for households without a car.</p>
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For each strategy, please decide whether it is going to be significantly aided by the Function.

Public Service Excellence	Yes
A Fair City	Yes
A Prosperous City	Yes
A Democratic City	No

2.2 Individuals affected by the policy

Will the policy have an impact on service users/stakeholders?	Yes
Will the policy have an impact on employees?	No

Will the policy have an impact on wider community?	Yes
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2.3 Analysis on Initial Assessment

This scheme will deliver a holistic approach to increase levels of cycling. It will aim to provide best practice for all users. Cycle infrastructure will enable access to healthy, affordable travel and leisure for communities facing the most acute economic deprivation and health issues and in turn Growth and Transportation will look to support these areas.

These activities will work closely with businesses, schools and hard to reach communities such as ethnic minorities, disabled people in order to raise the profile of cycling and active travel alongside infrastructure. Some elements may particularly benefit disabled cyclists and if required the grant could be used to fund adapted bikes and/or facilities such as adapted showers and changing facilities. Consideration will need to be given to cycle parking, hubs, and accessibility.

In the previous phase of the Top Cycle Location Grant scheme, regular communication took place between the successful businesses/schools and the City Council regarding their grant applications. This grant application reviewed the number of employers/students, the current number of cyclists at the establishment, proposed increase in the number of cyclists, and existing cycling facilities.

Site assessments were carried out to ensure the most appropriate location and equipment was purchased. This was undertaken by either a Birmingham City Council Officer or the company responsible for installing the facilities.

Installation of the first 2 phases of TCL funded facilities was delivered up to the end of June 2016. Informal feedback from users has been very positive. No monitoring of the TCL element of the BCR programme is proposed, however success will be measured through the monitoring of cycling levels as a whole across the city. At this stage, no positive/negative impact has been identified.

3.1 Disability

3.1.1 Disability - Differential Impact

Disability	Relevant
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3.1.2 Disability - Impact

Describe how the Function meets the needs of Individuals with a disability?	Each organisation applying for the TCL grant will indicate whether they are looking for facilities that can be used by people with disabilities, and advice will be sought from suppliers of equipment/facilities. Location of facilities will take into account existing trip hazards. Street furniture as well as tactile paving etc, will be assessed to ensure there are no detrimental effects to people with disabilities.
Do you have evidence to support the assessment?	Yes
Please record the type of evidence and where it is from?	Statistical evidence from the census (and previous TravelWise surveys) on who is more likely to cycle.
Have you received any other feedback about the Function in meeting the needs of Individuals with a disability?	No
You may have evidence from more than one source. If so, does it present a consistent view?	Yes
Is there anything about the Function and the way it affects Individuals with a disability which needs highlighting?	No

3.1.3 Disability - Consultation

Have you obtained the views of Individuals with a disability on the impact of the Function?	Yes
If so, how did you obtain these views?	A question on the grant application form asks if employees with disabilities have been consulted with. This is done on an individual organisation basis. If specific requirements are highlighted a further assessment can be carried out.
Have you obtained the views of relevant stakeholders on the impact of the Function on Individuals with a disability?	No
<u>Comment</u> A question on the grant application form will ask if employees with disabilities have been consulted.	
If not, why not?	There are plans to consult relevant stakeholders
Is there anything about the Function and the way it affects Individuals with a disability which needs highlighting?	No

3.1.4 Disability - Additional Work

Do you need any more information to complete the assessment?	No
Please explain how.	This scheme will help to encourage more people to cycle. This will in turn lead to people using open spaces and integrating with their local communities. This will also link into the local links and green spaces elements of the BCR project.
Is there any more work you feel is necessary to complete the assessment?	Yes
Do you think that the Function has a role in preventing Individuals with a disability being treated differently, in an unfair or inappropriate way, just because of their disability?	No
Please explain what work needs to be done.	Ensure comments from key stakeholders are considered and where appropriate incorporated into the delivery of the scheme.
Do you think that the Function could help foster good relations between persons who share the relevant protected characteristic and persons who do not share it?	Yes
Do you think that the Function will take account of disabilities even if it means treating Individuals with a disability more favourably?	Yes
Do you think that the Function could assist Individuals with a disability to participate more?	Yes
Do you think that the Function could assist in promoting positive attitudes to Individuals with a disability?	Yes

3.2 Gender

3.2.1 Gender - Differential Impact

Gender	Relevant
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3.2.2 Gender - Impact

Describe how the Function meets the needs of Men and women?	The scheme will benefit male and female cyclists, for example if purchasing pool bikes, advice will be given on appropriate frames. Encouraging behavioural change towards cycling is of a particular benefit for female cyclists, who are less likely and willing to cycle in busy traffic.
Do you have evidence to support the assessment?	Yes
Please record the type of evidence and where it is from?	Census information and from previous Travelwise surveys.
Have you received any other feedback about the Function in meeting the needs of Men and women?	No
You may have evidence from more than one source. If so, does it present a consistent view?	Yes
Is there anything about the Function and the way it affects Men and women which needs highlighting?	No

3.2.3 Gender - Consultation

Have you obtained the views of Men and women on the impact of the Function?	Yes
If so, how did you obtain these views?	This is continually assessed when meeting with businesses and cycling groups, such as the Cycle Forum.
Have you obtained the views of relevant stakeholders on the impact of the Function on Men and women?	Yes
If so, how did you obtain these views?	Informal consultation has taken place with cycling groups such as Breeze, Women on Wheels and the My Neighbourhood project. In the previous phases of the project, information sessions were held at schools and businesses to obtain the views of both men and women. These sessions will be offered in the next phase of the project.
Is there anything about the Function and the way it affects Men and women which needs highlighting?	No

3.2.4 Gender - Additional Work

Do you need any more information to complete the assessment?	Yes
Please explain how individuals may be impacted.	The function will seek to encourage both men and women to cycle.

Please explain what information you need.	Further information will be obtained from the application form as well as engagement with schools and businesses. This will relate to specific equipment requirements such as shower facilities and bike geometry.
Is there any more work you feel is necessary to complete the assessment?	No
Do you think that the Function has a role in preventing Men and women being treated differently, in an unfair or inappropriate way, just because of their gender?	Yes

3.3 Concluding Statement on Full Assessment

This Equality Analysis covers the Top Cycle Location scheme as part of the Birmingham Cycle Revolution.

The Top Cycle Location Package will encourage and support cycling to educational establishments and employers across the city. The grant will provide facilities including cycle storage, signage and equipment.

The scheme will fully support the DfT's CCAG programme to promote sustainable travel options by increasing the attractiveness of cycling, which will contribute towards improving health and the environment, reducing car usage, and improving connectivity for households without a car. Many of the measures will also benefit pedestrians, public transport users and road safety.

Consultation and engagement will be carried out as an on-going process with individual organisations and employees. Information obtained from the grant application form will be used in the process of selecting businesses/schools to receive the grant.

The Top Cycle Location Scheme takes into the city council's responsibility in relation to equality. The scheme will benefit male and female cyclists, for example if purchasing pool bikes, advice will be given on appropriate frames. Encouraging behavioural change towards cycling is of a particular benefit for female cyclists, who are less likely and willing to cycle in busy traffic. Consideration has also been given to take account of disabled persons disabilities, even where that involves treating disabled persons more favourably than other persons. The grant application form asks if, through consultation with students and staff, any specific disability requirements have been identified. If necessary a further assessment will be carried out.

As previously stated in this Equality Assessment no adverse impact has been identified, therefore no consideration needs to be given to alternate options.

Relevant information (key findings of the assessment) have been documented. All grant application forms and equipment requirements are stored electronically which provide adequate records detailing how decisions have been made. Following on from this assessment, a Full Business Case will be submitted to the appropriate Cabinet Members to inform of them of proposals of the Top Cycle Location Scheme.

4 Review Date

31/03/18

5 Action Plan

There are no relevant issues, so no action plans are currently required.

Birmingham Cycle Revolution Phase 3 - Top Cycle Location- Risk Management Assessment

No	Item of Risk	Inherent Risk		Control Measures	Control Measure Managed by	Residual Risk	
		Impact	Likelihood			Impact	Likelihood
1	School or businesses may not engage in the process of becoming a Top Cycle Location.	Medium	Low	On-going support from BCC's Behavioural Change Team. If a sufficient number of schools cannot be identified in this process the funding could be transferred to the business Top Cycle Location programme (or vice versa), or be reallocated to other elements of wider BCR programme.	Project Management Team / Project Co-ordinators	Low	Low
2	Delay in purchasing equipment by individual organisation.	Medium	Medium	Regular contact with organisations	Behavioural Change Team/Grant Recipients	Low	Low
3	Delay in BCC grant payment to organisation.	Medium	High	Regular contact with organisation and BCC Payments Team	Behavioural Change Team/BCC Payments	Low	Medium
4	Increase in equipment costs due to inflation, additional work or other unforeseen circumstances on site.	Medium	Medium	The extent of work adjusted if necessary to avoid exceeding available funding. Grant payments will be fixed and the recipient organisations will be responsible for any subsequent cost increases,	Behavioural Change Team/Grant Recipients	Medium	Low
5	Delay to TCL programme leading to grants not being paid by the DfT's funding deadline.	High	Medium	On-going monitoring of programme by Programme Managers/Coordinators. Grants are allocated before end of Sept 17 leaving significant float before the DfT's deadline for expenditure by March 2018.	Project Management Team / Project Co-ordinators	Medium	Low
6	DfT do not provide the expected CCAG funding in 2017/18.	High	Low	Grants using the 2017/18 money will not be awarded until DfT confirm in writing that the money will be made available (expected in April 2017).	Project Management Team / Project Co-ordinators	Medium	Low

	BIRMINGHAM CYCLE REVOLUTION PHASE 3 - TOP CYCLE LOCATION - IMPLEMENTATION PROGRAMME																																		
		Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	Jan-17	Feb-17	Mar-17	Apr-17	May-17	Jun-17	Jul-17	Aug-17	Sep-17	Oct-17	Nov-17																	
1	Project plan/FBC development																																		
2	Grant Application Process																																		
3	Processing of Grants (2016/17 funding)																																		
4	Allocation of Rewards (2016/17 funding)																																		
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4	Allocation of Rewards (2017/18 funding)																																		

TOP CYCLE LOCATION
Grant Application Form (CYCLING IMPROVEMENTS)

As part of the Birmingham Cycle Revolution Project, Birmingham City Council are offering employers in the local area a grant of up to £10,000 to help improve cycling facilities within the workplace. This grant will improve facilities and infrastructure for cyclists who actively commute to work by bicycle.

For any queries/assistance please contact Jennifer Coombs on 0121 303 7674 or Gill Brook on 0121 675 6935 or email Jennifer.coombs@birmingham.gov.uk.

Name of Workplace: _____
Number of employees: _____
Address: _____
Contact name: _____
Role: _____
Tel: _____
E-mail : _____

Should this application be successful, we agree to spend our Top Cycle Location grant on improvements to cycle facilities/equipment on site, as agreed with support from the Smarter Choices team and detailed within this application.
Signature: _____

Existing Facilities

Number of current (secure) cycle storage places on site					
Number of shower units on site:	Male: _____				
	Female: _____				
Do you have any of the following facilities (Please tick):	Changing Rooms	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
	Lockers	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
	Drying room	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Number of loan bikes					

Current cycling promotion

How many people currently cycle to work?	
Have you got a Bike to Work scheme?	
Do you take part in any other cycling related promotional activities e.g. led rides etc.	

Future Facilities for cyclists

What (additional) cycle facilities/equipment would you like to see installed?	
Is your workplace willing/able to contribute towards the total cost of cycle facilities/equipment? If yes, please state how much? *	

* Match funding is not essential, however if you are able to contribute even a small amount towards your facilities/equipment within the time constraints of the process (i.e. before the end of this financial year), your application will be prioritised above workplaces without match funding.

Costings

Please state which company/companies you have selected to provide your cycle facilities/equipment and the quote they have provided. Please continue on additional pages if necessary and attach a copy of the quote with your application form.

Company	
Quote	

Future Plans for cycling

As a result of installing new cycle facilities/equipment and running a range of activities through the Birmingham Cycle Revolution Top cycle location scheme, please tell us how many more visitors and staff you would like to see cycling to the workplace in one year.	
Staff	%
Visitors	%

Even if your grant application is not successful, there may be an opportunity to access a pool of free loan bikes through 'Big Birmingham Bikes'. Please tick here if you would like to find out more about this scheme. ☐

Please note that your grant **must only be spent on cycle facilities/equipment**. You will need to pay for your facilities before February 29th 2016 and we will require proof of payment. Subsequent installation will be audited by a member of the Smarter Choices team.

Thank you for completing your application form
Please now return to:

jennifer.coombs@birmingham.gov.uk

or

Smarter Choices,
Birmingham City Council, 4th Floor,
1 Lancaster Circus, Queensway, Birmingham
B4 7DQ

1. Your company must be located within the Cycle City Ambition Bid area (see attached map).
2. The attached Top Cycle Location action plan document is for your information only at this stage. This will need to be completed within 6 weeks of receiving grant approval. We will provide further guidance at a later stage.
3. We will endeavour to issue grants which will promote cycling at your workplace. As each workplace has such different requirements, we can be flexible on our funding limit. However, please ensure that your request for grant funding supports a resource that will encourage more cycling to the workplace.
4. You will need to gather 3 quotes for the cycling facilities/equipment improvements work, and include it within your application.
5. Applications will then be evaluated, with successful submissions notified as soon as possible.
6. Should your application be successful and approved, your grant will be issued on receipt of invoice for facilities/equipment.
7. Cycle facilities/equipment must be installed and paid for by 29th February 2016. Please ensure that the company you choose to provide the cycling facilities/equipment improvements can meet this requirement.
8. Further to the completion of the works, we will require a copy of the invoice demonstrating that the works were paid for.
9. Please note that your grant must only be spent on cycling facilities/equipment. Installation of facilities will be audited by a member of the Smarter Choices Team. If you do not spend the money as agreed, we will request full reimbursement.
10. Workplaces that are part of the LSTF Smart Network, Smarter Choices and Bike North Birmingham Projects are not eligible to apply in the first tranche of grant funding.
11. It is a condition of the funding that you hold a promotional event to publicise the new cycle facility, which can be supported by the Smarter Choices Team.

<http://www.birmingham.gov.uk/bcr>

