

Birmingham City Council

Report to Cabinet

26th April 2022



Subject: QUEENSBURY SCHOOL - APPROVAL FOR CAPITAL WORKS TO RELOCATE SIXTH FORM TO FORMER OSBORNE PRIMARY SITE AND REFURBISHMENT OF EXISTING SIXTH FORM TO INCREASE KS3 AND KS4 PROVISION

Report of: Sue Harrison - Director Children & Families

Relevant Cabinet Member: Cllr Jayne Francis - Education, Skills & Culture
Cllr Sharon Thompson - Vulnerable Children & Families
Cllr Tristan Chatfield - Finance & Resources

Relevant O &S Chair(s): Cllr Narinder Kooner - Education & Children's Social Care
Cllr Mohammed Aikhlaq - Resources

Report author: Zahid Mahmood
Capital Programme Manager
Education Infrastructure
Email: zahid.mahmood@birmingham.gov.uk

Are specific wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s): Gravelly Hill and Erdington		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 009917/2022		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, state which appendix is exempt, and provide exempt information paragraph number or reason if confidential:		

1 Executive Summary

- 1.1 To seek approval for the Full Business Case and note the contract award for the capital scheme at Queensbury School (part of Education Impact Academy Trust) as described in **Appendix 1**. The capital costs of the scheme will not exceed £5,145,880.

2 Recommendations

That Cabinet:

- 2.1 Approves the Full Business Case (**Appendix 1**) for the capital works at Queensbury School at a total project cost of up to £4,996,000 plus Education Infrastructure Capitalisation of £149,880.
- 2.2 Authorises the Director for Education & Skills to make a grant payment of up to £4,996,000 to Education Impact Academy Trust in order to fund the capital works.
- 2.3 Authorises the Acting City Solicitor & Monitoring Officer to negotiate, execute and complete all necessary documents to give effect to the above recommendations.

3 Background

- 3.1 The Local Authority has a statutory duty to ensure there are sufficient pupil places, secure diversity in the provision of schools and increase opportunities for parental choice through planning and securing additional provision (Section 14, Education Act 1996). A Condition of Grant Aid (COGA) will be put in place outlining the Trust's responsibility for delivering the scheme within the agreed budget.
- 3.2 There are significant pressures in respect of the sufficiency of special school places within the city and there is an urgent need to develop a five-year plan that will underpin the commissioning of appropriate special school places for SEND pupils. Officers are working on the strategy and pupil place forecast with a view to providing a first draft during April 2022.
- 3.3 However, we know already that there is a significant need for more school places for children with Education, Health and Care Plans (EHCPs), both in the special school and resource base sectors. As a result of annual commissioning conversations with special schools, we have increased places by over 400 (or 10%) over the last four years. We are currently working with five of our special schools on urgent capital proposals to increase places further from September 2022. There is a particular pressure in respect of secondary transition. The size of the secondary transfer EHCP cohort for 2022 is 20% higher than two years ago and early indications suggest another 20% increase for 2023. In addition, the percentage of parental preferences for specialist provision is increasing year on year. For 2022 this amounted to 68% of the cohort and an immediate need was identified for a further 90 special school places for Year 7 alone. More than a third of these were required in respect of children for whom Queensbury School is appropriate.

- 3.4 More generally, there has been an increase in the number of EHCPs maintained for school aged pupils within the city – over 800 in the last two years. We are also seeing an increase in the numbers of requests for statutory assessments which could lead to the issuing of EHCPs. New requests are currently averaging 150 per month.
- 3.5 Queensbury School is one of 27 Special Schools and can currently offer up to 258 places for pupils with an Education and Health Care Plan (EHCP) for Moderate Learning Difficulties, Severe Learning Difficulties, Autism and Social, Emotional and Mental Health needs, (SEMH). Queensbury School is an Academy Special School within the Education Impact Academy Trust.
- 3.6 The project is proposing to relocate Queensbury School Post 16 Provision from its current location at Woodend Road to a new site at Station Road, Erdington. Birmingham B23. This would occur when the building has been fully refurbished from April 2023. The number of places that the new Sixth Form site would be able to accommodate will be 84 places in 2022-2023 and this will increase to 96 in 2023-2024. The Regional Schools Commissioner is currently considering the academy's business case for these alterations and the grant funding will be conditional on the alterations being agreed.
- 3.7 The proposed sixth form refurbishment works are anticipated to be in two Phases and commence Phase 1 June 2022 completing August 2022, and Phase 2 commencing March 2023 to August 2023.

4 Options considered and Recommended Proposal

- 4.1 The option of 'do nothing' would mean the Local Authority fails to meet its statutory obligation to ensure that there are sufficient SEND places.
- 4.2 The recommended option is to relocate the existing SEND provision to a newly refurbished site to increase the number of SEND places.

5 Consultation

- 5.1 Education Impact Academy Trust conducted public consultation on the proposal to enlarge Queensbury School by creation of an additional site and increase pupil places offered by the school, as required by the statutory guidance, "Department for Education 'Making significant changes to an open academy – Departmental guidance for all types of academy trust (January 2022)". The consultation last four weeks, between 21st January 2022 and 18th February 2022.
- 5.2 Birmingham City Council Officers (Education Infrastructure) shared the Academy Trust's proposal and consultation with Birmingham Councillors and relevant Birmingham City Council officers, departments and partner organisations. In the case of all types of academy trust, the Regional Schools Commissioner is the decision maker for the proposal by the Education Impact Academy Trust (interdependent and conditional to all relevant approvals, including those contained in this report).

- 5.3 Ward Members for Gravelly Hill and Erdington have been consulted in relation to the proposals and no comments were received

6 Risk Management

- 6.1 Monthly project meetings are held to ensure that all parties are informed of progress and that any issues and concerns are picked up at the earliest opportunity and resolution is sought to ensure the project meets the required timescales. Regular meetings will also be held by the Trust with officer from the LA to closely monitor financial budgets to ensure that costs do not exceed the approved budget.
- 6.2 The selected contractor will be required to work in line with Government guidance and will be asked to continually monitor the guidance and put in place any mitigation measures to limit the impact on the proposed timeframe for completion in the event of any changes to guidance.

7 Compliance Issues:

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

- 7.1.1 These works are to ensure that all pupils are provided with a safe and secure learning environment. The spending priorities proposed are in accordance with the Schools' Basic Need Programme 2022-23 to be approved by Cabinet on 26th April 2022, and the Council's Vision and Forward Plan priorities for Children, particularly 'A great place to grow up in by providing an environment where children have the best start in life and are able to realise their full potential through great education'.

7.1.2 Birmingham Business Charter for Social Responsibility (BBC4SR)

As a condition of the grant, the Education Impact Academy Trust will be required to be certified to the BBC4SR and produce an action plan with commitments relevant to the payment. The social value outcomes to be delivered include:

- create a minimum of 1 full-time work experience and training placement during the life of the project
- 80% of spend with SMEs to be within a 30-mile radius
- Undertake 2 community engagement activities to support the school and the local community
- 100% of all persons employed on the project will be paid above the Real Living Wage
- 85% of construction waste recycled

7.2 Legal Implications

- 7.2.1 The recommendations in this report facilitate the discharge of functions contained within section 14 of the Education Act 1996 whereby the local authority has a duty to ensure that there are sufficient school places to provide all pupils the opportunity of appropriate education.
- 7.2.2 The Local Authority must also keep under review the educational provision, training provision and social care provision made in its area for children and young people who have special educational needs or a disability, under section 27 of the Children and Families Act 2014.

7.3 Financial Implications

- 7.3.1 The capital costs of the proposed works at Queensbury School are detailed in the attached FBC (**Appendix 1**). The capital costs will not exceed £5,145,880 (£4,996,000 capital works plus Education Infrastructure Capitalisation of £149,880) and will be funded from the Local Authority's Basic Need Allocation and High Needs Allocation.
- 7.3.2 A Condition of Grant Aid (COGA) will be put in place outlining the Trust's responsibility for delivering the scheme within the agreed budget.

7.4 Procurement Implications (if required)

- 7.4.1 There are no procurement implications with the recommendations in this report. The responsibility for the procurement and award of contract for the works is with the Education Impact Academy Trust (EIAT) under their governance arrangements. The Conditions of Grant Agreement will include the requirement to demonstrate to the Council value for money and compliance to any legislation including the Public Contracts Regulations 2015 from the issue of the payment.

7.5 Human Resources Implications (if required)

- 7.5.1 N/A

7.6 Public Sector Equality Duty

- 7.6.1 A Full Equality Analysis EQUA650 was carried out in 2021 for Education Infrastructure's Schools' Capital Programme 2021-22. The outcomes from consultation demonstrate that proposed capital developments support positive outcomes for children, young people, their families and carers. No negative impact on people with Protected Characteristics was identified. It was concluded that sufficiency of educational places and opportunities for all children and young people contributes to providing positive life chances, and supports a positive approach to Safeguarding in Birmingham: actively reducing the number of children and young people out of school helps to mitigate risk to their safety and wellbeing. We have assessed the content and can confirm that it still remains relevant to proposed relocation and refurbishment works by having a positive impact.

8 List of Appendices

8.1 **Appendix 1** - Full Business Case

8.2 **Appendix 2** – Environment & Sustainability Assessment

9 Background Documents

9.1 Schools' Capital Programme –School Condition Allocation, Basic Need Allocation 2022-23+ Future Years Cabinet Report (To be approved at Cabinet 26th April 2022)