

Birmingham City Council

Report to Cabinet Member for Education Skills and Culture, jointly with the Director of Education & Skills

June 2019



Subject: REVOCATION OF PROPOSAL TO ESTABLISH A SIXTH-FORM AT TURVES GREEN BOYS' SCHOOL

Report of: Interim Assistant Director for Education and Early Years

Relevant Cabinet Member: Councillor Jayne Francis - Education Skills and Culture

Relevant O &S Chair(s): Councillor Kath Scott – Education and Children's Social Care

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

1 Executive Summary

- 1.1 To seek the determination of a statutory proposal: To revoke a previously approved proposal which was to establish Sixth-Form provision at Turves Green Boys' School with effect from 1st September 2019.

2 Recommendations

- 2.1 That the Cabinet Member for Education, Skills and Culture jointly with the Director for Education & Skills;
- 2.2 Approve, having taken into account the statutory guidance, the revocation of the original approved proposal to increase the upper age limit to establish Sixth Form provision at Turves Green Boys' School with effect from 1st September 2019 so that the duty to implement the original proposal published on 22nd May 2014 shall cease to apply.

3 Background

- 3.1 Turves Green Boys' School is a community school for pupils aged 11 to 16 years. The School is located in Turves Green, Northfield, Birmingham B31 4BS.
- 3.2 Birmingham City Council's Education Infrastructure Team supported Turves Green Boys' School with a successful bid for Priority Schools Building Programme (PSBP) funding to complete work related to the condition of the buildings c2014. The reconditioned buildings would make additional space available to accommodate the proposed sixth-form..
- 3.3 On 14th July 2014 Birmingham City Council, in collaboration with Turves Green Boys' School, approved a change to the upper age limit (from 16 years up to 18 years) to establish a sixth-form at the school for 100 pupils with effect from 1st September 2016.
- 3.4 Unforeseen delays with the PSBP building works meant that a modification to the implementation date was required. On 26th January 2016 Cabinet Members approved a modification to the implementation date from 1st September 2016 to 1st September 2017.
- 3.5 In 2017 changes to the Schools National Funding Formula were announced which threatened the financial viability and sustainability of the approved sixth-form at Turves Green Boys' School. On 16th August 2017 Cabinet Member approved a further modification to the implementation date from 1st September 2017 to 1st September 2019. This was to allow time for the school to review and explore solutions to the viability and sustainability issues.
- 3.6 The Head Teacher of Turves Green Boys' School confirmed by email that the Governing Body of the school confirmed in their meeting on 5th February 2019 that the Governing Body were unable to resolve the viability and sustainability issues associated with opening a 100 place sixth-form and formally requested that Birmingham City Council revoke the approved proposal.
- 3.7 Birmingham City Council supports the Governing Body request for the revocation of the proposals to alter the upper age limit to establish a sixth-form. Circumstances have so altered since the original approval was given that implementation would be inappropriate. Birmingham City Council proposed the revocation for the following reasons:

- Low student numbers due to the availability of high quality Further Education (FE) and sixth-form places locally and across the city;
- The size of the proposed 100 place sixth-form is now below the threshold for new sixth-forms. This follows the EFA updated Guidance for Academies and new sixth-forms in spring 2017 with a new policy of a minimum of 200 places for new sixth-forms;
- Financial viability of the proposed sixth-form. The base-rate to the National Funding Formula for 16-18 has been frozen at £4,000 per student. When considered in tandem with the new National Funding Formula for schools and the additional costs that would be incurred by Turves Green Boys' School, to provide sixth-form education, there would be insufficient funding available to provide a fully-resourced sixth-form.

3.8 The statutory consultation (representation period) started on 14th March 2019, for four weeks, and closed on 12th April 2019. Details of the consultation are included in section 5 of this report.

3.9 During the statutory consultation 4 responses were received, of which two were in favour and two didn't know or didn't say. An analysis and anonymised copies of the comments received are in Appendix 3 of this report.

4 Options considered and Recommended Proposal

4.1 Should the proposal to revoke the establishment of sixth-form provision be rejected, the school would continue to implement the sixth-form. Due to the size of the sixth-form and the high amount of FE provision in the local area, the sixth-form would be unviable and risk putting the school in financial difficulty. Schools in financial difficulty have a risk of negative impact on the quality of education for the pupils and ultimately the long term performance and sustainability of the school.

4.2 It is recommended that the revocation is approved, removing the duty to implement the change to the upper age limit from 16 to 18 years of age, so that sixth form provision will not be established at Turves Green Boys' School with effect from 1st September 2019. This will remove the risk of the sixth-form putting the school in financial difficulty.

5 Consultation

5.1 Internal

During the statutory consultation period, information about the proposal was sent to:

- Ward Councillors
- Officers from services across Birmingham City Council including Admissions, Finance, School and Governor Support, Human Resources, Legal, Planning, Research and Statistics Information Officers for Education and Skills.

Details of the responses received and outcome of the statutory consultation are set out in Appendix 3. The Ward Councillors consulted and the date and method of consultation is set out in Appendix 5.

5.2 External

5.2.1 The proposal has been fully consulted upon in line with the requirements set out in the statutory guidance “Making significant changes (‘prescribed alterations’) to maintained schools” (October 2018) published by the Department for Education (DfE). A copy of the guidance for decision makers can be found in Appendix 4.

5.2.2 During the statutory consultation period, information about the proposal was publicised to:

- Families, staff and governors of the school;
- Birmingham Schools;
- Neighbouring Local Authorities;
- The Archdiocesan and The Anglican Diocese of Birmingham;
- Professional Associations and Trade unions
- Member of Parliament: Richard Burden
- The Department for Education – School Organisation

5.2.3 The information was publicised in the following ways:

- Public notice in Birmingham Post newspaper;
- On Birmingham City Council BeHeard webpage;
- On the school’s webpage;
- On the Birmingham City Council School Notice Board;
- Letters to families, staff and governors of the school;
- Emails to named stakeholders and groups.

5.2.4 A copy of the full proposal document can be found in Appendix 1 and the Public Notice in Appendix 2 The outcome of the external consultation is set out in Section 3 of this report and in Appendix 3.

6 Risk Management

6.1 No risks identified associated with revoking the approved sixth form proposal at Turves Green Boys’ School.

7 Compliance Issues:

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

7.1.1 In 2016, the local authority published Guiding Principles for New Sixth-Form Provision. This document set out broad guidance for new sixth -forms and criteria for existing sixth-forms to review their long-term sustainability with recommendation for a minimum of 150 places constituting a viable sixth-form. In Spring 2017, the EFA updated their Guidance for Academies and new sixth-forms with a new policy of a minimum of 200 places for new sixth-forms.

7.1.2 Given that Turves Green Boys School has approval for a sixth-form of 100 places, the establishment of a sixth-form is no longer financially viable due to wider changes to schools funding and the large supply alternative sixth-form places and FE provision in the area. It has become necessary to revoke the proposals to establish the sixth-form as the school has not planned to resource the opening of the sixth-form for September 2019 and there are no students enrolled.

7.2 Legal Implications

7.2.1 This report exercises powers contained within sections 19 and 21 of the Education and Inspections Act 2006 and Schedule 3 to the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 (the “Prescribed Alterations Regulations”), whereby the Local Authority of a community school can propose to revoke a previous approval by following a statutory process. Under the Prescribed Alterations Regulations, the Local Authority is the decision maker for this statutory proposal.

7.3 Financial Implications

There are no financial implications for Birmingham City Council as a result of this revocation. The building works were funded through the DfE’s condition based Priority Schools Building Programme with no claw back implications to the local authority.

7.4 Procurement Implications (if required)

N/A

7.5 Human Resources Implications (if required)

N/A

7.6 Public Sector Equality Duty

An updated Equality Assessment initial screening was carried out in October 2018 (EQUA221) against the School Organisation Change process, which identified that a full impact assessment was not required. No events have occurred since then which would require the preparation of a fresh screening in respect of these recommendations.

8 Background Documents

8.1 Documents

- Education and Inspections Act 2006
- Making significant changes (‘prescribed alterations’) to maintained schools: “Statutory guidance for proposers and decision makers” published by the Department for Education (DfE) October 2018.
- Cabinet Report – Proposal to alter the upper age range of Turves Green Boys’ School to provide a sixth-form (14th July 2014)

- Cabinet Report – Change to the implementation date – proposal to alter the upper age range of Turves Green Boys' School to provide a sixth-form (26th January 2017)
- Joint Cabinet Member and Chief Officer report to provide a sixth-form at Turves Green Boys' School (16th August 2017).

8.2 List of Appendices accompanying this Report (if any):

- 1. Full Proposal Document
- 2. Public Notice
- 3. Statutory Consultation Results
- 4. Guidance for Decision Makers
- 5. Ward Councillors Consulted.