

Birmingham City Council

Report to Cabinet Member for Children Young People and Families

27 May 2022



Subject: PROPOSAL TO INCREASE PUPIL NUMBERS AND ENLARGE OSCOTT MANOR SCHOOL ONTO AN ADDITIONAL SITE

Report of: Director for Children and Families

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

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

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Are specific wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s): Stockland Green and Gravelly Hill are the wards most likely to be affected but pupils travel from across the city to access this specialist provision.		
Is this a key decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, add Forward Plan Reference:		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, state which appendix is exempt, and provide exempt information paragraph number or reason if confidential :		

1 Executive Summary

1.1 To seek the determination of a statutory proposal:

- To permanently increase the number of pupil places offered by Oscott Manor School from 116 to 180
- By expansion of Oscott Manor School onto an additional site at Ryland Road, Erdington, Birmingham B24 BJJ
- With effect from 1st September 2022

2 Recommendations

- 2.1 That the Cabinet Member for Children Young People and Families , approve, having taken into account the statutory guidance, the statutory proposal to increase pupil places at Oscott Manor School from 116 to 180 by expansion onto an additional site at Ryland Road, Erdington, Birmingham B24 BJJ with effect from 1st September 2022.
- 2.2 That the Cabinet Member for Children Young People and Families notes that separate approval has been given by the Director for Children and Families for the costs of refurbishing the building at Ryland Road.

3 Background

- 3.1 Oscott Manor School (the School) is a community special school situated in Stockland Green ward which is the Erdington constituency of Birmingham. The school can offer up to 116 pupil places for pupils with an Education, Health and Care Plan (EHCP) for Autistic Spectrum Conditions (ACS) and Speech Language and Communication Needs (SLCN). The School provides education for pupils aged between 11 and 19 years. The School received an Ofsted rating of “good” when they were inspected on 5th December 2017.
- 3.2 On 4th January 2022 the School relocated to a new, larger and purpose-built site at Reservoir Road, Erdington, Birmingham B23 6DE (the main site).
- 3.3 Due to an intense increase in demand for ASC provision in the city, the School currently has accommodated more than 116 pupils on roll.
- 3.4 There is significant need for more school places in Birmingham for children with EHCPs, both in special schools and resource bases in mainstream schools. In the last four years the Council has increased the total number of special school places available to pupils with EHCPs by 10%. There has been an increase in the number of pupils with EHCPs in Birmingham, by over 800 in the last two years. There is also an increase in requests for statutory assessments which may lead to EHCPs; these requests are currently averaging 150 each month. There is an acute pressure and particular need for secondary places. The current secondary transfer cohort is 20% larger than two years ago and this rate of increase is expected to continue through into 2023.

- 3.5 The Council is keen to ensure that future places are provided in the areas that they are needed, helping children to attend a school nearer to home and as part of their local community.
- 3.6 The proposed increase in pupil numbers at Oscott Manor School will increase the number of secondary places available for pupils requiring ASC and SLCN provision at a 'Good' school and provide greater choice for parents.
- 3.7 The School and Birmingham City Council (the Council) discussed options to permanently increase the number of pupil places that the School could offer. Discussion included options for expanding the School onto an additional site.
- 3.8 An additional site was identified and proposed, which is a vacant property owned by the Council, already in the education portfolio, which is on Ryland Road, B24 8JJ. The additional site requires some refurbishment which will be funded through the Council's "Special Provision Fund" allocation and subject to all required approvals separately (£100,682 for refurbishment, plus £20,471 for ICT).
- 3.9 The additional site is approximately 1.3km or 0.8miles from the main site. The intention is for the additional site to provide an annex and base for the School's Post-16 provision (currently 35 pupils on roll at the School's main site). This would then increase the number of places the School can permanently offer across the two sites.
- 3.10 Many of the children and young people attending the school will be eligible for support with their travel to and from school from the Council's Home to School transport service and colleagues from the service area have been engaged in the development of this proposal. The School will continue to update their travel plan, as and when required.
- 3.11 The School conducted some early engagement with the current Post-16 pupils at the School ("pupil voice") in the autumn term 2021, the results of which have informed the development of the proposal. The School have shared their intentions but will ultimately decide how best to arrange the school to ensure educational continuity of pupils and to ensure integration between the two sites (in particular for specialist subjects). The location of the additional site provides opportunities for the School to further develop links with local businesses for work experience and for growing the post-16 pupils' resilience and independence into young adulthood (as appropriate to the pupil's EHCP).
- 3.12 In compliance with the DFE guidance and best-practice, pre-publication information was shared with stakeholders. On 2nd February 2022 a letter was sent to pupils, parents/carers of pupils, staff and the governing body members of the School (school stakeholders) advising of the development of the proposals and for any immediate comments or concerns to be received by 2nd March 2022. No comments were received during that time.
- 3.13 In compliance with the DFE guidance, a statutory notice and complete proposal were published on 10th March 2022 for the prescribed four-week consultation, the "representation period". The representation period commenced with the publication

of a statutory notice in the Birmingham Post newspaper, a notice on the school website and on the Council's Birmingham BeHeard consultation website and with notice to stakeholders and groups by letter and email (see also section 5 - Consultation).

- 3.14 During the representation period, comments on the proposal could be submitted in writing to Education Infrastructure via the BeHeard website online survey, by email or letter. A copy of the public notice can be found in **Appendix 1** of this report.

At the close of the representation period on 7th April 2022: A total of 82 responses were received, 13 in favour, 66 opposed, 2 neither/don't know and 1 didn't answer that question. The responses were from a mixture of stakeholders including parents, pupils, staff and local community with approximately half of the total responses received being from stakeholders of neighbouring Erdington Hall Primary School and the local community around the proposed additional site.

The following are some of the main concerns or objections to the proposal with mitigating commentary:

- Concerns about safeguarding of pupils at neighbouring Erdington Hall Primary School: The additional building would be secured in such a way as neither staff nor pupils of Oscott Manor School would have freedom to access the neighbouring school or primary pupils. The ratio of supervision in the Post16 provision would be one staff member per four pupils, with direct and passive supervision throughout. Oscott Manor School have a strong ethos instilled within the pupils ("ready, respectful and safe", UNICEF rights respecting schools Gold award).
- Concerns about traffic & parking: The school continue to review the school travel plan with consideration to safety and sustainability of travel practices for the proposed additional site (all alternative transport options are being explored to be less car reliant). The Council's Home to School Transport Service have investigated and proposed an appropriate plan that would be consistent with the individual needs of pupils and sympathetic to the local community and transport infrastructure e.g. arrival and departure times for pupils would be adjusted to avoid the highest congestion period. Options for some additional off-street parking continues to be explored.
- Opinion that the building/location is unsuitable for Post16 provision: Oscott Manor School is judged by Ofsted to be Good. The staff knowledge and experience has formed the basis of using the site for this purpose. The feedback from early engagement with the current Post16 pupils was positive and influenced the proposal. The curriculum will be planned to make most efficient use of the additional site and the facilities at the main school site where required (Reservoir road).
- No outdoor space at the additional site for Post16 pupils: Pupils will have access to a combination of local sites for outdoor curriculum and activities including: the main school site (Reservoir road), community leisure facilities

and local playing fields (options being explored at Jaffray Road and Spring Lane playing fields). A private and enclosed seating area at the front of the site would provide sufficient space for supervised pupils to step outside as needed (this would be in addition to planned leisure time).

- Consultation process / integrity – consultation with local community & Erdington Hall Primary (Summit Academy Trust): The consultation process is as outlined in section 3 and section 5 of this report. Anyone seeing or receiving notice about the proposal is welcome to share details with any interested party. A public notice was in the local newspaper for anyone interested in the proposal to comment within the statutory timescales. Erdington Hall Primary School were notified directly and members of their staff shared the proposal information with the local community. Approximately 25% of all responses received were from the local community and approximately 50% of all responses were stakeholders of, or local to, Erdington Hall Primary School. Some stakeholders may have noticed that preliminary works have been undertaken at the proposed site, this is to ensure that a suitable level of maintenance and decoration is achieved that would allow this proposal to be implemented swiftly, if it is approved.

Joint meetings continue with Oscott Manor School, Erdington Primary School and Council officers to review and address any prevailing concerns.

- A detailed summary of the results and copy of all anonymised comments can be found in **Appendix 3** of this report.

3.15 The Education and Inspections Act 2006 and Regulation 7 of the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 (the Prescribed Alterations Regulations) state the Local Authority must have regard to any guidance issued by the Secretary of State when making a decision on such proposals. The relevant statutory guidance is: Making Significant Changes ('prescribed alterations') to Maintained Schools – statutory guidance for proposers and decision-makers - October 2018, published by the Department for Education. The Education and Inspections Act 2006, and Paragraph 5 of Schedule 3 to the Prescribed Alterations Regulations allows for the proposals to be approved, approved with modification, approved subject to meeting a prescribed condition, or rejected.

3.16 If the proposals are approved, Oscott Manor School will permanently increase to offer up to 180 pupil places by expansion onto an additional site from 1st September 2022.

4 Options considered and Recommended Proposal

4.1 It is recommended that the proposal to increase pupil places at Oscott Manor school by expansion onto an additional site be approved. There was a high level of objection and concern recorded during the statutory consultation; however, officers

have considered the concerns and note the mitigations as described in 3.14 of this report and believe that recommending approval is the best option to help provide sufficient places for pupils with EHCPs for ASC and SLCN in Birmingham.

- 4.2 The options to physically expand Birmingham schools, including Oscott Manor School, is limited due to the constrained sites within the urban environment. The additional site was identified as being in close proximity of the existing main site, the property is already in the Education portfolio and is vacant.
- 4.3 The option to expand onto an additional 'satellite site' has been considered with reference to the DFE guidance to demonstrate that this would not be a new school but an extension of Oscott Manor School, summarised as follows: the site would be a base for the schools existing Post-16 provision (it is not new provision); the existing curriculum, governance, leadership and ethos of the school would be implemented at the additional site; staff would access the main site for school meetings, training, curriculum and events; the Post-16 pupils would access the main site for specialist curriculum, outdoor activities and whole school events. Travel arrangements between the sites have been considered by the school and they have their own minibuses which can be used to transport pupils between the sites; the additional site is considered to be within a reasonable walking distance of the main site (1.3km or 0.8miles).
- 4.4 If the proposal is rejected, the Council would need to identify alternative solutions to provide sufficient places for pupils with EHCPs for ASC and SLCN. Not increasing pupil numbers at the school may increase the Council's reliance on out of city and independent provision if sufficient places are not available within the maintained, Academies and Free School sectors and could result in additional costs for places and transport, as pupils may have to travel further to access out of city provision.

5 Consultation

- 5.1 The statutory proposal was consulted upon in line with the requirements set out in the relevant guidance from the Secretary of State (as noted in 3.15 of this report).

5.2 Internal:

Information on the proposal was shared with all Birmingham Councillors, Officers from services across the Council which includes Admissions, SEND and Inclusion, Finance, School and Governor Support, SENDIAS, Home to School Transport, Human Resources, Legal, Planning, Research and Statistics Officers and colleagues in Education Infrastructure.

5.3 External:

Information on the proposal was shared with pupils, parents/carers of pupils, staff and members of the governing body of Oscott Manor School; Birmingham Schools (including the Head Teacher of Erdington Hall Primary School – neighbouring the proposed additional site), the Archdiocese and the Anglican Diocese of Birmingham, Professional Associations and Trade Unions, Neighbouring Local

Authorities, the local Member of Parliament, local NHS partners, The Department for Education – School Organisation and the Office of the Schools Adjudicator and by public notice (as described in section 3.13 of this report).

6 Risk Management

- 6.1 As also described in section 4.2 of this report: if the proposal is rejected, the Council may fail to provide sufficient options and places for pupils with EHCPs for ASC and SLCN. The demand for places will continue to increase and may reduce the value for money by potentially increasing the cost to provide alternative places for those that need them. There is a risk that the Council would not achieve its strategic aims in reference to the provision of education in the city (see also section 7 of this report).

7 Compliance Issues:

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

- 7.1.1 The proposal to permanently increase the number of pupil places offered by Oscott Manor by expansion onto an additional site supports the Council to:
- Give all children from every background and community the best start in life with a clear pathway to achieve success and realise their potential;
 - Ensure that there is sufficient pupil places and secure diversity in provision of schools and increase opportunities for parental choice through planning and securing sufficient provision;
 - To fulfil landlord responsibilities to ensure that schools are Health and Safety compliant and fit for purpose;
 - To meet the aims set out in the Council's Education Services Delivery and Improvement Plan.

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 2 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 Special School can propose the increase of pupil places in a special school and enlarge a school by expansion onto an additional site. Under the Prescribed Alterations Regulations, the Local Authority is the decision maker for this statutory proposal.

7.3 Financial Implications

- 7.3.1 The works will be funded from the Special Provision Fund Allocation to a maximum value of £121,153, which have been approved previously via a

Form of Authority. Pupil funding will be allocated via SENAR through the High Needs Block.

- 7.3.2 Consequential revenue costs arising that includes the need for additional staffing and any on-going day-to-day repair and maintenance of the asset, will be the responsibility of Oscott Manor and funded from the school's delegated budget.

7.4 Procurement Implications (if required)

- 7.4.1 Not Applicable

7.5 Human Resources Implications (if required)

- 7.5.1 Staff will generally be unaffected. If this proposal is approved for implementation, any impact on staff terms and conditions will be consulted upon with Trade Unions / Professional Associations. The additional site is 1.3km or 0.8 miles from the main site with good transport links and arrangements. The school growth may offer new opportunities for professional development.

7.6 Public Sector Equality Duty

- 7.6.1 An updated Equality Assessment initial screening was carried out in October 2018 (EQUA221) against the School Organisation Change process, which identified that a full impact assessment was not required. No events have occurred since then which would require the preparation of a fresh screening in respect of the school organisation process. The recommendation in this report have not identified any negative impact on protected characteristics and a full equality analysis is not required.

8 Appendices

Appendix 1: Public Notice

Appendix 2: Full Proposal document

Appendix 3: Consultation results

Appendix 4: Councillors Consulted

9 Background 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.